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Budget and Taxation Committee

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Joint Committees
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Fair Practices and
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Testimony for Senate Bill 853
Maryland Real Property Transfer-on-Death (TOD) Act
Judicial Proceeding Committee
March 2, 2022

Chairman Smith and Members of the Committee:

Thank you for the opportunity to present **Senate Bill 853 Maryland Real Property Transfer-on-Death (TOD) Act**.

Many low income Marylanders and families face barriers when trying to transfer property to the next generations, including liens, in cases where there is no will during sudden and unexpected deaths. The challenges that come from a lack of will create unreasonable economic burdens for families and can at many times displace them, leading to increased rates of homelessness. This is especially seen in situations in our rural areas, where multiple generations live and work on farm property. During this pandemic, we have also seen an increase of unexpected deaths across the State of Maryland, many of which are the heads of household who have not yet drafted a will.

Senate Bill 853 would allow real property to transfer to a beneficiary automatically upon death, creating a transfer-on-death (TOD) deed. This act would not apply to real property owned by a corporation, business, government body, or any other legal or commercial entity, and would be **creating an alternate process in the case that there is no will**.

This legislation comes from the Transfer on Death Deed Workgroup, whose purpose was to determine how to best implement a transfer on death deed in the state of Maryland. The workgroup examined what 26 other states and the District of Columbia have put into effect, problems they have run into, and common solutions. This data was taken into account when drafting this act.

Thank you for your consideration and I respectfully ask for a favorable report of Senate Bill 698.

Best regards,

A handwritten signature in cursive script that reads "Addie C. Eckardt".

Senator Addie C. Eckardt