



Bill Title: House Bill 1309, Landlord and Tenant – Repossession for Failure to Pay Rent – Procedures

Committee: Environment and Transportation

Date: March 2, 2022

Position: Favorable

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.

Under this bill, the landlord may provide for repossession of the property by notifying the tenant 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 tenant received the notice if the landlord provides the certificate of mailing and a signed affidavit of the person who posted the leased premises. The Sheriff can decline to execute the warrant if the Sheriff reasonable believes the landlord failed to provide the notice. In that case, the District Court will vacate the warrant of restitution. If the landlord presents documentation, the warrant can be executed and place the landlord in possession of the premises without removal of the tenant's property. The landlord is not liable for loss or damage to the property. The landlord may dispose of the property by transportation to a licensed landfill, solid waste facility, 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

House Bill 1309 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 House Bill 1309, a resident will get notice of the entry of a judgment for eviction, advance notice of the eviction date and have a clear deadline to pay what is due or relocate. Sheriffs and constables will no longer have to use public resources to dispose of chattels. Lastly, for a housing provider, passage of this bill creates a bright line specifying when a tenant's evicted property is abandoned and when the landlord can lawfully dispose.

For these reasons, we respectfully request a favorable report on House Bill 1309.

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