



**MARYLAND  
LEGAL AID**

*Advancing*  
**Human Rights and  
Justice for All**

**STATEWIDE  
ADVOCACY SUPPORT UNIT**

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February 28, 2022

The Honorable Luke Clippinger  
Judiciary Committee  
Room 101, House Office Building  
Annapolis, Maryland 21401

**RE: Testimony in Opposition to House Bill 1309  
Landlord and Tenant – Repossession for Failure to Pay Rent –  
Procedures**

Dear Chairperson Clippinger and Committee Members:

Thank you for the opportunity to testify in opposition to HB 1309, a bill that would declare tenant's property abandoned if it remains in the unit at the time of eviction. The Maryland Legal Aid ("MLA") is a private, non-profit organization that provides free legal services to indigent Maryland residents. In our 12 offices around the state, we help individuals and families with a wide array of civil legal issues including consumer, housing, public benefits, and family law matters. We also represent abused and neglected children and provide legal assistance to senior citizens and nursing home residents. This letter serves as notice that Gregory Countess is testifying on behalf of the Legal Aid Bureau, Inc. at the request of Delegate David Moon.

The MLA represents thousands of tenants throughout the state. Some tenants contact us after having judgments rendered against them in actions involving § 8-401, §8-402 and § 8-402.1 of the Real Property Article. Because these statutes do not require the court or any party to advise the tenant of the date of the actual eviction, these tenants have no idea when the actual eviction will take place. In some jurisdictions MLA can call the Sheriff's office and give those tenants some idea of when an eviction may take place.

In actions which involve rent, tenants that have no other housing options and often no resources to immediately move from the premises, use that uncertain amount of time to search for resources to pay the rent found due and owing. In some instances, when a tenant knows to call the Sheriff and in those jurisdictions where the Sheriff's office as a courtesy will tell tenants the date of the eviction, tenants may have an opportunity to remove some of their possessions from the premises prior to the eviction date. However, in many cases tenants have no idea

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that the eviction date has arrived until the Sheriff is knocking at the door. MLA often encounters tenants who are in this situation, calling MLA offices and asking about their options. In response to many of the calls, MLA can only advise tenants to safeguard their possessions while they are placed out on the street. HB 1309 though it will provide notice, does not provide notice of the date when the eviction will occur.

The consequences of a tenant being confused because they don't know the date the eviction will take place is particularly devastating. Even in Baltimore City, which has a version of this statute in place but where significantly the tenant is told the date of the eviction, MLA often sees tenants who come into our office after an eviction has taken place who can't get their possessions because the items are locked in their former apartment and because the items are considered abandoned, the Landlord has no duty to give the tenant their property. Our Baltimore City office often has to call the landlord and finds that the landlord will not return their property to them. Further, MLA has encountered instances, on some of those occasions, when the landlord returns the tenants' property, they charge a fee. Birth Certificates, social security cards, medicines, medical equipment, photographs, bibles, clothes, and furniture are lost.

Once an eviction takes place in Baltimore all property still in the residence is lost to the tenant. There have been incidents of tenant's being evicted with just the clothes on their backs and barred by the provisions in the law from gathering other possessions. If tenants are without the funds to pay their rent, the notice provided by this bill affords them little opportunity to move and safeguard their possessions. Many of our clients will be made more destitute by having lost their only possessions.

HB 1309 would turn a wretched situation –eviction- into one immeasurably worse and for these reasons, we respectfully request that you give H.B. 1309 an unfavorable report.

Sincerely,

/s/ Gregory Countess

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