

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 Judicial Proceedings Committee,
Feb. 6, 2025**

Position: FAVORABLE

Santoni, Vocci & Ortega, LLC is a private tenants' rights firm, representing tenants living in uninhabitable conditions, have been the subject of an illegal eviction, or debt collection violations. We have represented many tenants who have been illegally evicted from their homes, resulting in the loss of all of their possessions, including irreplaceable items, like loved ones' ashes, life-sustaining medications, important paperwork, and photographs.

The National Association of Consumer Advocates is a nonprofit corporation whose members are private and public sector attorneys, legal services attorneys, law professors, and law students whose primary focus involves the protection and representation of consumers. NACA's mission is to promote justice for all consumers by maintaining a forum for information-sharing among consumer advocates across the country and by serving as a voice for its members and consumers in the ongoing struggle to curb unfair or abusive business practices that affect consumers. In pursuit of this mission, NACA advocates for transparency and fairness for tenants.

Santoni, Vocci & Ortega, LLC believes Senate Bill 442 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.

Currently, Maryland car owners are given more protection when their vehicles are subject to repossession than tenants have when facing eviction. Maryland law requires that creditors provide car owners with multiple notices before a vehicle is sold, including the date, time and location of a sale. The creditor also must provide the location of the vehicle and keep the vehicle for at least 15 days so the car owner can obtain their possessions. It is illogical that people have more right to their possessions stored in their vehicle than their homes.

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.

An eviction is already devastating for families. When tenants, who often have children, lose an entire household of items unexpectedly, it is an event from which they rarely recover. Many are left with only the clothing they were wearing on the day of their eviction. **Even when belongings are put outside, often the items are damaged, open to the elements, and ripe for theft.** One tenant we represented alleged in his lawsuit that he had a safe broken into and his money stolen during an eviction. Another client alleged that her electronics were destroyed when they were thrown in a trash bag with liquids by the workers performing the eviction:



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 tenants 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 that tenants 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 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 four to ten 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.

Santoni, Vocci & Ortega, LLC and Chelsea Ortega, as Maryland State Chair of NACA, urge a favorable report on SB 442.