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**SB0442 – Real Property - Landlord and Tenant -  
Procedures for Failure to Pay Rent, Breach of Lease, and  
Tenant Holding Over (Tenant Possessions Recovery Act)  
Hearing of the Judicial Proceedings Committee  
February 6, 2025**

**Position: Favorable**

Community Legal Services is pleased to submit this testimony in strong support of SB0442.

Community Legal Services (CLS) is a nonprofit legal services organization dedicated to ensuring equitable access to justice and promoting individual, family and community well-being and stability. We provide free legal services in a broad area of legal matters, including eviction prevention legal services. We have seen firsthand far too often the devastating effects that eviction has on individuals and families – devastation that is life-changing and long-lasting.

SB0442, the Tenant Possessions Recovery Act is a critical step toward ensuring due process for Maryland tenants facing evictions. It will give individuals and families advance notice and time to prepare for eviction and a chance to preserve at least their personal belongings at the worst time possible – when they lose the roof over their heads.

**SB0442 is a critical step toward protecting constitutionally protected rights of tenants who are evicted from their homes.**

On June 10, 2024, a decision was issued by the federal appellate court for the Fourth District, considering Maryland's current eviction laws, and, in particular, looking at an eviction practice that included no notice of an eviction date, and no opportunity for a reclamation period so tenants can preserve their personal belongings when an eviction occurs, which is how evictions throughout Maryland occur every day. No notice, no opportunity to reclaim property. As part of its written decision, the Court specifically considered Maryland statutes and concluded that, when it comes to the disposition of tenants' personal property during an eviction, current Maryland State law fails to include a process that ensures the constitutional rights of Maryland renters are protected.

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Under both the United States and Maryland Constitutions, when someone is going to lose property due to government action (like an eviction), due process requires that both **adequate notice** of the impending loss and an **opportunity to be heard** to object to that loss be provided. In the recent case of *Todman v. Mayor and City Council of Baltimore City*, the court had a chance to review Maryland's State law as it relates to the disposition of tenants' personal property upon eviction, and the court concluded that **Maryland eviction law provides neither adequate notice nor any opportunity to be heard**. With regard to notice, the court stated: "None of the pre-hearing notices given to the Todmans [tenants] as part of the state-law eviction procedures even mention the possibility of personal property abandonment," so State eviction statutes "could not possibly have provided sufficient notice" of the potential loss of personal property. With regard to the second requirement – an opportunity to be heard to prevent the potential loss – the court remarked that there is no such opportunity at all provided in Maryland law. This bill represents a step toward ensuring Marylanders' constitutional rights are protected. (See *Todman v. the Mayor and City Council of Baltimore City*, 104 F.4th 479 (4th Cir. 2024).)

### **SB0442 Brings Maryland Eviction Procedures in Line With the Vast Majority of the Rest of the Country.**

This bill will bring Maryland's eviction process in line with the rest of the country by ensuring that families and individuals on the verge of eviction have advance notice of the date when their eviction will occur and some time after the eviction date within which to gather their personal belongings.

All of Maryland's neighboring states, including New Jersey, West Virginia, Pennsylvania, Delaware, Virginia, North Carolina, and the District of Columbia, have laws that require both advance notice of an eviction date and time within which evicted families can gather personal belongings. In fact, 46 states in the US have laws that require notice to a tenant of their eviction date and/or a reclamation period post eviction for tenants to gather their belongings, or both. Currently, Maryland law has neither.

### **SB0442 Would Protect Maryland Families from Unnecessary Loss of More than the Roof Over Their Heads When They are Evicted from their Homes.**

Families with children, *especially families with a child under the age of five*, are overwhelmingly the most likely demographic to be threatened by eviction, and they are also most likely to actually be evicted.

Late in 2023, the [Proceedings of the National Academy of Sciences of the United States of America](#) (PNAS) published new data developed through an innovative partnership between Princeton University's Eviction Lab, Rutgers University, and the US Census Bureau. They linked millions of eviction court records with detailed census data to provide the most accurate and comprehensive estimates to date of demographic variations in eviction risk, finding that evictions overwhelmingly affect households with children present – 40% of individuals threatened with eviction are children. Racial disparities are stark, also - about a quarter of Black babies and toddlers in rental

households face the threat of eviction. The study reveals that not only does the average evicted household include a child, but the most common age to experience this traumatic event is during the earliest years of a child's life.

## **Advance Notice of an Eviction Date Would Reduce the Overwhelming Burden on Governmental and Other Agencies and Allow Time to Arrange for and Provide Critical Help.**

Families are often taken by surprise when the Sheriff and a moving crew appear at their home to change the locks and toss their belongings out of the house. With advance notice of their scheduled eviction date, households and the agencies that may help them will know exactly how much time they have to come up with the amount needed to “pay and stay,” or to make other arrangements for their housing. This time is absolutely critical for the agencies and organizations that might be able to assist the families either with funding, so they can pay and stay, or with arranging housing alternatives.

When a family is evicted without notice and they are unable to preserve their belongings, the family's crisis is often shared with the agencies and organizations whose responsibility and mission is to help pick up the pieces, including school staff tasked with ensuring the educational success of children who are homeless or housing insecure. Loss of not just the roof over their heads, but also all their property, creates a crisis that especially traumatizes children. They lose all their belongings - their pets, cherished toys, schoolbooks and school laptops, clothing - literally everything they own is lost, often before their very eyes. For adults, too, the loss of everything - vital medicines, key documents like passports and IDs, credit cards and banking documents, computers, work clothes, tools needed for work, car keys, food, furniture, etc. The losses can set a family back not just temporarily, but permanently.

For those without alternatives, shelter must be located, along with resources for everyday life. We know from our interactions with our local nonprofits helping families start over, that those nonprofits and interfaith groups are at their limit and can't keep up with the needs of families who need to restock everything they have lost. Resources would be much more effective if directed toward helping families preserve rather than replace belongings.

## **Conclusion**

Maryland's current eviction process fails to protect the due process rights of its citizens and creates unnecessary crises. With the changes contemplated by this bill - advance notice of the eviction date and time to gather belongings - Maryland will take a step toward protecting constitution rights of its residents, and both the crisis element and the lifelong trauma and economic impact caused by eviction will be avoided or at least ameliorated.

For the reasons noted above, Community Legal Services urges the Committee to issue a FAVORABLE report on SB0442. Please feel free to contact Jessica Quincosa, Executive Director, and Lisa Sarro, Director of Litigation and Advocacy, with any questions at [quincosa@clspgc.org](mailto:quincosa@clspgc.org) and [sarro@clspgc.org](mailto:sarro@clspgc.org), respectively.