



Bill No: HB 1309 -- Landlord and Tenant – Repossession for Failure to Pay Rent – Procedures

Committee: Judiciary

Date: 3/2/2022

Position: Favorable

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.

Per HB 1309, a landlord may provide for repossession of a unit by notifying the resident of the intended repossession in writing with first-class mail at least 14 days before the intended date of repossession and posted on the leased premises at least 7 days before the intended date of repossession. The notice must include certain information and state that if the repossession occurs, all property will be considered abandoned and may be disposed of. There is a rebuttable presumption that the resident received the notice if the housing provider supplies the certificate of mailing and a signed affidavit of the person who posted the leased premises. The Sheriff can choose not to execute the warrant if the Sheriff reasonable believes the housing provider did not provide the notice. In that case, the District Court will vacate the warrant of restitution. If the housing provider presents documentation, the warrant can be executed and place the housing provider in possession of the premises without removal of the resident’s property. The housing provider is not liable for loss or damage to property and may dispose of the property by transportation to a licensed landfill, donation to charity or any other legal means. The abandoned property may not be placed in the right of way or on any public property.

The bill seeks to allow all jurisdictions to follow Baltimore City’s eviction procedures. In Baltimore, residents are given advance notice of the eviction date and have a date certain to pay what is due or relocate on their own terms. This system places the responsibility on residents rather than Sheriffs for removal and disposal of chattels.

While AOBA members support that system in theory, they are uncertain how they will comply with the notice component in Montgomery or Prince George's Counties. The Sheriff's Department in both Counties specifically ask housing providers not to disclose the exact date of an eviction for safety reasons. In some instances, the property management staff does not know when the Sheriff will arrive to execute the Warrant of Restitution—certainly not 14 days in advance. If this bill passes AOBA members will need to work with local Sheriff's Departments to alter current procedures.

For further information, contact Erin Bradley, AOBA's Vice President of Government Affairs, at (301) 904-0814 or ebradley@aoba-metro.org .