



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

**STATEWIDE
ADVOCACY SUPPORT UNIT**

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March 28, 2019

Honorable, William C. Smith Chair
Senate Judicial Proceeding Committee
11 Bladen St.
2 East Miller Senate Building
Annapolis, MD 21401

**RE: Testimony in Opposition to Senate Bill 176 Landlord and Tenant –
Repossession for Failure to Pay Rent – Procedures**

Dear Chairperson Smith and Committee Members:

Thank you for the opportunity to testify in opposition to SB 176, a bill that would declare tenant's property abandoned if it remains in the unit at the time of eviction. The Legal Aid Bureau, Inc. ("Legal Aid") is a private, non-profit organization that provides free legal services to indigent Maryland residents. In our 13 offices around the state, we help individuals and families with a wide array of civil legal issues including consumer, housing, public benefits, and family law matters. We also represent abused and neglected children and provide legal assistance to senior citizens and nursing home residents. This letter serves as notice that Gregory Countess is testifying on behalf of the Legal Aid Bureau, Inc. at the request of Senator Susan Lee.

The Legal Aid Bureau represents thousands of tenants throughout the state. Some tenants contact us after having judgments rendered against them in actions involving § 8-401, §8-402 and § 8-402.1 of the Real Property Article. Because these statutes do not require the court or any party to advise the tenant of the date of the actual eviction, these tenants have no idea when the actual eviction will take place. In some jurisdictions we can call the Sheriff's office and give those tenants some idea of when an eviction may take place. In Charles and St. Mary's Counties the Sheriff's office gives tenants notice of their eviction date. However Wicomico County is not one of those counties in which the Sherriff Department tells tenants or their advocates the date the eviction will take place.

In those actions which involve rent, these tenants, since they don't have other housing options and often have no resources to immediately move from the premises, use that uncertain amount of time to search for resources to pay the rent found due and owing. In some instances, when a tenant knows to call and in those jurisdictions where the Sheriff's office as a courtesy will tell tenants the date of the eviction, tenants may have an opportunity to remove some of their

possessions from the premises prior to the eviction date. However, in many of these cases tenants have no idea that the eviction date has arrived until the Sheriff is knocking at the door. Legal Aid often has tenants who are in this situation calling us and asking about their options. Many times we can only advise them to safeguard their possessions as they are put out on the street. This bill though it will provide notice, does not provide notice of the exact date when the eviction will occur.

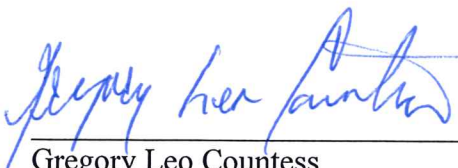
The consequences of a tenant being possibly confused because they don't know the date the eviction will take place is particularly devastating. Even in Baltimore City, which has a version of this particular statute in place but where significantly the tenant is told the date of the eviction, we have tenants who come into our office after an eviction has taken place who can't get their possessions because it is locked in their former apartment and because it is considered abandoned the Landlord has no duty to give the tenant their property and in some cases will not return their property to them. Birth Certificates, social security cards, medicines, medical equipment, photographs, bibles, clothes, and furniture is lost.

In Baltimore notice is given by first class mail, though when the ordinance was first enacted residents received their notice through certified mail. The notice process was changed because tenants were required to go to the post office to pick up their notice if they were not at the property when the mail was delivered. The result was that delivery by certified mail became another barrier to a tenant actually receiving notice of the date they were to be evicted. Posting the notice particularly on a windy day or in inclement weather also results in tenants never seeing the notice of eviction.

Once an eviction takes place in Baltimore all property still in the residence is lost to the tenant. There have been incidents of tenants being evicted with the clothes on their back's and barred by the provisions in the law from gathering other possessions. If tenants are without the funds to pay their rent, the notice provided by this bill affords them little opportunity to move and safeguard their possessions. Many of our clients will be made more destitute by having lost their only possessions.

SB 176 would turn a wretched situation –eviction- into one immeasurably worse and for these reasons, we respectfully request that you give S.B. 176 an unfavorable report.

Very Truly Yours,



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