

HOUSE BILL 767

N1

(5lr1736)

ENROLLED BILL

— *Environment and Transportation/Judicial Proceedings* —

Introduced by **Delegates Terrasa, Acevero, Atterbeary, Boyce, Ebersole, Fair, Feldmark, Hill, Kaufman, Lehman, R. Lewis, Palakovich Carr, Pasteur, Ruth, White Holland, Wilkins, ~~and Williams~~ Williams, Allen, Behler, Foley, Healey, Stein, and Stewart**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Real Property – Landlord and Tenant – Procedures for Failure to Pay Rent,**
3 **Breach of Lease, and Tenant Holding Over**
4 **~~(Tenant Possessions Recovery Act)~~**

5 FOR the purpose of requiring a landlord to provide certain notice to a tenant when a court
6 has issued a warrant of restitution for a failure of a tenant to pay rent, a breach of
7 lease, or a tenant holding over under certain circumstances; establishing certain
8 procedures and requirements for the execution of a warrant for repossession;
9 ~~providing for the disposition of certain personal property following the execution of~~
10 ~~a warrant of restitution;~~ establishing that this Act does not restrict the authority of
11 the State or a local jurisdiction to enact certain legislation; and generally relating to
12 repossession for failure to pay rent, breach of lease, and tenant holdovers.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



BY repealing and reenacting, with amendments,
Article – Real Property
Section 8–401(f), (g), and (h), 8–402(b), and 8–402.1
Annotated Code of Maryland
(2023 Replacement Volume and 2024 Supplement)

BY adding to
Article – Real Property
Section 8–401(g) and 8–407
Annotated Code of Maryland
(2023 Replacement Volume and 2024 Supplement)

Preamble

WHEREAS, Failing to provide a tenant with reasonable notice ~~and an opportunity~~
~~to reclaim their personal belongings after~~ of an eviction is inconsistent with human dignity
and human rights and creates an increased potential for violent confrontations on eviction;
~~and~~

~~WHEREAS, Landlords should not be burdened with removing a tenant's personal~~
~~belongings and placing them into public view immediately on eviction of the tenant; and~~

~~WHEREAS, Neighborhoods benefit from having a tenant's personal belongings~~
~~safely stored rather than becoming a source of blight in the community; now, therefore,~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Real Property

8–401.

(f) (1) (i) [Subject] **EXCEPT AS PROVIDED IN § 8–407 OF THIS**
SUBTITLE AND SUBJECT to the provisions of paragraph (2) of this subsection, if judgment
is given in favor of the landlord, and the tenant fails to comply with the requirements of
the order within 7 days, the court shall, at any time after the expiration of the 7 days, issue
its warrant, directed to any official of the county entitled to serve process, ordering the
official to cause the landlord to have again and repossess the property by putting the
landlord, or the landlord's duly qualified agent or attorney, in possession of the property~~],~~
and for that purpose to remove from the property, by force if necessary, all the furniture,
implements, tools, goods, effects or other chattels of every description whatsoever belonging
to the tenant, or to any person claiming or holding by or under the tenant~~].~~

(ii) If the landlord does not order a warrant of restitution within 60
days from the later of the date of judgment or the expiration date of any stay of execution:

1 1. The judgment for possession shall be stricken; and

2 2. The judgment shall be applied to the number of judgments
3 necessary to foreclose a tenant's right to redemption of the leased premises as established
4 in subsection [(g)(2)] **(H)(2)** of this section unless the court in its discretion determines that
5 the judgment may not apply for purposes of subsection [(g)(2)] **(H)(2)** of this section.

6 (iii) If the landlord orders a warrant of restitution but takes no action
7 on the warrant within 60 days from the later of the date the court issues the order for the
8 warrant or the date as otherwise extended by the court:

9 1. The warrant of restitution shall expire and the judgment
10 for possession shall be stricken; and

11 2. The judgment shall be applied to the number of judgments
12 necessary to foreclose a tenant's right to redemption of the leased premises as established
13 in subsection [(g)(2)] **(H)(2)** of this section unless the court in its discretion determines that
14 the judgment may not apply for purposes of subsection [(g)(2)] **(H)(2)** of this section.

