

SB 347 - ACDS 2022 Testimony in Support - Evictio

Uploaded by: Lisa Sarro

Position: FAV



February 9, 2022

Senate Bill 347

Anne Arundel County - Landlord and Tenant - Procedures for Failure to Pay Rent

Judicial Proceedings Committee

Position: Favorable

Thank you for the opportunity to provide this testimony in support of Senate Bill 347. Arundel Community Development Services, Inc. (ACDS) serves as Anne Arundel County's nonprofit housing and community development agency, helping Anne Arundel County residents and communities thrive through the provision of safe and affordable housing opportunities, programs to prevent and end homelessness, and community development initiatives. In fulfilling this role, ACDS administers grants to nonprofit partners, directly develops and implements programming, and advises the County on housing and community development policy initiatives.

ACDS administers Anne Arundel County's Emergency Rental Assistance Program. In that role we deal with many, many tenants facing imminent eviction literally on a daily basis. We work closely with the Sheriff's Department, our legal services partner, Community Legal Services, and local landlords and property managers with a goal of preventing as many evictions as possible by getting landlords paid. Unfortunately, we often have little to no notice as to who is scheduled for eviction, and often tenants who are scheduled don't even know they are scheduled. We end up in a mad scramble trying to confirm with the Sheriff and property managers whether the eviction of specific tenants is actually scheduled, process applications, connect the tenant with legal counsel to try to delay the eviction, pleading with property managers to delay evictions so we have time to arrange payment – all of this happens in the span of a couple of days, if that. By requiring reasonable advance notice to tenants of their imminent eviction, this bill would address that issue and several others.

This bill is particularly important in Anne Arundel County, where the eviction process is far faster than in any other jurisdiction in the state. Judges in Anne Arundel County proudly point out that Anne Arundel County is the only county in which the failure to pay rent (FTPR) statute is actually followed with regard to the time allowed between filing and the trial. The statute mandates that the FTPR trial take place within FIVE DAYS of filing, and that's generally what happens in Anne Arundel County. Because the timing is so short, tenants frequently don't get notice of the hearing before it takes place, and if they do get notice, it's only a day or two in advance. Judgments are entered if the tenant does not attend, and often even if they do attend. The landlord can get a warrant for possession four days after the judgment is entered, and schedule the eviction immediately thereafter. We have seen tenants in Anne Arundel County scheduled for eviction within weeks after the failure to pay rent case was filed against them. In contrast, FTPR cases in

neighboring jurisdictions like Prince George's, Baltimore City, Baltimore County and Montgomery County are scheduled 60 to 90 *or more* days after the case is filed. In other words, it takes longer just to get to trial in those jurisdictions than it takes to file, have a trial and actually evict a tenant in Anne Arundel County. The little bit of advance notice of eviction this bill provides makes up - a little - for that difference.

While Anne Arundel County Sheriffs generally provide advance notice of evictions to tenants *even though it is not required by law*, we have found that for large complexes where multiple evictions are scheduled at once, they often rely on landlords for filling out the notice forms and doing the posting. This results in some tenants getting notice, other tenants not getting notice, and still other tenants getting notice that is just plain wrong. This is not a shortcoming on the Sheriffs' part. We understand their time is limited and they are doing more than is required by law as a courtesy to the residents of our County. Indeed, the Anne Arundel County Sheriff's Department is a valuable and valued partner to our Eviction Prevention Program. This bill would officially relieve them of the obligation to provide notices to landlords and would instead place that obligation on the landlords. There would be a specific schedule for when and how the required notice would get to all tenants and that notice would include exactly what each tenant needs to know about their scheduled eviction before it takes place. This bill doesn't add a burden on the landlord since, in theory, they are already giving notice of eviction to their tenants at the Sheriff's request. It just ensures that notice is actually given, given to all, and includes accurate information.

Another thing this bill does that is really needed is require that the notice of eviction list the case number for the judgment on which the warrant was issued. Whether by accident or for more nefarious reasons, we are finding that landlords are routinely using warrants for possession to schedule evictions on judgments that have already been paid – often by our rental assistance program! If the tenant can demonstrate that the judgment on which the warrant was issued has been paid, the warrant is no longer valid for eviction. However, especially now when tenants have multiple judgments entered against them, many of which may have been paid, whether by the tenant or our rental assistance program, it is virtually impossible for a tenant to know on what judgment they are being evicted. As a result, they are not able to show that the warrant is invalid and may be evicted even though their rent for the month in question has been paid. (Unfortunately, trying to find any of this information online is fruitless.)

