

CHAPTER 615

(House Bill 776)

AN ACT concerning

Real Property – Foreclosure of Mortgages and Deeds of Trust on Residential Property – Notice to Occupants

FOR the purpose of requiring a certain notice to be sent to a certain address in a certain manner at the time of filing an action to foreclose a mortgage or deed of trust on certain residential property; requiring a certain notice of foreclosure sale to be sent to a certain address in a certain manner a certain period of time before a foreclosure sale of certain property; requiring a certain notice to be sent to a certain address in a certain manner within a certain time after the entry of a judgment awarding possession of certain property; requiring certain notices to be in a certain form and contain certain information; requiring certain envelopes to contain a certain statement; requiring a person who gives a certain notice to an occupant regarding a foreclosure to file an affidavit of compliance under certain circumstances; providing that a new or additional notice to an occupant regarding a foreclosure does not need to be given under certain circumstances; defining a certain term; providing for the application of this Act; making this Act an emergency measure; and generally relating to notices regarding foreclosure actions on residential property.

BY adding to

Article – Real Property

Section 7-105.9

Annotated Code of Maryland

(2003 Replacement Volume and 2008 Supplement)

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

Article – Real Property

7-105.9.

(A) IN THIS SECTION, “RESIDENTIAL PROPERTY” HAS THE MEANING STATED IN § 7-105.1 OF THIS SUBTITLE.

(B) (1) IN ADDITION TO ANY OTHER NOTICE REQUIRED TO BE GIVEN BY THIS CODE OR THE MARYLAND RULES, THE PERSON AUTHORIZED TO MAKE A SALE IN AN ACTION TO FORECLOSE A MORTGAGE OR DEED OF TRUST ON RESIDENTIAL PROPERTY SHALL SEND, AT THE SAME TIME AS THE NOTICE

REQUIRED BY ~~§ 7-105(D)(2)(VII)~~ § 7-105.1(D)(2)(VII) OF THIS SUBTITLE, A WRITTEN NOTICE ADDRESSED TO "ALL OCCUPANTS" AT THE ADDRESS OF THE RESIDENTIAL PROPERTY IN SUBSTANTIALLY THE FOLLOWING FORM:

"IMPORTANT NOTICE

A FORECLOSURE ACTION HAS BEEN FILED AGAINST THE PROPERTY LOCATED AT (INSERT ADDRESS) IN THE CIRCUIT COURT FOR (INSERT NAME OF COUNTY). THIS NOTICE IS BEING SENT TO YOU AS A PERSON WHO LIVES IN THIS PROPERTY.

A FORECLOSURE SALE OF THE PROPERTY MAY OCCUR AT ANY TIME AFTER 45 DAYS FROM THE DATE OF THIS NOTICE. YOU MAY WANT TO CONSULT WITH AN ATTORNEY BECAUSE IF A FORECLOSURE SALE OF THE PROPERTY OCCURS, YOU COULD BE EVICTED, EVEN IF YOU ARE A TENANT AND EVEN IF YOU HAVE PAID THE RENT DUE AND COMPLIED WITH YOUR LEASE.

BELOW YOU WILL FIND THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON AUTHORIZED TO SELL THE PROPERTY. YOU MAY CONTACT THIS PERSON TO FIND OUT MORE ABOUT THE SALE. FOR FURTHER INFORMATION, YOU MAY REVIEW THE FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT. YOU ALSO MAY CONTACT THE MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, AT ~~1-877-462-7555~~ (INSERT TELEPHONE NUMBER), OR CONSULT THE DEPARTMENT'S WEBSITE, ~~HTTP://WWW.MDHOPE.ORG/~~ (INSERT WEBSITE ADDRESS), FOR ASSISTANCE.

PERSON AUTHORIZED TO SELL THE PROPERTY:

NAME

ADDRESS

TELEPHONE

DATE OF THIS NOTICE".