15 (2) (i) The administrative judge of any district shall stay the execution
16 of a warrant of restitution of a residential property, from day to day, in the event of extreme
17 weather conditions affecting the residential property, including:

18 1. A temperature or next-day forecasted temperature of 32
19 degrees Fahrenheit or lower;

20 2. A winter storm warning or blizzard warning issued by the
21 National Weather Service;

22 3. A hurricane warning or tropical storm warning issued by
23 the National Weather Service; and

24 4. An excessive heat warning issued by the National
25 Weather Service.

26 (ii) When a stay has been granted under this paragraph, the
27 execution of the warrant of restitution for which the stay has been granted shall be given
28 priority and completed within 5 days after the extreme weather conditions cease.

29 **(G) A WARRANT OF RESTITUTION ISSUED UNDER THIS SECTION SHALL BE**
30 **EXECUTED IN COMPLIANCE WITH THE PROVISIONS OF § 8-407 OF THIS SUBTITLE.**

31 **[(g)] (H)** (1) Subject to paragraph (3) of this subsection, in any action of
32 summary ejectment for failure to pay rent where the landlord is awarded a judgment giving
33 the landlord restitution of the leased premises, the tenant shall have the right to

redemption of the leased premises by tendering in cash, certified check, or money order to the landlord or the landlord's agent all past due amounts, as determined by the court under subsection (e) of this section, plus all court awarded costs and fees, at any time before actual execution of the eviction order.

(2) An electronic or written check issued by a political subdivision or on behalf of a governmental entity shall have the same legal effect as a payment made by the tenant under paragraph (1) of this subsection.

(3) This subsection does not apply to any tenant against whom three judgments of possession have been entered for rent due and unpaid in the 12 months prior to the initiation of the action to which this subsection otherwise would apply.

[(h)] (I) (1) The tenant or the landlord may appeal from the judgment of the District Court to the circuit court for any county at any time within 4 days from the rendition of the judgment.

(2) The tenant, in order to stay any execution of the judgment, shall give a bond to the landlord with one or more sureties, who are owners of sufficient property in the State of Maryland, with condition to prosecute the appeal with effect, and answer to the landlord in all costs and damages mentioned in the judgment, and other damages as shall be incurred and sustained by reason of the appeal.

(3) The bond shall not affect in any manner the right of the landlord to proceed against the tenant, assignee or subtenant for any and all rents that may become due and payable to the landlord after the rendition of the judgment.

8-402.

(b) (1) (i) Subject to § 8-406 of this subtitle and where any tenancy is for any definite term or at will, and the landlord shall desire to repossess the property after the expiration of the term for which it was leased and shall give notice as required under subsection (c) of this section to the tenant or to the person actually in possession of the property to remove from the property at the end of the term, and if the tenant or person in actual possession shall refuse to comply, the landlord may make complaint in writing to the District Court of the county where the property is located.

(ii) 1. The court shall issue a summons directed to any constable or sheriff of the county entitled to serve process, ordering the constable or sheriff to notify the tenant, assignee, or subtenant to appear on a day stated in the summons before the court to show cause why restitution should not be made to the landlord.

2. The constable or sheriff shall serve the summons on the tenant, assignee, or subtenant on the property, or on the known or authorized agent of the tenant, assignee, or subtenant.

1 3. If, for any reason those persons cannot be found, the
2 constable or sheriff shall affix an attested copy of the summons conspicuously on the
3 property.

4 4. After notice to the tenant, assignee, or subtenant by
5 first-class mail, the affixing of the summons on the property shall be conclusively presumed
6 to be a sufficient service to support restitution.

7 (iii) [Upon] **ON** the failure of either of the parties to appear before
8 the court on the day stated in the summons, the court may continue the case to a day not
9 less than 6 [nor] **DAYS OR** more than 10 days after the day first stated and notify the
10 parties of the continuance.