Yet another reason this bill is necessary is so programs such as ours can confirm who is and, as importantly for our rental assistance program, who is *not* scheduled for eviction. By way of background, although we have access to the Sheriffs' eviction calendar and we know *where* evictions are going to take place, when more than one tenant is scheduled for eviction at a single property, we don't know *who* is scheduled for eviction. As a result, our staff has to contact each property where evictions are scheduled to try to identify those tenants they plan to evict. Because we prioritize tenants who are scheduled for eviction, with more and more frequency, some properties are telling us they are evicting tenants for whom they do not have an active writ and who are not actually scheduled for eviction in order to get their tenants bumped to the front of the line for processing. With mandatory notices, we would be able to rely on copies of the mandatory notices (with the landlord's certification as to accuracy) to confirm specific tenants are or not scheduled.

There are several additional positive parts to this bill, and taken in combination with those noted above, this bill would add a realistic opportunity for tenants in Anne Arundel County to take steps to avoid their eviction by arranging payment to the landlord or to otherwise plan for vacating the property and provides a necessary layer of protection for Anne Arundel County tenants facing the loss of their home.

For the reasons noted above, we urge a FAVORABLE report on SB 347.

Testimony in Favor of SB 347 AA Co. Eviction Proce

Uploaded by: Matthew Losak

Position: FAV



SB 347: Anne Arundel County – Landlord and Tenant – Procedures for Failure to Pay Rent

Hearing before the Judicial Proceedings Committee on February 9, 2022

Position: Favorable with Amendments

The Montgomery County Renters Alliance—an alliance of more than 30 labor, community, religious, political and civic action organizations and thousands of renters. Founded in 2010, we are Maryland’s first and only regional nonprofit dedicated exclusively to renter outreach, education, organizing and advocacy. We support this legislation with the recommended amendments below.

Eviction without notice is a top concern of renters throughout the State. Under current law (Real Prop. art. (“RP”) § 8-401), after a judicial order of repossession, neither the landlord nor the sheriff is 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 belongings. SB 347 would provide for notice by requiring the landlord to send a notice to the tenant of the scheduled eviction date 14 days in advance by mail and 7 days by posting.

Baltimore City has implemented a similar scheme, and Public Justice Center has represented tenants during the time this provision has been in place. Tenants have often realized the benefits described above. However, many tenants do not receive the notice for whatever reason or do not have sufficient time to secure alternatives for their belongings resulting in the loss of critical medications, vital records, and documents

crucial to accessing public benefits. Based on this experience, we offer five proposed amendments to SB 347:

1. Extend the time period to reclaim personal belongings to seven (7) days.

The bill provides that 24 hours after eviction all of the tenant’s belongings are considered abandoned and may be disposed of by the landlord. While we appreciate that a 24-hour reclaim period is better than the prior iteration, it is still a harsh penalty and out of step with surrounding jurisdictions. At least 33 other states have reclaim periods that are longer than 24 hours. Pennsylvania provides for a 30-day reclaim period. 68 Pa. Stat. Ann. § 250.505a(d). Delaware, North Carolina, and the District of Columbia provide for a 7-day reclaim period.¹ Given the gravity of the action considered – the disposal of a family’s medicines, vital records, clothes, and other personal belongings – Maryland should provide at least the same amount of time to reclaim possessions as these nearby jurisdictions.

2. Notice should be consistent with whatever reclaim period is provided. The notice of eviction date specified in paragraph (g)(2)(ii) is inconsistent because it does not notify tenants of the reclaim period.

3. Only the Sheriff should execute an eviction warrant. SB 347 speaks frequently of the central role of the County Sheriff in the eviction process, and yet on page 4, line 20, the bill appears to allow individuals other than the Sheriff to execute the warrant of restitution: “Any official of the County entitled to serve process may execute the warrant....” Does this include a private process server? This would be a sea change in the eviction process by allowing a private process server who is paid for by the landlord to oversee the eviction process. A private process server has a conflict of interest under these circumstances – particularly if they are now supposed to determine whether a critical 14-day or 7-day notice was provided. Evictions can involve a potential confrontation between landlord and tenant, and the Sheriff’s role to keep the peace and ensure fair process is essential. No other county allows an individual other than a Sheriff or constable to execute a warrant of restitution. Anne Arundel should not be the first.

