

### **§6013. Property unclaimed by tenant**

Any personal property that remains in a rental unit after entry of judgment in favor of the landlord or that is abandoned or unclaimed by a tenant following the tenant's vacating the rental unit must be disposed of as follows. [PL 2011, c. 405, §4 (AMD).]

**1. Place in storage.** The landlord shall place in storage in a safe, dry, secured location any personal property that is abandoned or unclaimed by a tenant following the tenant's vacating the rental unit. [PL 2009, c. 566, §7 (NEW).]

**2. Notice to tenant.** Notice to the tenant by the landlord is governed by this subsection. Notice may be sent at any time after entry of judgment in favor of the landlord or after the tenant has vacated the rental unit.

A. If the tenant is still in possession of the rental unit, the landlord shall send written notice by first-class mail with proof of mailing to the tenant at the address of the rental unit of the landlord's intent to dispose of, in accordance with subsection 5, any property remaining in the rental unit following the tenant's vacating the rental unit. Notwithstanding subsections 3 and 5, the notice provided pursuant to this paragraph may not limit the time in which the tenant may claim the property to less than 7 days following the mailing of the notice or 48 hours after service of the writ of possession, whichever period is longer. [RR 2011, c. 1, §20 (COR).]

B. If the tenant has vacated the rental unit, the landlord shall send written notice by first-class mail with proof of mailing to the last known address of the tenant concerning the landlord's intent to dispose of the property stored pursuant to subsection 1. The notice must include an itemized list of the items and containers of items of the property and advise the tenant that if the tenant does not respond to the notice within 7 days the landlord may dispose of the property as set forth in subsection 5. [PL 2011, c. 405, §5 (NEW).]

[RR 2011, c. 1, §20 (COR).]

**3. Release of property claimed.** If the tenant claims the property within 7 days after the notice under subsection 2 is sent, the landlord shall release the property to the tenant and may not condition release of the property to the tenant upon payment of any fee or any other amount that may be owed to the landlord by the tenant.

[PL 2011, c. 405, §6 (AMD).]

**4. Continuation of storage for claimed property.** If the tenant responds to the notice sent pursuant to subsection 2, the landlord shall continue to store the property for at least 14 days after the landlord sent the notice.

[PL 2011, c. 405, §6 (AMD).]

**5. Conditional release; sale or disposal.** A landlord shall comply with the following.

A. If the tenant makes an oral or written claim for the property within 7 days after the date the notice described in subsection 2 is sent, the landlord may not condition the release of the property to the tenant upon the tenant's payment of any rental arrearages, damages and costs of storage as long as the tenant makes arrangements to retrieve the property by the 14th day after the notice described in subsection 2 is sent. [PL 2011, c. 405, §6 (AMD).]

B. If the tenant makes the claim as set forth in paragraph A but fails to retrieve the property by the 14th day, the landlord may employ one or more of the remedies described in paragraph D. [PL 2011, c. 405, §6 (AMD).]

C. If the tenant does not make an oral or written claim for the property within 7 days after the notice described in subsection 2 is sent, the landlord may employ one or more of the remedies described in paragraph D. [PL 2011, c. 405, §6 (AMD).]

D. With regard to any property that remains unclaimed by the tenant in accordance with this subsection, the landlord may take one or more of the following actions:

- (1) Condition the release of the property to the tenant upon the tenant's payment of all rental arrearages, damages and costs of storage;
- (2) Sell any property for a reasonable fair market price and apply all proceeds to rental arrearages, damages and costs of storage and sale. All remaining balances must be forwarded to the Treasurer of State; or
- (3) Dispose of any property that has no reasonable fair market value. [PL 2009, c. 566, §7 (NEW).]

[PL 2011, c. 405, §6 (AMD).]

**6. Waiver.** After or upon vacating the rental unit, a tenant may waive the tenant's rights pursuant to this section. If this waiver is oral, the landlord shall confirm this waiver in writing.

[PL 2011, c. 405, §7 (NEW).]

A lease or tenancy at will agreement may permit a landlord to dispose of property abandoned by a tenant without liability as long as the landlord complies with the notice provisions of this section. [PL 2011, c. 405, §8 (NEW).]

#### SECTION HISTORY

PL 1979, c. 327, §2 (NEW). PL 1981, c. 428, §7 (RPR). PL 1987, c. 249, §1 (AMD). PL 1987, c. 691, §1 (AMD). PL 1991, c. 265, §1 (AMD). PL 1997, c. 508, §A3 (AFF). PL 1997, c. 508, §B3 (AMD). PL 2003, c. 20, §T9 (AMD). PL 2003, c. 303, §1 (AMD). PL 2009, c. 566, §7 (RPR). PL 2011, c. 405, §§4-8 (AMD). RR 2011, c. 1, §20 (COR).

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