11 (2) (i) If [upon] **ON** hearing the parties, or in case the tenant or person
12 in possession shall neglect to appear after the summons and continuance the court shall
13 find that the landlord had been in possession of the leased property, that the said tenancy
14 is fully ended and expired, that due notice to quit as aforesaid had been given to the tenant
15 or person in possession and that the tenant or person in possession had refused so to do,
16 the court shall [thereupon] give judgment for the restitution of the possession of said
17 premises and shall forthwith issue its warrant to the sheriff or a constable in the respective
18 counties commanding the tenant or person in possession forthwith to deliver to the landlord
19 possession thereof in as full and ample manner as the landlord was possessed of the same
20 at the time when the tenancy was made, and shall give judgment for costs against the
21 tenant or person in possession so holding over.

22 (ii) Either party shall have the right to appeal therefrom to the
23 circuit court for the county within 10 days from the judgment.

24 (iii) If the tenant appeals and files with the District Court an affidavit
25 that the appeal is not taken for delay, and also a good and sufficient bond with one or more
26 securities conditioned that the tenant will prosecute the appeal with effect and well and
27 truly pay all rent in arrears and all costs in the case before the District Court and in the
28 appellate court and all loss or damage which the landlord may suffer by reason of the
29 tenant's holding over, including the value of the premises during the time the tenant shall
30 so hold over, then the tenant or person in possession of said premises may retain possession
31 thereof until the determination of said appeal.

32 (iv) The appellate court shall, [upon] **ON** application of either party,
33 set a day for the hearing of the appeal, not less than 5 [nor] **DAYS OR** more than 15 days
34 after the application, and notice for the order for a hearing shall be served on the opposite
35 party or that party's counsel at least 5 days before the hearing.

36 (v) If the judgment of the District Court shall be in favor of the
37 landlord, a warrant shall be issued by the appellate court to the sheriff, who shall proceed
38 forthwith to execute the warrant.

(3) A WARRANT OF RESTITUTION UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION SHALL BE EXECUTED IN COMPLIANCE WITH THE PROVISIONS OF § 8-407 OF THIS SUBTITLE.

8-402.1.

(a) (1) (i) Subject to § 8-406 of this subtitle and where an unexpired lease for a stated term provides that the landlord may repossess the premises prior to the expiration of the stated term if the tenant breaches the lease, the landlord may make complaint in writing to the District Court of the county where the premises is located if:

1. The tenant breaches the lease;

2. A. The landlord has given the tenant 30 days' written notice that the tenant is in violation of the lease and the landlord desires to repossess the leased premises; or

B. The breach of the lease involves behavior by a tenant or a person who is on the property with the tenant's consent, which demonstrates a clear and imminent danger of the tenant or person doing serious harm to themselves, other tenants, the landlord, the landlord's property or representatives, or any other person on the property and the landlord has given the tenant or person in possession 14 days' written notice that the tenant or person in possession is in violation of the lease and the landlord desires to repossess the leased premises; and

3. The tenant or person in actual possession of the premises refuses to comply.

(ii) The court shall summons immediately the tenant or person in possession to appear before the court on a day stated in the summons to show cause, if any, why restitution of the possession of the leased premises should not be made to the landlord.

(2) (i) If, for any reason, the tenant or person in actual possession cannot be found, the constable or sheriff shall affix an attested copy of the summons conspicuously on the property.

(ii) After notice is sent to the tenant or person in possession by first-class mail, the affixing of the summons on the property shall be conclusively presumed to be a sufficient service to support restitution.

(3) If either of the parties fails to appear before the court on the day stated in the summons, the court may continue the case for not less than [six nor] 6 DAYS OR more than 10 days and notify the parties of the continuance.

(b) (1) If the court determines that the tenant breached the terms of the lease and that the breach was substantial and warrants an eviction, the court shall give

1 judgment for the restitution of the possession of the premises and issue its warrant to the
2 sheriff or a constable commanding the tenant to deliver possession to the landlord in as full
3 and ample manner as the landlord was possessed of the same at the time when the lease
4 was entered into. The court shall give judgment for costs against the tenant or person in
5 possession.

