



## **SB 442 - Real Property - Landlord and Tenant - Procedures for Failure to Pay Rent, Breach of Lease, and Tenant Holding Over (Tenant Possessions Recovery Act)**

Hearing before the Senate Judicial Proceedings Committee,  
On Feb. 6, 2025

### **Position: FAVORABLE**

*Maryland Legal Aid (MLA) submits its written and oral testimony on SB 442 at the request of bill sponsor Senator Charles Sydnor.*

Maryland Legal Aid (MLA) is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. Our offices serve residents in each of Maryland's 24 jurisdictions and handle a range of civil legal matters, the most prominent of which is housing. MLA Tenant Right to Counsel Project represented renters in over 4,600 eviction cases in 2024. Because we cannot prevent every eviction and know the dire predicament of our clients facing imminent eviction, we urge this Committee to report **favorably** on Senate Bill 442. This legislation is a critical measure to ensure that tenants have notice of their impending eviction date and a limited period to reclaim their personal possessions in case an eviction occurs.

### **SB 442 is important because of clients like Reginald Reynolds.**

Reginald, a 56-year-old man in Washington County, was working full-time for Amazon and living in public housing in December 2023. Around that time, he was injured in a bus accident and missed two weeks of work. The injury, missed hours, and then a paycheck error outside of his control led to a temporary reduction in his income. He fell behind on rent. The Housing Authority would not adjust his rent in light of the hardship, and Reginald was later evicted from his apartment for Failure to Pay Rent.

On the day of eviction, Reginald was on a bus heading to his apartment with the money in hand to pay off the judgment, that is, to redeem possession as allowed by state law. But he arrived too late. When he returned to his unit, he found that the locks to his apartment had already been changed. Everything he owned in the world had been inside his apartment, including his prescription medication. That day and for several days following the eviction, Reginald searched the outside of the apartment building for his belongings, walking the perimeter with friends, over and over. Reginald also talked to both security and maintenance staff, but no one could tell him where to find his belongings or his medication. Because of eviction, Reginald lost everything he owned, including all his furniture and all his clothing, sentimental items like family photos and photos of his daughter when she was born and growing up, his own birth certificate and his daughter's birth certificate, all his personal and medical papers, and most importantly, his blood thinner medication that had been prescribed because he has

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Atrial Fibrillation. He had just refilled that prescription, and in that post-eviction moment, it was too soon for him to get a refill.

As a result, he went without necessary medication and ended up hospitalized three times due to symptoms of Atrial Fibrillation in the seven weeks following his eviction. Life has become one setback after another for Reginald. He believes that post-eviction access to personal possessions would have protected him from the trauma and the dangerous health consequences he experienced after losing his rental housing.

MLA hears from tenants throughout the year about how they have not only lost the roof over their heads, but also their personal possessions, vital records, life-saving medications or medical equipment, keepsakes, and heirlooms. They feel as though they have lost themselves as they search for some way to pick up the pieces financially and emotionally. As housing cost burden impacts around half of Maryland renters, anyone could end up in this situation.

**Notice and recovery period are critically needed.**

SB 442, the Tenant Possessions Recovery Act (TPRA), would mitigate this trauma and loss by requiring that tenants receive 14 days' notice of their eviction date and have a 10-day post-eviction window to reclaim their belongings from their former home or from another site. These measures would bring Maryland in line with 28 states and the District of Columbia, which require that a tenant have notice of their eviction date and a limited window to reclaim their personal possessions. Among those jurisdictions that provide a post-eviction recovery period are Maryland's neighbors: Washington D.C. (7 days), New Jersey (30 days), West Virginia (30 days), Pennsylvania (30 days), Delaware (7 days), and Virginia (1 day).

The TPRA would apply to evictions for non-payment of rent, holdover, and breach of lease and establish uniform procedures for (1) notifying tenants of their actual eviction date, (2) prohibiting the dumping of tenants' personal possessions in the public right of way, and (3) affording tenants a 10-day post-eviction period to reclaim personal possessions from the rental property or another secure location chosen by the former landlord.

