

**PRINCE GEORGE'S COUNTY COUNCIL  
AGENDA ITEM SUMMARY**

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**Meeting Date:** 7/10/2001

**Reference No.:** CB-9-2001

**Proposer:** Shapiro

**Draft No.:** 2

**Sponsors:** Shapiro

**Item Title:** An Act prohibiting the placement of tenant property removed under a warrant of restitution in the public right-of-way, providing that such property is deemed abandoned, and requiring that such property shall be disposed of by the landlord

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**Drafter:** Ralph E. Grutzmacher  
Legislative Officer

**Resource** Cheryl Harrington  
**Personnel:** Legislative Aide

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**LEGISLATIVE HISTORY:**

**Date Presented:** 2/27/2001

**Executive Action:** 7/19/2001 S

**Committee Referral:** 2/27/2001 THE

**Effective Date:** 9/4/2001

**Committee Action:** 6/12/2001 FAV(A)

**Date Introduced:** 6/19/2001

**Public Hearing:** 7/10/2001 1:00 P.M.

**Council Action:** 7/10/2001 ENACTED

**Council Votes:** RVR:A, DB:A, JE:A, IG:N, TH:A, WM:A, AS:A, PS:A, MW:A

**Pass/Fail:** P

**Remarks:** \_\_\_\_\_

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**TRANSPORTATION, HOUSING AND ENVIRONMENT COMMITTEE** DATE: 6/12/01

Committee Vote: Favorable as amended, 4-1 (In favor: Council Members Estepp, Shapiro, Bailey and Hendershot; Opposed: Gourdine)

Staff gave an overview of the legislation and informed the Committee of referral comments that were received. CB-9-2001 is legislation that would prohibit the placement of an evicted tenant's property in the public right-of-way, providing that the property is deemed abandoned and requiring that the property shall be disposed of by the landlord.

The Cities of Laurel, New Carrollton, Town of Cottage City, Citizens Concerned for a Cleaner County, Inc., Mayor Millennium Challenge, and the Apartment and Office Building Association

of Metropolitan Washington (AOBA) all support CB-9-2001.

The Prince George's County Association of Realtors, Inc. representative spoke in opposition to CB-9-2001 stating that this legislation, if enacted, would place an additional burden on the landlord and would significantly increase the cost of eviction to the landlord.

The Office of Audits & Investigations determined that there may be some positive fiscal impact on the County as a result of enacting CB-9-2001. There may be some cost savings since the proposed legislation would require the landlord and not highway maintenance to dispose of an evicted tenant's property and not highway maintenance.

The Sheriff's representative informed the Committee that the Sheriff takes no position. The representative further stated that by State law at the time the warrant of restitution is executed, the tenant's property must be placed on the public right of way and not be disposed of by the landlord in a dumpster. It was also suggested by the Sheriff's representative that the language on Page 2, Section B would be in conflict with State law. At the time the warrant of restitution is executed the tenant is asked to vacate the property. The Office of Law amendments remedied these concerns.

The Office of Law recommends the following amendments. On page 1, line 18, strike the first sentence and insert the following in lieu thereof: "After a warrant of restitution is executed, the landlord shall dispose of the property of a tenant." On page 2, line 4, after "premises," insert "after the warrant of restitution is executed."

The Office of Law amendments included language that excluded the County's housing properties and facilities.

CB-9-2001 was modified to exempt Single Family Dwellings from the legislation due to the hardship imposed on the landlord as it relates to the amount of an evicted tenant's property and cost of removal. A Sheriff representative informed the Committee that evictions occur in 1200 single family dwellings per year.

## **BACKGROUND INFORMATION/FISCAL IMPACT**

**(Includes reason for proposal, as well as any unique statutory requirements)**

When the Sheriff executes an eviction, personal property of the evicted tenant is placed on the edge of the public right of way near the leased property. This practice survives from English common law. The property remains in the right of way until it is removed by the evicted tenants, scavengers, or, finally, highway maintenance workers. In all cases, eviction is a last resort that is preceded by several sets of notices to the tenants and court action. The proposed legislation provides for the disposal of personal property that has not been removed by the tenant by the date the eviction is carried out. Similar legislation has been enacted by Baltimore County.

## **CODE INDEX TOPICS:**