¹ Del. Code Ann. tit. 25, § 5715; DC Code 42-3505.01a; N.C. Gen. Stat. § 42-25.9

4. **Require the Sheriff to keep a copy of the proof presented by the landlord that an eviction notice was served.** We have found in Baltimore City that there is often a dispute about whether the landlord served the tenant with the 14-day and 7-day notice. The Sheriff should be required to retain for 90 days a copy of the proof presented by the landlord that notice was served, e.g., a photo of the certificate of mailing and affidavit of posting. This would provide a clear record to settle any dispute.

5. **Require the Sheriff to bring the case back to Court if there is a dispute about whether the tenant has redeemed the property.** SB 347 only requires the Sheriff to bring the case back to court if there is a dispute about whether the tenant received notice of the eviction date. In our experience there may be a dispute about whether the tenant exercised the right to “pay and stay.” In that situation the Sheriff should bring the case back to court as well.

As Maryland residents recover from the economic shock of COVID-19, the General Assembly should take all steps necessary to create a more fair, equitable housing sector. The amendments proposed above would do so. Draft language for these amendments is attached.

Please issue a report of Favorable with Amendments on SB 347. If you have any questions, please contact *Matt Losak, 301-588-3987.*

Amendment 1:

Page 4, line 25, replace “24 hours” with “7 days”

Page 4, line 29, replay “24-hour” with “7-day”

Amendment 2:

Page 3, line 29, after “abandoned” add “AFTER 7 DAYS FROM THE DATE OF EVICTION”

Amendment 3:

Page 4, line 20, replace “ANY OFFICIAL OF THE COUNTY ENTITLED TO SERVE PROCESS” with “THE SHERIFF”

Amendment 4:

Page 5, add new subparagraph (11): “THE SHERIFF SHALL RETAIN FOR A PERIOD OF 90 DAYS A COPY OF THE PROOF PRESENTED BY THE

LANDLORD THAT NOTICE OF THE EVICTION DATE WAS PROVIDED PURSUANT TO SUBPARAGRAPH (G)(2)(iii) ABOVE.

Amendment 5:

Page 4, line 11 after “subsection” add “OR THAT THE TENANT MAY HAVE REDEEMED THE PROPERTY”

SB347_MCRC_FAV.pdf

Uploaded by: Michael Donnelly

Position: FAV



Maryland Consumer Rights Coalition

Testimony to the Senate Judicial Proceedings Committee
Senate Bill 347: Anne Arundel County - Landlord and Tenant - Procedures for Failure to Pay Rent
Position: Favorable

February 9, 2022

The Honorable William C. Smith, Jr., Chair
Senate Judicial Proceedings Committee
Miller Senate Office Building, 2 East
Annapolis, MD 21401
cc: Members, Senate Judicial Proceedings Committee

Honorable Chair William C. Smith, Jr. and Members of the Committee:

The Maryland Consumer Rights Coalition (MCRC) is a statewide coalition of individuals and organizations that advances economic rights and financial inclusion for Maryland consumers through research, education, direct service, and advocacy. Our 8,500 supporters include consumer advocates, practitioners, and low-income and working families throughout Maryland.

We are writing today in support of Senate Bill 347.

Evictions are swift, catastrophic events for tenants. Once a judgment for possession is entered, if tenants do not leave within 4 days then a warrant of restitution can be issued within a 60 day period following the conclusion of the initial hearing. The result is an unclear timeline for renters who must rapidly find alternative living arrangements and remove their personal belongings from the property.

Evictions are disproportionately imposed on Black female led households. In 2021, we received 462 eviction-related intake forms from Black women. This represents 57% of our clients affected by evictions. They have significant short and long-term consequences on physical and psychological health.¹² They lead displaced people to move to substandard housing in areas with higher crime rates and lower rates of economic activity.³ Economic waste results when people don't have enough time to remove their personal belongings and must abandon them. These consequences of eviction are made more severe when people lack clear expectations of when they will occur.

Senate Bill 347 addresses this lack of clarity in Anne Arundel County by requiring landlords, their duly qualified agents, or their attorneys to provide written notice both by certified mail and posted on the unit's front door at least 14 days before the intended day of repossession as set by the sheriff.

