



Senate Bill 442

Date: February 3, 2025
Committee: Judicial Proceedings
Position: Unfavorable

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose membership consists of owners and managers of more than 207,246 rental housing homes in more than 937 apartment communities. Our members house over 667,000 residents of the State of Maryland throughout the entire State of Maryland. MMHA membership also includes more than 216 associate members that supply goods and services to the multi-housing industry. More information is available at <https://www.mmhaonline.org/>

Senate Bill 442 (“SB 442”) requires a housing provider to provide a resident with an additional notice at least 14 days prior to the execution of a warrant of restitution. Additionally, it creates a new 10-day reclamation period that would require a housing provider to store a resident’s property for free. It further establishes a sheriff deputy as a fact finder and adjudicator of record at the location where a warrant of restitution is being carried out.

SB 442 specifically notes that local jurisdictions may set penalties or legislate in addition to the bill, which has the potential to create a patchwork of penalties and requirements across the state. In addition to potential penalties at the local level, the bill unnecessarily seeks to establish a private right of action that would allow residents to recover actual damages, attorney fees, court costs, and any other remedy determined by the court.

For MMHA, this bill is problematic on many fronts, namely that the onus is placed exclusively on the landlord who has exercised their legal right to regain possession of their property. This bill does not address a tenant’s responsibilities which should include their own inquiry about the status of their pending eviction and removing their items on or before their eviction. Instead, this bill elevates tenant protections above the rights of a landlord.

SB 442 also triggers concerns related to the timing of a 14-day notice and the costs for storage of the former tenant’s personal property. As for the notice requirement, many of our members can attest to the fact that it is not unusual for eviction dates to change based on the scheduling and availability provided by the sheriff’s department. As a result, the dates provided in the notice may not be accurate which in turn would cause a landlord to be in violation. As for the storage costs, a landlord is not allowed to charge for the storage of the former tenant’s personal property. The only costs they are allowed to collect during the reclamation period are the expenses incurred in providing the notice to the tenant of the eviction. This amount cannot exceed \$5, which does not factor in the turnover costs and vacancy loss that will accrue during the proposed 10-day reclamation period – none of which can be recouped.



Lastly, there has been much discussion about squatter legislation. Our members fear that granting access to reclaim personal property, post eviction, will likely increase the number of wrongful detainer actions. By doing so, we are creating more layers to that issue which has yet to be addressed, prolonged the inevitable eviction, and created a safety concern for all involved parties. We are not solving but rather creating more problems.

It is for the aforementioned reasons, that MMHA respectfully requests an unfavorable report on SB 442. Please contact Ashley Clark at ashley.clark@mdlobbyist.com with any questions or concerns. Thank you.