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www.DisabilityRightsMD.org

Disability Rights Maryland
HB1023 - Real Property - Landlord and Tenant - Procedures for Failure to Pay
Rent, Breach of Lease, and Tenant Holding Over
Hearing before the House Environment and Transportation Committee,
Feb. 28, 2023

Position: FAVORABLE

Disability Rights Maryland (DRM – formerly Maryland Disability Law Center) is the federally designated Protection and Advocacy agency in Maryland, mandated to advance the civil rights of people with disabilities. DRM works to increase opportunities for Marylanders with disabilities to be part of their communities and live in safe, affordable and accessible housing. This includes representing persons with disabilities in eviction proceedings to prevent unnecessary homelessness and institutionalization.

Disability Rights Maryland believes House Bill 1023 is a critical measure to protect renters' property rights, enhance public safety and cleanliness, and bring the state in line with other jurisdictions that have taken a balanced approach to personal belongings post eviction. 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. Equally, Maryland renters (like most renters in the country) deserve a reclamation period after eviction occurs, to mitigate the financial and personal loss that evictions cause. A "reclamation period" is time post-eviction in which a renter can still gain access to their belongings such as life-saving medicine, electronics, and personal treasures such as photo, mementos, and heirlooms.

HB1023 would give tenants notice they may be at risk of losing their personal property through eviction by requiring the landlord to send a notice to the tenant of the scheduled eviction date 14 days in advance and provide a seven (7) day reclamation period. This is a sensible and humane bill that brings Maryland into line with the rest of the country.

DRM clients experience the consequences of Maryland's current eviction laws severely. All tenants need advance notice of their scheduled eviction in order to prepare and limit the catastrophic impact an eviction has on their lives. For example, DRM receives calls from Marylanders seeking help post-eviction because they lost vital belongings such as medications, medical equipment, and emotional support animals. By requiring 14 days' notice for all evictions and a 7-day reclamation period, situations like the above, could be more avoidable.

Right now, Maryland renters have less rights over their personal belongings post eviction than in any surrounding state. Locally, Washington D.C., New Jersey, West Virginia, Pennsylvania, Delaware and Virginia all have reclamation periods to allow tenants to access to their property. Nineteen states and D.C. require notice, the tenant's right to



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reclaim, and give the landlord some duty to store the tenant's property. An additional nine states require notice and a right to reclaim. Even without the notice requirement, thirty-three states have reclamation periods that are longer than 24 hours. Maryland is unfortunately not one of these states that addresses the issue of tenant belongings post eviction.

HB 1023 also smooths out the chaos and ugliness of the eviction process, which benefits the public, landlords, and tenants. In most of Maryland, currently, a tenant's personal belongings, from lifesaving medication to birth certificates, are thrown out into the street after an eviction and create clutter and trash that block sidewalks and rights-of-way, creating public safety risks and public blight. HB 1023 provides that after a 7-day, post-eviction reclamation period, the tenant's belongings are considered abandoned and may be disposed of by the landlord in any manner **except** placing those belonging in the street or public right of way. This benefits all members of the community.

Additionally, landlords would not have to continue paying the additional expense of having workers on hand to conduct an immediate eviction and move all of the tenant's belongings into the street when the Sheriff arrives – as happens currently. Not only is this costly to the landlord in order to have access to the property, but, in the event an eviction is cancelled or postponed, the landlord saves money by not having hired workers for an eviction that is no longer needed.

Disability Rights Maryland urges a favorable report on HB 1023.

Please do not hesitate to contact Kane Levings at kanel@disabilityrightsmd.org for any questions.