6 (2) Either party may appeal to the circuit court for the county, within [ten]
7 10 days from entry of the judgment. If the tenant (i) files with the District Court an affidavit
8 that the appeal is not taken for delay; (ii) files sufficient bond with one or more securities
9 conditioned [upon] ON diligent prosecution of the appeal; (iii) pays all rent in arrears, all
10 court costs in the case; and (iv) pays all losses or damages which the landlord may suffer
11 by reason of the tenant's holding over, the tenant or person in possession of the premises
12 may retain possession until the determination of the appeal. [Upon] ON application of
13 either party, the court shall set a day for the hearing of the appeal not less than [five nor]
14 5 DAYS OR more than 15 days after the application, and notice of the order for a hearing
15 shall be served on the other party or that party's counsel at least [five] 5 days before the
16 hearing. If the judgment of the District Court is in favor of the landlord, a warrant shall be
17 issued by the court which hears the appeal to the sheriff, who shall execute the warrant.

18 (C) A WARRANT OF RESTITUTION ISSUED UNDER THIS SECTION SHALL BE
19 EXECUTED IN COMPLIANCE WITH THE PROVISIONS OF § 8-407 OF THIS SUBTITLE.

20 [(c)] (D) (1) Acceptance of any payment after notice but before eviction shall
21 not operate as a waiver of any notice of breach of lease or any judgment for possession
22 unless the parties specifically otherwise agree in writing.

23 (2) Any payment accepted shall be first applied to the rent or the
24 equivalent of rent apportioned to the date that the landlord actually recovers possession of
25 the premises, then to court costs, including court awarded damages and legal fees and then
26 to any loss of rent caused by the breach of lease.

27 (3) Any payment which is accepted in excess of the rent referred to in
28 paragraph (2) of this subsection shall not bear interest but will be returned to the tenant
29 in the same manner as security deposits as defined under § 8-203 of this title but shall not
30 be subject to the penalties of that section.

31 8-407.

32 (A) THIS SECTION APPLIES TO A WARRANT OF RESTITUTION ISSUED TO A
33 LANDLORD TO TAKE POSSESSION OF RESIDENTIAL PROPERTY UNDER § 8-401, §
34 8-402, OR § 8-402.1 OF THIS SUBTITLE OR AN EQUIVALENT PROVISION OF PUBLIC
35 LOCAL LAW.

36 (B) (1) ~~AFTER~~ SUBJECT TO SUBSECTION (E) OF THIS SECTION, AFTER A
37 COURT HAS ISSUED A WARRANT OF RESTITUTION, THE LANDLORD SHALL, AT LEAST

~~14~~ 6 DAYS BEFORE THE SCHEDULED DATE OF REPOSSESSION AS SET BY THE SHERIFF, PROVIDE WRITTEN NOTICE TO THE TENANT OF THE DATE ON WHICH THE WARRANT OF RESTITUTION IS SCHEDULED TO BE EXECUTED BY:

(I) SENDING THE NOTICE BY FIRST-CLASS MAIL WITH CERTIFICATE OF MAILING; ~~AND~~

(II) POSTING THE NOTICE ON THE FRONT DOOR OF THE LEASED PREMISES AND TAKING A DATE-STAMPED PHOTOGRAPH OF THE NOTICE POSTED ON THE FRONT DOOR; AND

(III) IF THE LANDLORD KNOWS OR HAS ON FILE THE E-MAIL ADDRESS OR CELLPHONE NUMBER OF THE TENANT, SENDING THE NOTICE ELECTRONICALLY TO THE TENANT BY AN E-MAIL MESSAGE OR A TEXT MESSAGE.

