



Bill Title: Senate Bill 176, Wicomico County - Landlord and Tenant - Repossession for Failure to Pay Rent - Procedures

Committee: Judicial Proceedings

Date: January 28, 2020

Position: Favorable

This testimony is offered on behalf of Maryland Multi-Housing Association (MMHA). We are a professional trade association established in 1996, whose members consists of owners and managers of more than 210,000 rental housing homes in over 958 apartment communities. Our members house over 538,000 residents of the State of Maryland. Lastly, MMHA represents over 250 associate member companies who supply goods and services to the multi-housing industry..

In Wicomico County, under Senate Bill 176, if judgment is given in favor of the landlord, the landlord may provide for repossession of the property by notifying the tenant of the intended repossession in writing sent by certified mail, return receipt requested, at least 14 days before the intended date of repossession and posted on the leased premises at least 7 days before the intended date of repossession. Senate Bill 176 also requires the notice to include such items as the district court summary ejectment case number, the address of the leased premises, the date on which the warrant of restitution was ordered by the district court and a statement that the repossession may occur unless the tenant returns control of the leased premises to the landlord or exercises the right to redemption. Senate Bill 176 provides there is a rebuttable presumption that the tenant was notified if the landlord provides the certificate of mailing and a signed affidavit of the person who posted the notice on the leased premises. If the sheriff reasonably believes that the landlord has not provided the notice the sheriff shall notify the district court and may not execute the warrant of restitution without further order of the district court. If the district court finds that the landlord did not provide the notice the District Court shall vacate the warrant of restitution.

If the landlord presents the documentation, any official of the county entitled to serve process may execute the warrant by putting the landlord in possession of the premises, without removal of any chattels or personal property from the premises. All chattels and personal property remaining in or about the leased premises at the time that the warrant of restitution shall be deemed abandoned. The landlord or any person acting on the landlord's behalf may not be liable for any loss or damage to property deemed abandoned. The landlord may dispose of abandoned property by transportation to a licensed landfill or solid waste facility, donation to charity or by any legal means.

Senate Bill 176 is patterned after Baltimore City Code Article 13, Section 8A for disposal of tenant's possessions. This legislation benefits all parties. Under Senate Bill 176, a tenant will get specific notice in advance, along with a date when eviction will occur with a deadline to pay what is due or relocate. Municipalities will no longer have to use public resources to dispose of



chattels. Lastly, for a landlord, passage of Senate Bill 176 creates a bright line specifying when a tenant's property is abandoned and when the landlord can lawfully dispose.

For these reasons, MMHA respectfully requests a favorable report on Senate Bill 176.

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