(2) THE WRITTEN NOTICE REQUIRED BY THIS SUBSECTION SHALL BE:

- (I) A SEPARATE DOCUMENT;
- (II) PRINTED IN AT LEAST 12 POINT TYPE; AND
- (III) SENT BY FIRST-CLASS MAIL ~~WITH CERTIFICATE OF MAILING.~~

(3) THE OUTSIDE OF THE ENVELOPE CONTAINING THE WRITTEN NOTICE REQUIRED BY THIS SUBSECTION SHALL STATE, ON THE ADDRESS SIDE, IN BOLD, CAPITALIZED LETTERS IN AT LEAST 12 POINT TYPE, THE FOLLOWING: "IMPORTANT NOTICE TO ALL OCCUPANTS: FORECLOSURE INFORMATION ENCLOSED. OPEN IMMEDIATELY."

(C) (1) IN ADDITION TO ANY OTHER NOTICE REQUIRED TO BE GIVEN BY THIS CODE OR THE MARYLAND RULES, THE PERSON AUTHORIZED TO MAKE A SALE IN AN ACTION TO FORECLOSE A MORTGAGE OR DEED OF TRUST ON RESIDENTIAL PROPERTY SHALL SEND A WRITTEN NOTICE OF THE SALE NOT EARLIER THAN 30 DAYS AND NOT LATER THAN 10 DAYS BEFORE THE DATE OF SALE ADDRESSED TO "ALL OCCUPANTS" AT THE ADDRESS OF THE RESIDENTIAL PROPERTY IN SUBSTANTIALLY THE FOLLOWING FORM:

"NOTICE OF IMPENDING FORECLOSURE SALE

A FORECLOSURE ACTION HAS BEEN FILED AGAINST THE PROPERTY LOCATED AT (INSERT ADDRESS) IN THE CIRCUIT COURT FOR (INSERT NAME OF COUNTY). THIS NOTICE IS BEING SENT TO YOU AS A PERSON WHO LIVES IN THIS PROPERTY.

A FORECLOSURE SALE OF THE PROPERTY IS SCHEDULED TO OCCUR AS FOLLOWS:

DATE: _____

TIME: _____

PLACE: _____

AFTER THIS SALE, YOU COULD BE EVICTED, EVEN IF YOU ARE A TENANT AND EVEN IF YOU HAVE PAID THE RENT DUE AND COMPLIED WITH YOUR LEASE.

BELOW YOU WILL FIND THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON AUTHORIZED TO SELL THE PROPERTY. YOU MAY CONTACT THIS PERSON TO FIND OUT MORE ABOUT THE SALE. FOR FURTHER INFORMATION, YOU MAY REVIEW THE FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT

COURT. YOU MAY WANT TO CONSULT AN ATTORNEY TO DETERMINE YOUR RIGHTS. YOU ALSO MAY CONTACT THE MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, AT ~~1-877-462-7555~~ (INSERT TELEPHONE NUMBER), OR CONSULT THE DEPARTMENT'S WEBSITE, ~~HTTP://WWW.MDHOPE.ORG/~~ (INSERT WEBSITE ADDRESS), FOR ASSISTANCE.

PERSON AUTHORIZED TO SELL THE PROPERTY:

NAME

ADDRESS

TELEPHONE

DATE OF THIS NOTICE”.

(2) THE WRITTEN NOTICE REQUIRED BY THIS SUBSECTION SHALL BE:

- (I) A SEPARATE DOCUMENT;
- (II) PRINTED IN AT LEAST 12 POINT TYPE; AND
- (III) SENT BY ~~CERTIFIED AND~~ FIRST-CLASS MAIL WITH CERTIFICATE OF MAILING.

(3) THE OUTSIDE OF THE ENVELOPE CONTAINING THE WRITTEN NOTICE REQUIRED BY THIS SUBSECTION SHALL STATE, ON THE ADDRESS SIDE, IN BOLD, CAPITALIZED LETTERS IN AT LEAST 12 POINT TYPE, THE FOLLOWING: “IMPORTANT NOTICE TO ALL OCCUPANTS: FORECLOSURE INFORMATION ENCLOSED. OPEN IMMEDIATELY.”.