(2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) THE DISTRICT COURT ~~SUMMARY EJECTMENT~~ CASE NUMBER;

(II) THE TENANT'S NAME AS STATED IN THE SUMMARY EJECTMENT CASE;

(III) THE ADDRESS OF THE LEASED PREMISES;

(IV) THE DATE ON WHICH THE WARRANT OF RESTITUTION WAS ORDERED BY THE ~~DISTRICT COURT~~ COURT;

(V) THE INITIAL SCHEDULED DATE OF THE EVICTION;

(VI) A STATEMENT THAT THE REPOSSESSION MAY OCCUR UNLESS THE TENANT:

1. RETURNS POSSESSION OF THE LEASED PREMISES TO THE LANDLORD; OR

2. FOR A WARRANT OF RESTITUTION ISSUED UNDER § 8-401 OF THIS SUBTITLE, EXERCISES THE RIGHT TO REDEMPTION UNDER § 8-401 OF THIS SUBTITLE, IF AVAILABLE;

(VII) IF THE TENANT STILL HAS A RIGHT TO REDEMPTION OF THE LEASED PREMISES UNDER § 8-401(H) OF THIS SUBTITLE, A STATEMENT SHOWING THE AMOUNT STILL DUE TO REDEEM THE PROPERTY;

(VIII) ~~A STATEMENT THAT IF THE EVICTION OCCURS:~~

~~1. WITHIN 10 DAYS AFTER THE EVICTION DATE, THE
TENANT MAY RECLAIM ALL OF THE TENANT'S PERSONAL PROPERTY THAT WAS IN OR
AROUND THE LEASED PREMISES ON OR AFTER THE EVICTION DATE; AND~~

~~2. AFTER 10 DAYS AFTER THE EVICTION DATE, THE
TENANT'S REMAINING PERSONAL PROPERTY WILL BE CONSIDERED ABANDONED
AND MAY BE DISPOSED OF;~~

~~(IX) A STATEMENT INFORMING THE TENANT AS TO HOW THE
TENANT MAY OBTAIN ANY PERSONAL PROPERTY LEFT IN OR ABOUT THE LEASED
PREMISES AFTER THE EVICTION OCCURS;~~

~~(X) A STATEMENT THAT THE NOTICE IS THE FINAL NOTICE TO
THE TENANT OF THE INTENDED REPOSSESSION, EVEN IF THE REPOSSESSION IS
STAYED FOR ANY REASON;~~

(IX) THE FOLLOWING STATEMENT:

"YOU COULD LOSE ALL YOUR PERSONAL BELONGINGS LEFT
INSIDE YOUR HOME WHEN THE EVICTION OCCURS. LOCAL LAWS AND PRACTICES
ABOUT DISPOSAL OF ANY OF YOUR PERSONAL BELONGINGS UPON EVICTION VARY.

YOU MAY SEEK ADVICE BY CALLING 211 FOR A LEGAL REFERRAL
OR BY CONTACTING THE DISTRICT COURT HELP CENTER AT (INSERT THE
TELEPHONE NUMBER FOR THE DISTRICT COURT HELP CENTER) OR (INSERT THE
ADDRESS FOR THE WEBSITE OF THE DISTRICT COURT HELP CENTER) TO SPEAK TO
AN ATTORNEY."; AND

~~(XI)~~ (X) THE TELEPHONE NUMBER, E-MAIL ADDRESS, AND
MAILING ADDRESS AT WHICH THE LANDLORD MAY BE CONTACTED.

(3) A LANDLORD MAY CHARGE THE TENANT FOR EXPENSES
ACTUALLY INCURRED IN PROVIDING NOTICE UNDER PARAGRAPH (1) OF THIS
SUBSECTION IN AN AMOUNT NOT TO EXCEED \$5.

(4) THERE IS A REBUTTABLE PRESUMPTION THAT A TENANT WAS
NOTIFIED AS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE
LANDLORD PROVIDES TO THE SHERIFF OR CONSTABLE:

(I) THE CERTIFICATE OF MAILING;

(II) A PHOTOGRAPH OF THE NOTICE POSTED ON THE FRONT DOOR OF THE LEASED PREMISES CONTAINING A READABLE TIMESTAMP INDICATING THE DATE AND TIME THAT THE NOTICE WAS POSTED; AND

(III) A SIGNED AFFIDAVIT OF THE PERSON WHO POSTED THE NOTICE ON THE FRONT DOOR OF THE LEASED PREMISES.

