

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2012 Legislative Session

Bill No. CB-88-2012

Chapter No. _____

Proposed and Presented by Council Member Campos

Introduced by Council Member Campos

Co-Sponsors _____

Date of Introduction October 23, 2012

BILL

1 AN ACT concerning

2 Eviction Requirements

3 For the purpose of amending the eviction provisions for notification, removal and placement of
4 tenant property and landlord responsibility in Prince George's County; and generally relating to
5 evictions.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

8 DIVISION 3. LANDLORD-TENANT REGULATIONS.

9 SUBDIVISION 2. LANDLORD-TENANT CODE

10 Section 13-164

11 The Prince George's County Code

12 (2007 Edition, 2010 Supplement)

13 BY adding:

14 SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

15 DIVISION 3. LANDLORD-TENANT REGULATIONS.

16 SUBDIVISION 2. LANDLORD-TENANT CODE

17 Sections 13-165, 13-166 13-167, 13-168 and 13-169

18 The Prince George's County Code

19 (2007 Edition, 2010 Supplement)

20 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
21 Maryland, that Section 13-164 of the Prince George's County Code be and the same is hereby

1 repealed and reenacted with amendments:

2 **SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.**

3 **DIVISION 3. LANDLORD-TENANT REGULATIONS.**

4 **SUBDIVISION 2. LANDORD-TENANT CODE**

5 **Sec. 13-164. Evictions[; Placement of abandoned property].**

6 (a) This subsection shall apply to commercial properties in the County. After a warrant of
 7 restitution is executed, the landlord shall dispose of the property of a tenant. In no event may
 8 any of the tenant’s property be placed on a public right-of-way or on any public property. Any
 9 property removed from the leased commercial property pursuant to a properly issued warrant of
 10 restitution shall be deemed abandoned.

11 (b) [If the tenant or the tenants’ agent is present at the time the warrant of restitution is
 12 executed, the tenant shall be permitted to salvage and transport the tenant’s property removed
 13 from the leased premises, after the warrant of restitution is executed, for a reasonable period of
 14 time, not to exceed four hours.] The requirement to provide notice under Sec. 13-165 of this
 15 subdivision applies only to a judgment entered in favor of a landlord for possession of a
 16 residential dwelling under §8-401 of the State Real Property Article.

17 (c) This section shall not apply to County owned property.

18 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
 19 Maryland, that Sections 13-165, 13-166, 13-167,13-168 and 13-169 of the Prince George's
 20 County Code be and the same are hereby added:

21 **Sec. 13-165. Notification by Landlord**

22 (a) Whenever a judgment is entered in favor of the landlord for possession of a leased
 23 dwelling, the landlord shall notify the tenant of the date of which the warrant of restitution is first
 24 scheduled to be executed by the County Sheriff, and within the sixty (60) days required under
 25 State Real Property Article §8-401(d(1))(ii) and (iii).

26 (b) The notice shall be:

27 (1) by first-class mail with certificate of mailing at least fourteen (14) calendar days
 28 before the first scheduled date of execution; and

29 (2) posted on the premises in a conspicuous location at least seven (7) calendar days
 30 before the first scheduled date of execution.

31 (c) The notice shall contain:

1 (1) the District Court Summary Ejectment Case Number, the tenant’s name, and the
 2 address of the leased dwelling;

3 (2) specify the date on which the eviction is first scheduled by the County Sheriff to
 4 be executed;

5 (3) state that the eviction will be executed on that date unless:

6 (i) the tenant moves out and returns control of the property to the landlord, or

7 (ii) the tenant exercises the right to redemption under State Real Property Article
 8 §8-401(e), unless the right to redeem has been foreclosed or otherwise is inapplicable.

9 (4) warn the tenant that any personal property left in or on the premises of the leased
 10 property will be considered abandoned and may be disposed of by the landlord;

11 (5) state that it is the final notice of the date of the eviction, even if the eviction date
 12 is postponed by the County Sheriff or the Court.

13 (d) A landlord, or their agent, shall not harass, threaten or mislead a tenant nor post written
 14 documents or notice, except those required by law or court order, that an eviction has been
 15 scheduled prior to a warrant of restitution being granted or a summary ejectment order has been
 16 issued. A landlord, or their agent, in violation of this provision shall be subject to the penalties
 17 listed in Sec. 13-168 of this subdivision.

18 **Sec. 13-166. Failure to provide notice; postponement.**

19 (a) The District Court, in addition to where authorized under State Real Property Article
 20 §8-401(d)(2)(i), may vacate the warrant of restitution if the Court finds that the landlord did not
 21 provide the notice to the tenant required by Sec. 13-165 of the subdivision.

22 (b) If the landlord provides to the District Court or the County Sheriff a copy of the
 23 notice, a certificate of mailing, and a signed affidavit by the person who posted the property, all
 24 of which are dated within the time period required under Sec. 13-165 of the subdivision, there is
 25 a presumption that the notice was received by the tenant.

26 (c) The County Sheriff may postpone the execution of the warrant of restitution, where
 27 there is a dispute as to whether the landlord provided the notice to the tenant require by Sec. 13-
 28 165 of the subdivision, and refer the matter back to the District Court for a determination.

29 **Sec. 13-167. Abandoned property; disposal; placement; reclaimed.**

30 (a) After a warrant of restitution is executed, any tenant’s personal property in and about
 31 the property not removed from the leased premises pursuant to a properly issued warrant of

1 restitution shall be deemed abandoned and it shall be the responsibility of the landlord to remove
 2 and dispose of the abandoned property by any legal means.

3 (b) Neither the landlord nor their agents acting on their behalf pursuant to a properly
 4 issued warrant of restitution shall be liable for any loss or damage to abandoned property except
 5 in the case of gross negligence or malice.

6 (c) In no event may any of the abandoned property be placed on a public right of way, on
 7 any public property, or on the exterior of the leased premises or private property.

8 (d) If the tenant or the tenants' agent is present at the time the warrant of restitution is
 9 executed, the tenant shall be permitted to salvage and transport the tenant's personal property in
 10 and about the leased premises for a period of up to four (4) hours after the warrant of restitution
 11 is executed.

12 (e) A landlord, or their agent, may not demand or require any payment of the tenant or the
 13 tenant's agent for the reclamation of the of the tenant's personal property under subsection (d)
 14 above.

15 **Sec. 13-168. Penalties.**

16 Any person who violates any provision of the Sec. 13-165 or Sec. 13-167 of this
 17 subdivision may be guilty of a misdemeanor, subject to imprisonment of up to six (6) months,
 18 and a fine of not more than one thousand dollars (\$1,000.00) for each offense.

19 **Sec. 13-169. Leases. notification.**

20 A landlord, or their agent, shall notify a tenant of the provisions of Sec. 13-165, 13-166 and
 21 13-167 by providing an addendum for all new leases and any renewals of leases signed by the
 22 landlord and the tenant.

23 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 24 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 25 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
 26 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
 27 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
 28 Act, since the same would have been enacted without the incorporation in this Act of any such
 29 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

30 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
 31 calendar days after it becomes law.

Adopted this ____ day of _____, 2012.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Andrea C. Harrison
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive

KEY:

- Underscoring indicates language added to existing law.
- [Brackets] indicate language deleted from existing law.
- Asterisks *** indicate intervening existing Code provisions that remain unchanged.