(D) (1) IN ADDITION TO ANY OTHER NOTICE REQUIRED TO BE GIVEN BY THIS CODE OR THE MARYLAND RULES, THE PERSON AUTHORIZED TO MAKE ~~A SALE IN AN ACTION TO FORECLOSE A MORTGAGE OR DEED OF TRUST ON RESIDENTIAL PROPERTY~~ WHO PURCHASES RESIDENTIAL PROPERTY IN A FORECLOSURE SALE SHALL SEND, AFTER THE ENTRY OF A JUDGMENT AWARDING POSSESSION AND BEFORE ANY ATTEMPT TO EXECUTE THE WRIT OF POSSESSION, A WRITTEN NOTICE ADDRESSED TO “ALL OCCUPANTS” AT THE

ADDRESS OF THE RESIDENTIAL PROPERTY IN SUBSTANTIALLY THE FOLLOWING FORM:

“IMPORTANT EVICITION NOTICE

THE CIRCUIT COURT FOR (INSERT NAME OF COUNTY) HAS ENTERED A JUDGMENT AWARDING POSSESSION OF THE PROPERTY LOCATED AT (INSERT ADDRESS). YOU COULD BE EVICTED FROM THE PROPERTY ON ANY DAY AFTER (INSERT DATE).

BELOW YOU WILL FIND THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON ~~AUTHORIZED TO SELL~~ WHO PURCHASED THE PROPERTY OR THE PURCHASER’S AGENT. YOU MAY CONTACT THIS PERSON TO FIND OUT MORE ABOUT THE COURT ORDER. FOR FURTHER INFORMATION, YOU MAY REVIEW THE FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT. YOU MAY WANT TO CONSULT AN ATTORNEY TO DETERMINE YOUR RIGHTS. YOU ALSO MAY CONTACT THE MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, AT ~~1-877-462-7555~~ (INSERT TELEPHONE NUMBER), OR CONSULT THE DEPARTMENT’S WEBSITE, ~~HTTP://WWW.MDHOPE.ORG/~~ (INSERT WEBSITE ADDRESS), FOR ASSISTANCE.

~~PERSON AUTHORIZED TO SELL THE PROPERTY;~~

PURCHASER OF THE PROPERTY OR PURCHASER’S AGENT:

NAME

ADDRESS

TELEPHONE

DATE OF THIS NOTICE”.

(2) THE WRITTEN NOTICE REQUIRED BY THIS SUBSECTION SHALL BE:

- (I) A SEPARATE DOCUMENT;
- (II) PRINTED IN AT LEAST 12 POINT TYPE; AND

(III) SENT BY ~~CERTIFIED AND~~ FIRST-CLASS MAIL WITH CERTIFICATE OF MAILING.

(3) THE OUTSIDE OF THE ENVELOPE CONTAINING THE WRITTEN NOTICE REQUIRED BY THIS SUBSECTION SHALL STATE, ON THE ADDRESS SIDE, IN BOLD, CAPITALIZED LETTERS IN AT LEAST 12 POINT TYPE, THE FOLLOWING: "IMPORTANT NOTICE TO ALL OCCUPANTS: EVICTION INFORMATION ENCLOSED. OPEN IMMEDIATELY."

(E) THE PERSON GIVING A NOTICE REQUIRED BY THIS SECTION SHALL FILE IN THE FORECLOSURE PROCEEDING AFTER EACH NOTICE IS SENT AN AFFIDAVIT OF COMPLIANCE WITH THE PROVISIONS OF THIS SECTION.

(F) IN THE EVENT OF POSTPONEMENT OF THE SALE, WHICH MAY BE DONE IN THE DISCRETION OF THE PERSON AUTHORIZED TO MAKE THE SALE, NO NEW OR ADDITIONAL NOTICE NEED BE GIVEN PURSUANT TO THIS SECTION.

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 application to any foreclosure action filed before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, May 19, 2009.