

Prince George's County Council Agenda Item Summary

Meeting Date: 11/20/2012
Reference No.: CB-088-2012
Draft No.: 3
Proposer(s): Campos
Sponsor(s): Campos
Item Title: An Act concerning evictions for the purpose of amending the eviction provisions for notification, removal and placement of tenant property and landlord responsibility in Prince George's County; and generally relating to evictions.

Drafter: Todd M. Turner, Legislative Officer
Resource Personnel: Alonzo Washington, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 9/25/2012 **Executive Action:**
Committee Referral: 9/25/2012 - THE **Effective Date:**

Committee Action: 10/16/2012 - FAV(A)

Date Introduced: 10/23/2012
Public Hearing: 11/20/2012 - 10:00 AM

Council Action (1) 11/20/2012 - TABLED
Council Votes: WC:A, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

13-164

COMMITTEE REPORTS:

Transportation, Housing and Environment Committee

Date 10/16/2012

October 16th, 2012

Committee Vote: Favorable with Amendments, 5-0 (In favor: Council Members Olson, Patterson, Toles, Davis and Lehman)

The Legislative Officer provided a summary of the Proposed Draft 2 of the bill, three (3) proposed Amendments and referral comments that were received. CB-88-2012 concerns evictions for the purpose of amending eviction provisions for notification, removal and placement of tenant property and landlord responsibility in Prince George's County; and generally relating to evictions.

Representatives from the Prince George's Office of the Sheriff, the Department of Housing and Community Development; the Department of Environmental Resources, the Prince George's Association of Realtors; the Apartments and Office Building Association of Metropolitan Washington (AOBA), CASA de Maryland, Prince

George's County NAACP Chapter and the Justice Center of Baltimore City provided additional information to the Committee in response to Proposed Draft 2 and the amendments proposed.

The Committee discussed and supported several amendments as follows:

THE Amendment #1 (Campos) – add calendar days for notice provision under Sec. 13-165, add the posting of notice be in a conspicuous location, authorize District Court to vacate warrant of restitution in landlord does not provide notice under Sec. 13-165, and add a penalty provision for violation of Secs. 13-165 and 13-167. Committee voted favorable 4-1 (Toles) on Amendment #1.

THE Amendment #2 (Lehman) – add two (2) hour provision for reclamation of tenant's property on date warrant of restitution is executed. Council Member Davis made a motion to substitute that a four (4) hour period between 9:00 am – 5:00 pm on the next business day after the eviction, properly seconded. The substitute motion failed by a vote of 2-2-1. Committee voted favorable 4-1 (Patterson) on Amendment #2.

THE Amendment #3 (Davis) – add sixty (60) day statutory language that warrant of restitution execution, amending the notice contents, adding the landlord can not harass, threaten or mislead a tenant, nor post or make statements about evictions, and to require landlord to provide notification of provisions of the code as part of the lease agreement. Committee voted favorable 5-0 on Amendment #3.

All amendments adopted are reflected in Draft 2 of CB-88-2012.

The Office of Law determined that CB-88-2012 was in proper legislative form and with no impediment to its adoption.

The Office of Audits and Investigation indicated there will be not be a negative fiscal as a result of adopting CB-88-2012.

October 11th, 2012

CB-88-2012 was discussed in Committee; representatives from the Prince George's Office of the Sheriff, the Department of Housing and Community Development, the Prince George's Association of Realtors, the Apartments and Office Building Association of Metropolitan Washington (AOBA) and the Justice Center of Baltimore City provided additional information to the Committee. Several potential amendments initiated by CM Campos and the Justice Center were discussed.

The bill was held for consideration of possible amendments and written comments from the Office of the Sheriff.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This legislation seeks to amend the eviction process for notification, removal and placement of abandoned property in the public right of way in the County.

10/23/2012: CB-88-2012 (DR-2) was amended on the floor prior to introduction as follows:

1. On page 4, starting on line 17, strike starting from "In" through line 18 "property." and substitute: "In no event may any of the abandoned property be placed on a public right of way, on any public property, or on the exterior of the leased premises or private property."
2. On page 3, line 22, after "(b)", strike starting at "The" through line 23 "restitution."

3. On page 3, lines 24 and 28, re-letter subsections “(c)” and “(d)” as “(b)” and “(c)”.
4. On page 4, line 12, after "up to", strike "two (2)" and substitute "four (4)".

CB-88-2012 (DR-3) was introduced.

THIS BILL WAS NOT ENACTED.

CODE INDEX TOPICS:

INCLUSION FILES:
