



**Bill Title:** Senate Bill 347, Anne Arundel County - Landlord and Tenant - Procedures for Failure to Pay Rent

**Committee:** Judicial Proceedings Committee

**Date:** February 9, 2022

**Position:** Favorable with Amendment

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose members consist of owners and managers of more than 210,000 rental housing homes in over 958 apartment communities. Our members house over 538,000 residents of the State of Maryland. MMHA also represents over 250 associate member companies who supply goods and services to the multi-housing industry.

Specific to Anne Arundel County, Senate Bill 347 states that if a judgment is entered in favor of the housing provider, the housing provider may provide for repossession of the property by notifying the tenant of the intended repossession in writing, sent by first-class mail with certificate of mailing at least 14 days before the intended date of repossession. This notice must also be posted on the front door of the leased premises at least 7 days before the intended date of repossession. The notice must include the case number, resident's name, address of the leased premises, date on which the warrant of restitution was ordered by the District Court, date of the eviction, a statement that the repossession may occur unless the resident pays the amount of the Court's judgment for rent due or returns control of the leased premises and a statement that the notice is the final notice to the resident of the intended repossession, even if the repossession is stayed.

There is a rebuttable presumption that the resident was notified if the housing provider provides the certificate of mailing and a signed affidavit of the person who posted the notice on the front door of the leased premises. If the sheriff reasonably believes that housing provider has not provided the notice, the sheriff is required to notify the District Court and cannot execute the warrant of restitution without further order of the District Court. If the District Court finds that the housing provider did not provide the notice, the District Court shall vacate the warrant of restitution.

Senate Bill 347 is patterned after Baltimore City Code Article 13, Section 8A which mandates procedures for notifying residents of a pending eviction and procedures for the lawful disposal of evicted personal property by the landlord. This legislation benefits all parties. Under Senate Bill 347, a resident will get notice of the entry of a judgment for eviction, advance notice of the eviction date and have a clear a deadline to pay what is due or relocate. Anne Arundel County will no longer have to use public resources to dispose of chattels. Lastly, for a housing provider, passage of Senate Bill 347 creates a bright line specifying when a tenant's evicted property is abandoned and when the landlord can lawfully dispose.



Amendment: MMHA has one concern with Senate Bill 347. The legislation provides a resident with 24 hours following the execution of the warrant of restitution to recover personal property from the premises (see page 4, lines 25-27). In the experience of our members, allowing an evicted resident to return to the unit the day after eviction could be a dangerous proposition. Just in the few years, our members have been party to:

- On February 1, 2022: A female resident in Baltimore County was arrested during her eviction for disorderly conduct.
- On August 5, 2021: In Anne Arundel County, a female resident suffering from behavior health issues refused to exit her unit during the eviction. After an hours long stand-off, she was arrested by the sheriff for assault.
- On September 16, 2020: In Anne Arundel County, a male resident was arrested by the sheriff for assaulting a private contractor removing that resident's belongings during the eviction.

MMHA would urge either of the following amendments:

Amendment Option No. 1

On page 4, in line 25, strike "24 HOURS FOLLOWING" and insert "UNTIL THE CLOSE OF BUSINESS THE DAY OF"

Amendment Option No. 2

On page 4, in line 27 after "PREMISES" insert "IF A SHERIFF'S DEPUTY IS PRESENT TO SUPERVISE."

MMHA truly appreciates the opportunity to work with the Sponsor and identify a balanced approach for residents and housing providers.

For these reasons, we respectfully request a favorable report with amendment on Senate Bill 347.

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