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February 28, 2022

To: The Honorable Luke Clippinger
Chair, Judiciary Committee

From: Kira Wilpone-Welborn, Assistant Attorney General
Consumer Protection Division

Re: House Bill 1309 – Landlord and Tenant – Repossession for Failure to Pay Rent
Procedures (OPPOSE)

The Consumer Protection Division of the Office of the Attorney General (the “Division”) opposes House Bill 1309 sponsored by Delegates Adams, McKay, Thiam, and Wivell. House Bill 1309 seeks to alter the current residential repossession procedures in Real Property Article § 8-401 by: (1) permitting landlords to unilaterally repossess a residential rental property without first obtaining a warrant of restitution issued by a District Court; and (2) permitting landlords to unfairly deem evicted tenants’ personal property immediately abandoned.

Presently, under Real Property Article § 8-401, to evict a residential tenant who has not paid the rent and fees awarded to a landlord within four (4) days of the entry of a failure to pay rent judgment, a landlord must seek a warrant of restitution from the District Court. House Bill 1309 eliminates the landlord’s obligation to file for a warrant of restitution. Instead, it permits a landlord to repossess the property simply by mailing an extrajudicial notice of repossession fourteen (14) days before the repossession date and posting the same notice seven (7) days before the repossession date. Thus, House Bill 1309 hastens an already swift and summary judicial process by unfairly denying tenants important procedural protections and may further inflame tensions during the fractious relationship between a landlord and tenant during an eviction. By so doing, House Bill 1309 would harm vulnerable consumers who have appealed an adverse judgment, are seeking to find alternative housing, or are working to acquire the funds necessary to redeem the leased premises and remain in their home, and the self-help process could lead to breaches of the peace.

Further, House Bill 1309 would unfairly permit landlords to take possession of a residential rental property without first removing evicted tenants’ personal property and deem the evicted tenants’ personal property immediately abandoned incentivizing landlords, to whom evicted

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tenants may owe an outstanding balance, to sell tenants' personal property for profit to reimburse landlords any monies still owed.

For these reasons, the Division requests that the Judiciary Committee give House Bill 1309 an unfavorable report.

cc: The Honorable Christopher T. Adams, *et al.*
Members, Judiciary Committee