¹ https://nlihc.org/sites/default/files/MEMO_Health_Effects_of_Eviction_on_Young_Adults.pdf

² <https://www.journals.uchicago.edu/doi/abs/10.1086/681091>

³ <https://pubmed.ncbi.nlm.nih.gov/26286885/>



Maryland Consumer Rights Coalition

While this is still a brief time for families to rearrange their lives, it does provide them with clearer expectations. By requiring advance notice with a date of intended repossession, households who are already in a terrible situation will have more opportunity to prepare and respond. This could mean less people forced to live in hotels or their cars and less people abandoning personal property in their haste to leave. A 14-day notice of intended repossession can help households facing eviction prevent an already traumatic experience from compounding into a more severe, longer-term loss.

For all these reasons, we support Senate Bill 347 and urge a favorable report.

Best,
Michael C. Donnelly
Tenant Advocacy Coordinator

SB347 Testimony20220207_10471647.pdf

Uploaded by: Pamela Beidle

Position: FAV

PAMELA G. BEIDLE
Legislative District 32
Anne Arundel County

Finance Committee

Vice Chair

Executive Nominations Committee



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Pamela.Beidle@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 9, 2022

SB 347

Anne Arundel County – Landlord and Tenant – Procedures for Failure to Pay Rent

Good Afternoon Chair Smith, Vice Chair Waldstreicher and Members of the Judicial Proceedings Committee:

Thank you for the opportunity discuss Senate Bill 347, Anne Arundel County – Landlord and Tenant – Procedures for Failure to Pay Rent with you. SB347 is a local bill applying only to Anne Arundel County.

The intent of the bill is to stop the belongings of the person(s) being evicted, being placed outside in the yard or on public property. It requires the landlord, the landlord's agent or attorney, to whenever a judgment is entered in their favor to provide written notice to the tenant 14 days prior to the eviction date as set by the Sheriff. It provides the notice should be mailed by First Class mail and also posted on the door in a conspicuous place. It describes what the notice should contain: the District Court ejection case number, the tenants name, address, date and date of the eviction.

The bill also provides an additional 24 hours before any items left behind are considered abandoned.

I do have a sponsor amendment the Sheriff has requested making some minor changes to wording.

I respectfully request a favorable report on Senate Bill 347 with the amendment.

MMHA - 2022 - SB 347 - AA County Lock and Leave (0

Uploaded by: Aaron Greenfield

Position: FWA



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.

Aaron J. Greenfield, MMHA Director of Government Affairs, 410.446.1992

SB 347 PJC Testimony FWA.pdf

Uploaded by: Matt Hill

Position: FWA



C. Matthew Hill
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SB 347: Anne Arundel County – Landlord and Tenant – Procedures for Failure to Pay Rent

Hearing before the Judicial Proceedings Committee on February 9, 2022

Position: Favorable with Amendments

The Public Justice Center (PJC) is a nonprofit public interest law firm that stands with tenants to expand their rights to safe, habitable, affordable, and non-discriminatory housing. Eviction without notice is a top concern of renters throughout the State. Under current law (Real Prop. art. (“RP”) § 8-401), after a judicial order of repossession, neither the landlord nor the sheriff is required to provide the tenant notice of an eviction date. Renters need and deserve reliable notice of the eviction date so that they can exercise their statutory right of redemption (to “pay to stay” before eviction) or to leave the property without loss of personal belongings. SB 347 would provide for notice by requiring the landlord to send a notice to the tenant of the scheduled eviction date 14 days in advance by mail and 7 days by posting.

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sb347.pdf

Uploaded by: Sara Elalamy

Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne Pelz
(410)260-1523
RE: Senate Bill 347
Anne Arundel County – Landlord and Tenant – Procedures for
Failure to Pay Rent
DATE: January 26, 2022
(2/9)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 347. This bill would add to and amend several provisions of state law governing landlords and tenants in Anne Arundel County.

This bill only applies to Anne Arundel County. The District Court is a statewide court system designed to provide the uniform application of law to all who come before it. This bill would cause the Landlord Tenant law to apply differently in one jurisdiction out of twenty-four resulting in an inequitable application of the law across the State. The Judiciary believes there should be statewide consistency and equity in how landlord/tenant cases are processed across Maryland.

cc. Hon. Pamela Beidle
Judicial Council
Legislative Committee
Kelley O'Connor