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February 4, 2025

To: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

From: Kira Wilpone-Welborn, Assistant Attorney General
Consumer Protection Division

Re: Senate Bill 442 – Real Property - Landlord and Tenant - Procedures for Failure to Pay
Rent, Breach of Lease, and Tenant Holding Over (Tenant Possessions Recovery Act)
(SUPPORT)

The Consumer Protection Division of the Office of the Attorney General (the “Division”) supports Senate Bill 442 sponsored by Senator Charles E. Sydnor, III. Eviction, by its very nature, is chaotic and disruptive to the tenant, the landlord, and the community. Senate Bill 442 attempts to reduce one area of disruption by protecting the personal belongings of tenants facing eviction by: (1) providing advance written notice of a scheduled eviction, and (2) allowing the tenant time after possession is restored to the landlord to collect personal property. Importantly, Senate Bill 442 complies with the recent 4th Circuit decision on *Todman v. The Mayor and City Council of Baltimore*.

Senate Bill 442 seeks to prepare tenants for an impending eviction after the Court issues a warrant of restitution by requiring the landlord or its agent to provide the tenant with at least 14 days’ written notice of the scheduled eviction. To ensure the tenant receives the notice, the notice must be mailed and posted on the tenant’s door; and, to ensure the landlord can document the notice, the landlord must have a certificate of mailing and a date-stamped photograph of the posted notice. Providing tenants with at least 14 days’ notice of a scheduled eviction provides them with ample time to plan and make alternative arrangements and reduces the disruption of the eviction. For example, with at least 14 days’ notice, tenants are provided with the material piece of information they need to make tough decisions about what belongings to pack and store, and, in

the case of evictions due to a tenant's failure to pay rent, what bill payments can be rearranged to secure the funds necessary to redeem the property and avoid an eviction altogether.

Senate Bill 442 requires landlords to provide tenants with 10 days to reclaim property that remained in or on the premises at the time of the eviction. Presently, in many Maryland communities, evicted tenants' belongings are hastily removed from the premises and placed on the curb. Often included among the removed belongings are tenants' valuables, such as medications, birth certificates, and family heirlooms, which often become lost or damaged. Providing tenants with a mere 10 days to reclaim remaining property after an eviction can prevent invaluable personal belongings from being lost or damaged and save tenants from the additional time and expense needed to obtain a duplicate of important documents. Additionally, Senate Bill 442's reclamation period reduces disruptions to the community by keeping personal belongings from being placed on the curb or other public property after an eviction.

As such, the Division requests that the Judicial Proceedings Committee give Senate Bill 442 a favorable report.

cc: The Honorable Charles E. Sydnor, III
Members, Judicial Proceedings Committee