

HOMELESS PERSONS REPRESENTATION PROJECT, INC.

SB 0992 - Real Property - Landlord and Tenant - Procedures for Failure to Pay Rent, Breach of Lease, and Tenant Holding Over

Hearing before the Judicial Proceedings Committee,
Mar. 7, 2024

Position: FAVORABLE

The Homeless Persons Representation Project, Inc. ("HPRP") is a non-profit civil legal aid organization providing free legal aid to those suffering from homelessness or at risk of homelessness on legal issues that eliminate barriers to becoming or remaining housed. HPRP regularly provides representation on landlord-tenant matters in Baltimore City, Montgomery County, and Prince George's County and advocates for continued housing of those at risk of homelessness across Maryland.

HPRP believes **Senate Bill 0992** is a critical measure to ensure that tenants have notice of their impending eviction date and a limited period of time to reclaim their personal possessions in case an eviction is executed.

Within HPRP's housing work we are uniquely positioned to observe a lack of awareness and understanding amongst tenants concerning their rights subsequent to a judgment. For many tenants there is immediate paralyzing fear after the initial judgment. Amongst those with judgments are those who are unaware of their rights, those that are aware of their right of redemption, and others that are simply not able to exercise this right. **SB0992** would protect each of those tenants through its notification requirement.

Additionally, while following the totality of the eviction process with some of our clients and hearing stories from callers seeking assistance after an eviction is executed, it is clear that the consequences of an execution go beyond losing your home. Tenants lose their property. These consequences ripple throughout the lives of tenants and occupants long after execution. Tenants lose sentimental items that are irreplaceable. They lose things important to their children. They lose important documentation. They even, lose items necessary for their survival like medication. Typically, tenants who have lost their property due to an eviction are too cost-burdened to recoup these losses.

This loss of property can at times be due to the date of the eviction being unknown to the tenant, the short time between the notification of the eviction date and its execution or the decision to abandon property because of lack of resources or fear of police presence. The reality for our clients and prospective clients is that much future hardship could be prevented by **SB0992's** notification requirement and its reasonable reclamation period. Tenants affected by the execution of an eviction have already lost their homes, their property is all they own.

Furthermore, in HPRP's Homeless Youth Initiative (HYI), we see how the loss of property from evictions trickles to the lives of all in the home. Youth whose parent(s) have been evicted risk losing important and necessary documentation. Vital records are routinely lost because of property losses related to evictions. The impact of losing vital records is significant. Many, if not all, of housing assistance programs require the submission of vital records. As a Homeless Youth Advocate, I have personally seen my young client's homelessness drag on because of a lack of vital records, related to a parent's evictions. **SB0992** wonder

provided this vulnerable community time to retrieve those vital records to access homeless or housing services in Maryland.

Renters need and deserve reliable notice of the eviction date so that they can exercise their statutory right of redemption (“pay to stay”) or make plans to leave the property with their belongings intact. Equally, Maryland renters (like most renters in the country) deserve a reclamation period after the eviction occurs, to mitigate the financial and personal loss that evictions cause. A “reclamation period” is a period post-eviction in which a renter can still gain access to their possessions such as life-saving medicine, electronics, and personal treasures such as photos, mementos, and heirlooms.

SB0992 would 1) provide tenants notice 14 days in advance of their impending eviction dates; and 2) provide tenants the opportunity to reclaim whatever personal possessions are on the property for ten (10) days after the eviction occurs. This is a sensible bill that brings Maryland in line with the rest of the country on executing evictions.

Washington D.C., New Jersey, West Virginia, Pennsylvania, Delaware, and Virginia all require that the tenant be given notice of their eviction date and the opportunity to reclaim their personal possessions after their eviction. Moreover, nineteen states and D.C. require the tenant be given notice of their eviction date, the opportunity to reclaim their personal possessions, and require the landlord to perform some duty to store the tenant’s possessions during the time of holding. An additional nine states require the tenant be given notice of their eviction date and the opportunity to reclaim their possessions.

SB 0992 is also beneficial to neighborhoods in that it no longer allows for an evicted tenant’s belonging to be thrown out on public streets. Currently, in most of Maryland, a tenant’s personal belongings are thrown into the street after an eviction, creating clutter that blocks sidewalks and creates public blight. SB 0992 remedies this issue by requiring the landlord to discard of whatever remaining items that are left in a proper and clean fashion.

Additionally, many jurisdictions currently require landlords to have a specific number of workers, equipment, and resources at the ready to conduct an eviction. Not only is this costly to the landlord, but in the event an eviction is redeemed, cancelled, or postponed, the landlord loses money and resources. Instituting a reclamation period after an executed eviction means that landlords will no longer have to hire 5-6 workers to be present at each eviction. The landlord will now have more flexibility after the end of the 10-day period to dispose of any remaining belongings – without placing those belongings in the public way.

HPRP is a member of the Renters United Maryland coalition and asks that the Committee issue a report of **FAVORABLE on SB0992**. If you have any questions, please contact: DiNesha Rucker at drucker@hprplaw.org or (410) 449-2982.