(5) (I) IF THE SHERIFF REASONABLY BELIEVES THAT THE LANDLORD HAS NOT PROVIDED THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION OR THAT THE TENANT MAY HAVE REDEEMED THE PROPERTY, THE SHERIFF:

1. SHALL NOTIFY THE DISTRICT COURT; AND

2. MAY NOT EXECUTE THE WARRANT OF RESTITUTION WITHOUT FURTHER ORDER OF THE DISTRICT COURT.

(II) IF THE DISTRICT COURT FINDS THAT THE LANDLORD DID NOT PROVIDE THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DISTRICT COURT SHALL VACATE THE WARRANT OF RESTITUTION.

(C) EXCEPT AS PROVIDED IN SUBSECTION (B)(5) OF THIS SECTION, IF THE LANDLORD PRESENTS THE DOCUMENTATION LISTED IN SUBSECTION (B)(1) OF THIS SECTION, THE SHERIFF OR CONSTABLE SHALL:

(1) ~~SHALL FILE~~ FILE THE DOCUMENTATION WITH THE CLERK OF THE COURT; AND

(2) ~~MAY~~ SUBJECT TO § 14-806 OF THIS ARTICLE, EXECUTE THE WARRANT OF RESTITUTION BY PUTTING THE LANDLORD IN POSSESSION OF THE PREMISES, ~~WITHOUT THE REMOVAL OF ANY PERSONAL PROPERTY FROM THE PREMISES.~~

(D) IF A TENANT IS NOT PRESENT DURING THE EXECUTION OF THE WARRANT OF RESTITUTION, THE SHERIFF OR CONSTABLE SHALL POST A NOTICE ON THE FRONT DOOR OF THE PREMISES STATING THAT REPOSSESSION OF THE PREMISES HAS BEEN COMPLETED ~~AND THAT THE TENANT HAS 10 DAYS TO RECLAIM THE TENANT'S PERSONAL PROPERTY.~~

~~(E) (1) (I) A TENANT SHALL HAVE 10 DAYS FOLLOWING THE EXECUTION OF A WARRANT OF RESTITUTION UNDER SUBSECTION (C) OF THIS SECTION TO RECOVER PERSONAL PROPERTY FROM THE PREMISES OR ANOTHER REASONABLY SECURE LOCATION CHOSEN BY THE LANDLORD.~~

~~(H) A LANDLORD MAY NOT CHARGE A TENANT ANY FEE FOR
STORING THE TENANT'S PERSONAL PROPERTY DURING THE 10 DAY PERIOD
ESTABLISHED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.~~

~~(2) DURING THE 10 DAY PERIOD ESTABLISHED UNDER PARAGRAPH
(1) OF THIS SUBSECTION;~~

~~(I) THE LANDLORD SHALL MAKE THE TENANT'S PERSONAL
PROPERTY REASONABLY AVAILABLE FOR PURPOSES OF RECLAMATION; AND~~

~~(II) THE LANDLORD IS NOT LIABLE TO THE TENANT FOR ANY
LOSSES RELATING TO THE PERSONAL PROPERTY UNLESS THE LOSS IS THE RESULT
OF A DELIBERATE OR NEGLIGENT ACT ON THE PART OF THE LANDLORD.~~

~~(3) A TENANT MAY NOT WAIVE THE RIGHT TO RECLAIM PERSONAL
PROPERTY UNDER THIS SUBSECTION.~~

~~(F) (1) UNLESS THE LANDLORD AND TENANT AGREE OTHERWISE,
PERSONAL PROPERTY REMAINING IN OR ABOUT THE LEASED PREMISES OR IN THE
REASONABLY SECURE STORAGE LOCATION CHOSEN BY THE LANDLORD FOLLOWING
THE 10 DAY PERIOD ESTABLISHED UNDER SUBSECTION (E)(1) OF THIS SECTION
SHALL BE DEEMED ABANDONED.~~

