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HB 227

Wicomico County – Landlord and Tenant – Repossession for Failure to Pay Rent Procedures

Hearing before the House Environment and Transportation Committee, Feb. 18, 2020

Position: OPPOSE

Public Justice Center (PJC) is a non-profit, civil legal services provider that provides advice and representation to over 700 tenants throughout Maryland each year. Eviction without notice is a top concern of the renters who seek PJC's assistance. Under current law (Real Prop. art. ("RP") § 8-401), after a judicial order of repossession, neither landlords nor the courts are required to provide the tenant notice of their eviction date. Renters need and deserve timely, reliable notice of the eviction date so that they can effectively exercise their statutory right of redemption (to "pay to stay" before eviction) or to leave the property without irreparable loss of personal property. If this bill incorporates the amendments adopted by the Senate in the cross-file SB 176, then HB 227 would provide Wicomico County renters the much-needed notice of eviction date – but at a tremendous cost.

Under this bill, renters effectively have to give up a right to gain one. What they give up is any legal right to their personal property at the time of an eviction.

"Abandonment" provision in HB 227 exacerbates the impact of eviction.

HB 227 creates an unnecessary exchange. As a byproduct of the notice requirement, the bill sets forth that all "personal property in or about the leased premises at the time the warrant of restitution is executed... shall be deemed abandoned" (subsection (d-1)(5)). This means that, at eviction, a renter has no right to their belongings as they are being removed from the property. The policy is regressive,

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multiplying the harm of eviction for no other reason than to absolve the landlord's liability for damage to the tenant's personal property during the eviction. The harm to the evicted household far outweighs the policy's intended benefit.

We find frequent examples of harsh, unintended consequences in Baltimore City, which has an identical abandonment policy. In Baltimore City, despite the requirements for 14-day and 7-day notices of the scheduled eviction date, PJC is contacted by renters who did not receive notice. When surprise evictions occur, our clients lose critical medications and medical equipment. They lose vital records and documents crucial to their access to public benefits. We see, too, that our clients are essentially extorted by the landlord: for instance, they must pay the landlord excessively to salvage a prescription medication or family heirloom, else the item gets trashed.

There are better policies for handling a tenant's property at the time of eviction.

Some jurisdictions afford tenants a time-limited opportunity to transport their personal property after execution of the warrant. Prince George's County, for example, provides:

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*. Prince George's County Code Sec. 13-164.02. (Emphasis added.)

Outside Maryland, many jurisdictions require the landlord to hold or to store the tenant's personal property for a specified time ranging from 24 hours to 60 days. Such jurisdictions include Delaware, Florida, Maine, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Oregon, Rhode Island, South Dakota, Virginia, Washington, and West Virginia.

Renters in Wicomico County, and throughout Maryland deserve timely, clear, reliable notice of a scheduled eviction. Further, they deserve policies that do not compound the harm that eviction poses financially, emotionally, and otherwise. PJC urges the Committee to consider policies that assist renters to recover from the financial perils that lead to evictions.

Please issue a report of UNFAVORABLE on HB 227. If you have any questions, please contact Zafar Shah, shahz@publicjustice.org, (410) 625-9409, ext. 237.