***Notice of eviction under SB 442***

Under SB 442, landlords must send a notice to tenants that provides critical information about their pending eviction. Of foremost importance, the notice must state the actual eviction date, not simply that an eviction may occur at some time after the date of the notice. Additionally, the notice must provide the District Court case number for case that resulted in an order to evict the tenant. It must also state the date on which the court signed a warrant of restitution for the eviction. These additional elements of notice are important for establishing that the notice of eviction is legitimate. As importantly, the eviction notice would include information about whether the tenant may redeem possession by payment of a certain amount and would notify the tenant that they have the right to

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recover their personal possession for up to 10 days after the eviction, after which time their possessions will be deemed (? abandoned?)and disposable.

### ***Recovery period under SB 442***

For up to 10 days after the eviction, the tenant may recover their personal possessions from the rental property or a reasonably secure location chosen by the landlord. During this recovery period, the landlord may not charge the tenant a fee for storing the personal property. The landlord would not be liable for loss or damage to stored property except where they acted deliberately or with gross negligence.

Those opposed to this bill will argue that a recovery period is unnecessary because the bill provides a 14-day notice of the scheduled eviction date. Presumably, that 14-day notice period provides sufficient time for the tenant to vacate with their belongings. However, MLA knows from our clients that, too often, tenants do not have notice of their evictions until the sheriff shows up to execute the warrant. In these surprise eviction scenarios, many of MLA's clients are not even aware that they missed a court date and were subject to a court's order for eviction. SB 442 would alleviate the harm of surprise evictions. We would expect failed notices to be rare, but we also know that, in those rare instances, we must safeguard against catastrophic loss. The 10-day post-eviction recovery period provides that safeguard.

### **SB 442 improves on the existing model of anti-blight eviction policies.**

After the 10-day recovery period, a tenant's unclaimed personal property would be deemed legally abandoned. The landlord would then be able to dispose of that personal property by moving it to a landfill or solid waste facility, donating it, selling it, or taking any other steps other than placing it on public property or in the public right-of-way.

In recent years, the General Assembly has considered delegation-requested bills (Wicomico County, Charles County, Anne Arundel County) that sought to prevent eviction-related blight by copying Baltimore City's "clean streets" ordinance. The city ordinance, enacted in 2007, requires landlords to notify tenants of their actual eviction date in non-payment eviction cases. The tenants' personal possessions are deemed abandoned at the time of eviction, and the landlord is obligated to remove the tenants' belongings to a landfill or by other means that avoid obstruction of the public right of way. The "clean streets" legislation was a compromise to curtail both surprise evictions and blight. In the intervening 18 years, however, tenants and tenant advocates have found that the legally required eviction notice sometimes fails. In these instances, the harm of the surprise eviction is exacerbated by the abandonment provision in the law. Households lose everything, without legal right to intervene as they watch crews destroy and haul away their belongings or even hold those belongings ransom for exorbitant prices.

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### ***Fourth Circuit decision: Baltimore City's "clean streets" law unconstitutional***

On June 10, 2024, the Fourth Circuit Court of Appeals ruled in *Todman v. Mayor and City Council of Baltimore* that Baltimore City's "clean streets" law is unconstitutional. 104 F.4th 479 (4th Cir. 2024). Baltimore County and Prince George's County have similar statutes that declare a tenant's belongings "abandoned" upon eviction without adequate notice and a reclamation period. This statutory scheme, in the view of the Court, is constitutionally inadequate and exposes cities and counties to liability for damages. However, by establishing mandatory notice to renters of their eviction date and an opportunity to collect their belongings, SB 442 would mitigate local governments' risk of litigation and financial losses.

**Tenants who lose their housing should not be forced to start over with only the clothes on their back.** The TPRA will enhance public safety and bring Maryland in line with other surrounding states that have taken a systematic approach to mitigating the harm of eviction. For these reasons, Maryland Legal Aid urges the Committee's favorable report on SB 442. If you have any questions, please contact:

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