

REGIONAL MANAGEMENT INC.

SB 442 -Real Property- Landlord and Tenant-Procedures for Failure to Pay Rent, Breach of Lease and Tenant Holding Over

(Tenant Possessions Recovery Act)

Testimony of Regional Management, Inc.- Oppose

February 6, 2025

Regional Management, Inc, (RMI) is a property management company which has, for over 60 years, managed over 5,000 units of affordable, market rate, residential properties in Baltimore City and County. RMI is a founding member of the Maryland MultiHousing Association.

RMI **opposes** SB 442's overreaching requirements that obligate Property Owners to safeguard Tenant property for **lengthy reclamation periods exposing these Property Owners to potential liability**. Moreover, allowing chattels to be deemed abandoned after **10 days** is not acceptable both because the reclamation period is too lengthy and it unduly thwarts the Property Owner's ability to return the rental unit to the market.

In both Baltimore and Prince Georges counties reclamation of Tenant chattels are done by either allowing the chattels to be placed in an area that is accessible to the evicted Tenant, allowing them to pick up their belongings, or by holding the chattels for a finite number of hours post eviction so the Tenant can reclaim them with assistance of a Sherriff or other law enforcement officer. This is certainly a more reasonable compromise for both Property Owner and former Tenant.

Although RMI has the bulk of its portfolio in Baltimore City and has prior to and since the 4th Circuit Court of Appeals decision in Todman v. The Mayor and City Council of Baltimore, notified its Baltimore City tenants of pending eviction actions in Failure to Pay Rent (FTPR) cases and in Tenant Holding Over and Breach of Lease cases, it remains adamant that this bill is unduly punitive to Property Owners not only because jurisdictions across the state can "do their own thing"; but also because those same Property Owners must follow the law to regain their property lawfully when their Tenant has failed to abide by their responsibilities under their lease contract.

Thus, RMI asks for an UNFAVORABLE REPORT.

Katherine Kelly Howard, Esq., General Counsel for Regional Management, Inc.

(410) 539-2370 • 11 EAST FAYETTE STREET • BALTIMORE, MARYLAND 21202-1679

Baltimore County Eviction Chattels Statute

§ 35-3-103. - PLACEMENT OF PERSONAL PROPERTY IN CASE OF EVICTION.

(a)In general.

(1)A designated authority executing a warrant of restitution shall place the property of the tenant that has been removed from the leased premises:

(i)On the landlord's property; and

(ii)1. In a place designated by the landlord; or

2. If no place is designated by the landlord, in a place as near as possible to the leased premises.

(2)The property of the tenant may not be placed on a public highway, a public right-of-way, or public property.

(3)Property removed from the leased premises in accordance with a properly issued warrant of restitution shall be considered abandoned.

(b)Mobile home or trailer.

(1)When the tenant's property to be removed is a mobile home or a trailer as defined under § 8A-101 of the Real Property Article of the Annotated Code of Maryland, the landlord may direct the property to remain at its existing location.

(2)The mobile home or trailer may not be placed on a county highway or right-of-way or on any public property other than a land disposal site.

(3)The landlord shall post the mobile home or trailer as evicted property while it remains on the landlord's property.

(c)Penalty. A person who violates this section is subject to a civil penalty of \$1,000.

(1988 Code, § 18-5) (Bill No. 154-93, § 1, 12-9-1993; Bill No. 11-99, § 1, 4-5-1999; Bill No. 25-01, § 2, 7-1-2004; Bill No. 76-03, § 7, 7-1-2004)

PRINCE GEORGE'S COUNTY EVICTION CHATTLES STATUTE

- **Sec. 13-164. - Evictions; Placement of abandoned property.**

(a)After a warrant of restitution is executed, the landlord shall dispose of the property of a tenant. In no event may any of the tenant's property be placed on a public right-of-way or on any public property. Any property removed from the leased premises pursuant to a properly issued warrant of restitution shall be deemed abandoned.

(b)If the tenant or the tenants' agent is present at the time the warrant of restitution is executed, the tenant shall be permitted to salvage and transport the tenant's property removed from the leased premises, after the warrant of restitution is executed, for a reasonable period of time, not to exceed four hours.

(c)This section shall not apply to County owned property.(CB-9-2001; CB-26-2003)

- **Sec. 13-164.01. - Legislative intent.**

The purpose of this legislation is to address the public health concerns regarding trash collection that may arise following an eviction. The County finds that the accumulation of garbage, litter, rubbish, abandoned property, and/or trash following an eviction may adversely affect the health, safety and general welfare of the residents of the County. This legislation seeks to improve public health by minimizing odor, removing unsightly garbage, litter, rubbish, abandoned property, and/or trash in order to prevent insect and/or rodent infestation, breeding, and feeding.(CB-64-2016)

- **Sec. 13-164.02. - Evictions; notification, removal of garbage, litter, rubbish, abandoned property, and/or trash.**

(a)The Office of the Sheriff shall notify the enforcing agencies of the County of the eviction. The Office of the Sheriff shall notify, within one business day, the Department of Permitting, Inspections and Enforcement and the Department of Public Works and Transportation regarding the eviction.

(b)Following an eviction, no garbage, litter, rubbish, abandoned property, and/or trash shall be placed, left, dumped or permitted to accumulate or remain in buildings or premises in the County.

(c)After the initial period, which is granted pursuant to [Section 13-164](#), in which the evicted person or persons have to remove property, the landlord has one business day following an eviction to have the garbage, litter, rubbish, abandoned property, and/or trash from the eviction removed at the expense of the property owner. Within one business day of receipt of a complaint that garbage, litter, rubbish, abandoned property and/or trash is not removed the Department of Permitting, Inspections and Enforcement shall investigate the complaint and shall issue a violation notice and/or citation, as deemed appropriate. For private property evictions, the Department of Public Works and Transportation shall be designated as the responsible agency to remove garbage, litter, rubbish, abandoned property and/or trash placed on private property after an eviction upon receipt of a clean-up request and court order.(CB-64-2016)

- **Sec. 13-164.03. - Exemption; municipal corporations.**

Municipal corporations that provide trash collection services in their jurisdiction shall be exempt from the provisions of this Act. (CB-64-2016)

- **Sec. 13-164.04. - Fines.**

Any person who violates any provision of Sections [13-164.01](#), and/or [13-164.02](#) shall pay a fine of One Thousand Dollars (\$1,000), per day. A tax lien may be placed on a property or properties to recoup outstanding fines. Fine recoveries shall be dedicated to the Solid Waste Management Fund. (CB-64-2016)

- **Sec. 13-164.05. - Costs.**

Any person who violates any provision of Sections [13-164.01](#), and/or [13-164.02](#), shall pay the cost of removal of trash and related expenses. A tax lien may be placed on a property or properties to recoup outstanding costs. Cost recoveries shall be dedicated to the Solid Waste Management Fund.

Within 18-months after implementation of Sections [13-164.02](#), [13-164.03](#), [13-164.04](#), and [13-164.05](#) of this Subtitle, a report of the actual annual number of evictions, actual annual number of trash removals after an eviction by the county, actual annual costs, actual annual revenues, and an evaluation with projected annual costs, projected annual revenues as well as recommendations on streamlining the enforcement process of Sections [13-164.02](#), [13-164.03](#), [13-164.04](#), and [13-164.05](#) of this Subtitle, shall be presented to the County Council by the enforcing agencies, which may include the Department of Permitting, Inspections and Enforcement, the Department of the Environment, and the Department of Public Works and Transportation.(CB-64-2016)