

**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,

Feb. 6, 2025

Position: FAVORABLE

Disability Rights Maryland (DRM) is the federally designated Protection & Advocacy agency¹ in Maryland mandated to advance the civil rights of people with disabilities. One of DRM's goals is to end the unnecessary segregation and institutionalization of Marylanders with disabilities. To achieve this goal, DRM's Housing Unit works to expand opportunities for Marylanders with disabilities to be part of their communities and to live in affordable and accessible housing.

DRM believes Senate Bill 442 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. While evictions are devastating for all families, losing access to necessary medications, medical equipment, social security information, service animals, or emotional support animals poses an additional risk to the health and safety of renters with disabilities. As one example, DRM recently received a call from a tenant requesting assistance after his landlord evicted him without notice, seizing his service animal. SB 442's reclamation period would preserve access to these critical needs for renters with disabilities facing eviction and require accountability from bad-actor landlords who seek to benefit from the eviction process.

Evictions are not just a symptom of poverty; evictions cause poverty and homelessness - especially when renting families lose all their belongings. In MD,

¹ For more information on Protection & Advocacy agencies, see NATIONAL DISABILITY RIGHTS NETWORK, <https://www.ndrn.org/> (last visited June 18, 2021).

when tenants like Sharnae Hunt are evicted from their homes,² not only do they lose a roof over their heads, many lose their dignity, their personal possessions, and the ability to adequately find another home due to the trauma and fiscal loss. Financial records & children's keepsakes are all moved to the curb or locked in the property. The Tenant Possessions Recovery Act (SB 442) would mitigate this trauma by requiring that tenants receive 14 days' notice of the eviction date and a 10-day window to reclaim their belongings if an eviction is executed.

This bill would also protect local jurisdictions from future legal liability for eviction practices that are unconstitutional. On June 10, 2024, the Fourth Circuit ruled in *Todman v. Mayor* that Baltimore City's eviction law is unconstitutional. 104 F.4th 479 (4th Cir. 2024). The City's law – and similar local laws in Baltimore County, Prince George's County and others – declare a tenant's belongings “abandoned” upon eviction without adequate notice and a reclamation period. By giving renters notice of their eviction date and an opportunity to collect their belongings through SB 442, localities will no longer be at risk of litigation and financial loss.

SB 442 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. Twenty-eight states and D.C. require the tenant be given notice of their eviction date and a limited window to reclaim their personal possessions.

SB 442 is also beneficial to neighborhoods in that it no longer allows for an evicted tenant's belongings to be thrown out on public streets. Currently, in most of

² THE BALTIMORE BANNER, A Glen Burnie woman was evicted because of a 'miscommunication.' Experts say the eviction system creates room for error., (Nov. 23, 2024, 6:40 pm EST) available at: <https://www.thebaltimorebanner.com/community/housing/a-glen-burnie-woman-was-evicted-because-of-a-miscommunication-experts-say-the-eviction-system-creates-room-for-error-OOP43UIC5BAOBGU5NUWOKHBW2E/>.



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Maryland, a tenant's personal belongings are thrown into the street after an eviction, creating clutter that blocks sidewalks and creates public blight. SB 442 remedies this issue by requiring the landlord to discard whatever items are remaining in an appropriate manner.

Finally, SB 442 benefits landlords in that landlords will no longer be required to pay for and bring 4-10 movers on sight for the day of the eviction in order to move the tenant's belongings that day. Instead, landlords may store the tenant's possessions in the property or move them to a storage unit at a more convenient time for the 10-day recovery window.

Disability Rights Maryland is a member of the Renters United Maryland coalition and asks that the Committee issue a report of FAVORABLE on SB 442. If you have any questions, please contact: E.V. Yost, evy@DisabilityRightsMD.org.