

EVICCTIONS

in Baltimore City

PROCEDURES

for tenants
and landlords



Evictions in Baltimore City

Procedures for tenants and landlords

- ◇ Landlord Scheduling and Notifying Tenant of the Date of Eviction,
- ◇ What Happens When the Sheriff Comes to do the Eviction, and
- ◇ Landlord Disposal of Property Left After the Eviction

Baltimore City Code, Article 13, Subtitle 8A

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STEP ONE:

Judge Issues an “Order for Warrant of Restitution”

When a landlord sues a tenant for nonpayment of rent, a court date is scheduled and at the court hearing the Judge listens to the evidence and makes a decision. If the Judge decides the tenant owes rent, and the tenant has not paid the rent, or appealed and posted a bond, the Judge signs an “Order for Warrant of Restitution,” which tells the Sheriff to evict the tenant.

- ◆ The District Court mails the Warrant of Restitution to the tenant.

STEP TWO:

Scheduling an Eviction

The landlord calls the Sheriff at 410-396-7412 to schedule the eviction. The eviction must be scheduled far enough in advance to give the landlord time to provide the following notices.

STEP THREE:

Landlord Notifies Tenant of Date of Scheduled Eviction

In evictions for nonpayment of rent, special notice requirements apply: the landlord must provide notice to the tenant of the scheduled eviction date in each of three separate ways:

1. Mail the notice to the tenant by **first class mail with a certificate of mailing at least 14 days** in advance of the eviction date; **and**
2. Mail the notice to the tenant by **certified mail at least 14 days** in advance of the eviction date; **and**
3. **Post the notice on the premises at least 7 days** in advance of the eviction date.

LANDLORD: *The best place to post the notice is the front door of the rental unit. It must be posted so that the tenant can easily find it. You should keep a copy of the notice, the certificate of mailing, the certified mail serial number, and a signed affidavit from the person who posted the premises. This evidence may be presented to the Sheriff or Judge if the landlord's compliance with the notice requirements is challenged.*

What the Notice Must Say: The notice must tell the tenant certain important information: the District Court case number, the scheduled date of eviction, state that the eviction will occur on that date unless the tenant moves out or pays the amount ordered by the court to redeem, prominently warn the tenant that any property left will be considered abandoned and may be disposed of, and that this is the final notice of eviction, even if the eviction date is postponed by the Sheriff or Judge. The attached "Notice to Tenant of Eviction Date" is an example of a form a landlord may use to provide the required information.

How to Count Days : Count the day of mailing or posting as Day 1. Day 14 must be the day before the scheduled date of eviction. Count holidays and weekends.

Postponements of Eviction Date: If the Sheriff or Judge postpones the eviction date for any reason, the landlord is not required to provide additional notice to the tenant.

These notice provisions do not apply to evictions for tenant holding over, breach of lease, nuisance, or wrongful detainer.

STEP FOUR:

What the tenant must do before the eviction date

Before the eviction date, the tenant must make arrangements to either:

1. **Pay to redeem (“pay and stay”).** Unless the Judge checked the box on the Warrant of Restitution that says “Without Right of Redemption,” the tenant has the right to pay the amount ordered by the Judge to the landlord in cash, certified check, or money order prior to the beginning of the actual eviction. Paying the redemption amount will cancel the eviction.

OR

2. **Move out.** The only way for tenants to protect their belongings is to move them out before the eviction date, return the keys and tell the landlord they have vacated the unit.

STEP FIVE:

At The Eviction

When the Sheriff arrives to do the actual eviction:

1. **The landlord or an agent must be present to change the locks on the property and take back possession.**
The Sheriff's former policy of a minimum number of landlord workers is no longer in effect.
2. If the tenant is present and has the **right to redeem** and tenders the redemption amount stated in the warrant of restitution, the Sheriff will require the landlord to accept the payment and the eviction will be cancelled.
- 3, **Notice challenges and postponements.** The Sheriff will ask the landlord if the landlord provided the required notices. If the tenant is present, the tenant may challenge whether the notices were properly sent. If the tenant challenges the notices or if the Sheriff has doubt that the notices were properly given, the Sheriff will refer the issue to the Judge for decision. If the Judge determines that the landlord did not comply with the notice requirements, the eviction will be postponed for 15 days. If the notice challenge is determined in the landlord's favor, the Sheriff will execute the eviction immediately.

STEP SIX:

Disposal of property after the eviction

When the Sheriff returns possession of the property to the landlord and the landlord changes the locks, any of the tenant's personal property left in or around the rental unit is considered abandoned. The tenant has no right to the property. The landlord's only obligation for abandoned property is to properly dispose of it.

◆ **The landlord is strictly prohibited from putting the abandoned property in the street, the sidewalk, alleys, or on any public property.** Anyone who illegally dumps abandoned property from an eviction is guilty of a misdemeanor and subject to a penalty of up to \$1,000 for each day of unlawful dumping.

◆ **The landlord may dispose of the abandoned property by:** (1) transporting it to a licensed landfill or solid waste facility, (2) donating it to charity, or (3) some other lawful means. A landlord may be entitled to a discount on fees charged at City owned or operated landfill or solid waste facilities.

This prohibition of disposal on public property applies to ALL evictions from leased property.

STEP SEVEN:

Reporting illegal activities

◆ Call 911 to report illegal dumping, including landlords who do not properly dispose of eviction chattel.

◆ Any attempt by the tenant to re-enter the unit after an eviction should be reported to police by calling 911 as a criminal matter.

For more information on landlord and tenants rights and procedures, please contact:

Baltimore Neighborhoods, Inc.

Tenant-Landlord Hotline: (410) 243-6007

Other information or assistance:

For Tenants: Information and Assistance:

Eviction Prevention Unit

(410) 878-8650

Legal Aid Bureau

(410) 951-7777, (800) 999-8904

Public Justice Center

(410) 625-9409

Coalition to End Childhood Lead Poisoning

(410) 534-6447, 800-370-lead

**Consumer Protection Division,
Office of The Attorney General of Maryland**

Consumer Hotline: (410) 528-8662, Mon-Fri 9 am-3 pm

For Landlords: Information and Assistance:

Maryland Multi Housing Association, Inc.

(410) 825-6868

Greater Baltimore Board of Realtors

(410) 337-7200

Property Owners Association of Greater Baltimore, Inc.

(410) 366-1324

For Neighbors and Community Organizations:

Citizens Planning & Housing Association

(410) 539-1369