



Bill No: SB 816-- Real Property - Actions for Possession - Pet Protections

Committee: Judicial Proceedings

Date: 3/2/2022

Position: Favorable with Amendments

The Apartment and Office Building Association of Metropolitan Washington (AOBA) represents members that own or manage more than 23 million square feet of commercial office space and 133,000 apartment rental units in Montgomery and Prince George's Counties.

Senate Bill 816 requires the Maryland Department of Agriculture to develop and publish a fact sheet about the care and protection of pets in the event of an eviction or loss of possession of property. At the execution of a lease, a housing provider must include a copy of the fact sheet with the lease if the housing provider knows or has reason to believe that a resident owns a pet. A housing provider must include a copy of the fact sheet with written notice of an eviction proceeding for a failure to pay rent, a tenant holding over, and breach of the lease.

AOBA understands the need to provide shelter to pets that have been left behind by residents, but the bill assumes that pets are left behind as a result of an eviction. However, this bill will not address the issue of abandoned pets on properties. In members' experience, residents are well informed about the pending eviction and pets are not accidentally left behind but are intentionally abandoned if the animal remains in a unit after a resident has left. This bill does not rectify that situation.

AOBA members find it problematic to provide a fact sheet on what to do if evicted, at the time the resident is moving in. This sets a bad precedent for residents and housing providers as they establish a relationship at the beginning of a tenancy. Housing providers are in the business of ensuring their residents live in a safe, habitable, and friendly community where their experience is positive. Providing information about what to do when getting evicted, well before that is on the table, is contrary to that goal.

The language that mandates a housing provider include a copy of the fact sheet if they know or have “reason to believe” that a resident possesses a pet is vague. Residents may have a pet, but hide that from management to avoid paying the pet fee or have not declared it on the lease. AOBA worries that the resident can challenge the housing provider in court for failure to provide proper notice if they own a pet that they did not report to the housing provider and do not receive the pet fact sheet.

The bill requires housing providers to give residents an additional notice during the eviction process which is already overwhelming, in terms of residents’ stress and the volume of information presented to residents. Housing providers give residents information on available resources, the court date, and other pertinent matters when serving notice to a resident facing eviction. Adding the fact sheet on caring for pets during an eviction creates paper for a resident to review and they may overlook other vital information.

To rectify these concerns with SB 816, AOBA supports amendments that will strike language on page, 3 line 16 through page 4, line 3.

For these reasons, AOBA requests a favorable with amendments report on SB 816.

For further information, contact Ryan Washington, AOBA Government Affairs Manager, at 202-770-7713 or rwashington@aoba-metro.org.