

**TERRI L. HILL, M.D.**  
*Legislative District 12*  
Baltimore and Howard Counties

Health and Government Operations  
Committee

*Subcommittees*

Estates and Trusts

Insurance



**THE MARYLAND HOUSE OF DELEGATES**  
ANNAPOLIS, MARYLAND 21401

*Annapolis Office*  
The Maryland House of Delegates  
6 Bladen Street, Room 215  
Annapolis, Maryland 21401  
410-841-3378 · 301-858-3378  
800-492-7122 Ext. 3378  
Fax 410-841-3197 · 301-858-3197  
Terri.Hill@house.state.md.us

February 19, 2021

**HB 938 - Real Property Transfer-on-Death Deed Task Force  
SUPPORT**

Dear Chairman Barve, Vice Chair Stein, and Members of Committee,

**HB 938** would establish the Real Property Transfer-on-Death Deed Task Force to study the creation of such a deed in Maryland as a mechanism for the transfer of real property, with particular focus on how other jurisdictions have implemented them. Transfer on death deeds allow real property to transfer to a designated beneficiary upon death without the time and cost of probate. As of 2020, twenty-eight jurisdictions (twenty-seven states and Washington D.C.) have some form of transfer on death deed, with thirteen of them adopting the Uniform Real Property Transfer on Death Act. Transfer-on-death deeds can be effective tools for preserving generational wealth and the clear transfer of title to future generations and, by avoiding probate, can also facilitate low-cost estate planning.

This legislation arose from the work of the Attorney General's COVID-19 Access to Justice Task Force, with the creation of a transfer-on-death deed being widely supported within the Life and Health Planning Subcommittee as an important solution to one of many things that contribute to the disproportionate perpetuation of wealth disparities, from generation to generation, that the COVID-19 pandemic laid bare. The major challenge is such a deed and mechanism may also present a means for unscrupulous actors to take advantage of elderly or vulnerable persons.

The Maryland Bar, and particularly the Estates and Trust Section, has wrestled with this issue for some time. The A2J subcommittee believes that a legislative task force, bringing a broader set of voices to the table, would have a greater chance of building a consensus on how to move forward. It may be that there are better ways to achieve the same goal, and that other legislation being considered this year, such as the Maryland Safe Act, if passed, would point the Task Force in a Different direction. In either case, a comprehensive look at the issue is needed and the work of the Access to Justice Task Force supports this task force as the best way of doing so.

The Attorney General's Office has agreed to staff the task force, which would include representatives from the General Assembly, AG, Secretary of State, Office of Housing and Community Development, organizations that assist families with the transfer of real property, and the State Bar Association.

I request a favorable report on HB938.

A handwritten signature in black ink, appearing to read "Terri L. Hill".