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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 Judiciary Proceedings Committee on February 6, 2025

Position: SUPPORT (FAV)

The Public Justice Center (PJC) is a nonprofit public interest law firm that stands with tenants to protect and expand their rights to safe, habitable, affordable, and non-discriminatory housing and their rights to fair and equal treatment by Maryland's landlord-tenant laws, courts, and agencies. The PJC actively works towards instigating systemic changes to establish a society founded on justice. PJC seeks the Committee's **Favorable report on SB 442** as it 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.

Evictions are not just a symptom of poverty; evictions cause poverty and homelessness - especially when renting families lose all their belongings. In MD, [when tenants like Sharnae Hunt are evicted from their homes](#), 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 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 belonging to be thrown out on public streets. Currently, in most of Maryland, a tenant's personal belongings are thrown into the

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street after an eviction, creating clutter that blocks sidewalks and creates public blight. SB 442 remedies this issue by requiring the landlord to discard of whatever remaining items that are left in a proper and clean fashion.

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 tenants 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.

Public Justice Center is a member of the Renters United Maryland coalition. If you have any questions, please contact Albert Turner, Esq., turnera@publicjustice.org (410) 625-9409 Ext. 250.