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DEPUTY MAJORITY WHIP

Judicial Proceedings Committee

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Administrative, Executive, and
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Children, Youth, and Families

Senate Chair, Legislative Ethics



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony for Senate Bill 442
Real Property - Landlord and Tenant - Procedures for Failure to Pay Rent, Breach of
Lease, and Tenant Holding Over (Tenant Possession Recovery Act)
Before the Judicial Proceedings Committee
February 6, 2025

Good afternoon, Chair Smith, and members of the Judicial Proceedings Committee,

Last June, the United States Fourth Circuit Court of Appeals ruled in *Todman v. Mayor and City Council of Baltimore* that a couple's 14th Amendment due process rights were violated because Baltimore City law declares a tenant's belongings "abandoned" upon eviction without adequate notice and a reclamation period.¹ Holding that the responsibility for ensuring constitutional requirements in the execution of evictions falls to the respective municipalities, the Court affirmed the money judgment for the couple for over \$180,000 and found Baltimore City's abandonment statute and eviction practices unconstitutional.

While *Todman* only addresses the constitutionality of eviction practices in Baltimore City, the Court's holding implicates every local jurisdiction in Maryland – particularly those like Baltimore County and Prince George's County that also declare a tenant's possessions "abandoned" upon eviction without notice and a reclamation period.² Thus, if the 4th Circuit found that the City did not pass constitutional muster, other jurisdictions do not either. Ordinances, policies and practices vary from locality to locality, but under *Todman*, the procedural due process rights of Maryland tenants are violated every time an eviction that results in a loss of tenants' personal property takes place.

Maryland should have a uniform process for eviction procedures as provided in this bill to avoid local liability and provide a baseline measure of dignity for renters.

Todman aside, SB 442 is important on a very human level, which is that we want to ensure that people do not lose valuable personal possessions in evictions -- including medicine, social security cards, birth certificates, pictures, and family mementos at one of the lowest points of their

¹<https://www.ca4.uscourts.gov/opinions/231201.P.pdf>

²[Baltimore County Code § 35-3-103](#)

life. So often tenants, believing they can vacate or pay and stay before the eviction occurs, are left flatfooted when a Sheriff arrives to evict them. In those moments, the tenant—if they are even present—must vacate the premises immediately and forgo all their possessions still remaining on the property. In some jurisdictions, the possessions are placed on the street where they are often stolen or ruined. In others, the possessions are locked inside the property, and tenants commit criminal trespass if they try to get them back.

Last summer my office received a call that a Western Baltimore County resident who was disabled in a wheelchair. She had been evicted with all her belonging dumped on the curb. She had no ability to move her belongings and no place to go. Multiple folks kept walking by, some explicitly asking whether the items were “free?” Some people even rummaged through her belongings. My legislative aide, along with many others, crowdsourced funds to put her up in a hotel and rented a storage space. For the next several hours they raced against the fleeting daylight and triaged her belongings, asking her what was worth saving and what had to inevitably be left behind. They loaded up belongings in their cars and made several trips to the rented storage space. She lost the majority of her belongings, and the emotional toll was visible. Her friend stayed the night on the sidewalk to guard the remaining belongings from being stolen, so more could be salvaged the next day.

Relying on best practices from jurisdictions around the country, SB 442 resolves the aforementioned issue by requiring landlords to provide notice to tenants at least 14 days before the scheduled date of eviction. On the date of eviction, the sheriff escorts any occupant off the property, and the landlord changes the locks. Upon changing of the locks, a 10-day reclamation period begins, where the landlord must provide the tenant reasonable access to their belongings for 10 days – either onsite or in another secure place like a storage locker – to allow the tenant to reclaim those possessions.

SB 442 offers a win-win-win situation for the tenant, landlord, and community. It makes the eviction process more predictable. The tenant knows at every step of the eviction process what is happening and will allow them to keep their belongings such as life-saving medicine, electronics, and personal treasures such as photos, mementos, and heirlooms. It is more predictable for the landlord, because they know when the tenants’ property is officially abandoned. It also saves the landlord from having to pay employees to move all the tenants' possessions to the curb on the scheduled date of eviction. And it’s a win for the community. No more will our streets and community be filled with clutter and trash that block sidewalks and rights-of-way, creating public safety risks and public eyesores.

Right now, Maryland is far behind other states when it comes to tenants' rights over their own belongings. Locally, the District of Columbia³, New Jersey⁴, West Virginia⁵, Pennsylvania⁶, Delaware⁷ and Virginia⁸ all have notice and reclamation periods to allow tenants to access their possessions after the eviction. Twenty-eight states and D.C. require notice of the scheduled eviction date, provide for the tenant's right to reclaim belongings, and give the landlord some duty to store the tenant's property. SB 442 brings Maryland in line with other states.

This bill adds predictability around the eviction process, benefits tenants, landlords, and the community, and addresses the 4th Circuit's Todman decision to ensure our localities are not open to liability for constitutional violations. For these reasons, I respectfully urge a favorable report.

³ Code of the District of Columbia § 42-3505.01a.

⁴ [NJSA § 2A:18-72 to 2A:18-80](#)

⁵ West Virginia Code § 37-6-6. Desertion of leased property; entry; recovery of rent, disposition of abandoned personal property; notice.

⁶ [2014 Act 167 - PA General Assembly](#)

⁷ Del. Code tit. 25 § 5715

⁸ Code of Virginia § 55.1-1416