~~(2) THE LANDLORD OR ANY PERSON ACTING ON THE LANDLORD'S
BEHALF MAY NOT BE HELD LIABLE FOR ANY LOSS OF OR DAMAGE TO PROPERTY
DEEMED ABANDONED UNDER THIS SUBSECTION.~~

~~(3) (I) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS
SUBSECTION, A LANDLORD MAY DISPOSE OF ABANDONED PROPERTY BY:~~

~~1. TRANSPORTATION TO A LICENSED LANDFILL OR
SOLID WASTE FACILITY;~~

~~2. DONATION TO CHARITY;~~

~~3. SALE; OR~~

~~4. ANY OTHER LEGAL MEANS.~~

~~(II) IF A LANDLORD DISPOSES OF ABANDONED PROPERTY BY
SALE, THE TENANT SHALL BE ENTITLED TO ANY PROCEEDS OF THE SALE THAT
EXCEED ANY BACK RENT, MOVE OUT COSTS, OR DAMAGE FEES OWED BY THE
TENANT TO THE LANDLORD.~~

~~(4) PROPERTY DEEMED ABANDONED UNDER THIS SUBSECTION MAY NOT BE PLACED IN A PUBLIC RIGHT OF WAY OR ON ANY PUBLIC PROPERTY.~~

~~(5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, ON THE EXECUTION OF A WARRANT OF RESTITUTION, A LANDLORD IS NOT PROHIBITED FROM:~~

~~(I) DISPOSING OF ABANDONED PROPERTY CONSISTING OF PERISHABLE FOOD, HAZARDOUS MATERIALS, OR TRASH; OR~~

~~(II) TRANSFERRING AN ANIMAL TO THAT IS NOT REMOVED UNDER § 14-806 OF THIS ARTICLE TO THE OWNER OF THE ANIMAL, AN ANIMAL SHELTER, AN ANIMAL RESCUE ORGANIZATION, AN ANIMAL CONTROL OFFICER, A HUMANE SOCIETY, OR ANY OTHER PERSON WILLING TO PROVIDE CARE FOR THE ANIMAL.~~

~~(G) (E) NOTHING IN THIS SECTION MAY BE INTERPRETED TO RESTRICT THE AUTHORITY OF THE STATE AND LOCAL JURISDICTIONS TO ENACT OR ENFORCE LEGISLATION GOVERNING LANDLORDS AND TENANTS, INCLUDING LEGISLATION ESTABLISHING THAT:~~

~~(1) INCREASES THE MINIMUM NUMBER OF DAYS OF NOTICE REQUIRED IN SUBSECTION (B)(1) OF THIS SECTION TO AS MANY AS 14 DAYS;~~

~~(2) DECREASES THE MINIMUM NUMBER OF DAYS OF NOTICE REQUIRED IN SUBSECTION (B)(1) OF THIS SECTION TO AS FEW AS 4 DAYS; OR~~

~~(3) ESTABLISHES PENALTIES FOR A VIOLATION OF THIS SECTION.~~

~~(H) (F) IF A COURT FINDS IN FAVOR OF A TENANT BASED ON A VIOLATION OF THIS SECTION, THE TENANT IS ENTITLED TO:~~

~~(1) ACTUAL DAMAGES;~~

~~(2) REASONABLE ATTORNEY'S FEES AND COSTS;~~

~~(3) INJUNCTIVE RELIEF TO RECOVER POSSESSION OF THE LEASED PREMISES OR PERSONAL PROPERTY; OR~~

~~(4) ANY OTHER REMEDY THE COURT MAY FIND REASONABLE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or

1 application to any cause of action for repossession for failure to pay rent, breach of lease, or
2 tenant holdovers filed before the effective date of this Act.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.