

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

Chair Barve, Vice Chair Stein, and members of the House Environment and Transportation Committee,

My name is Alona Del Rosario and I am a third year student at University of Baltimore School of Law where I am pursuing a concentration in public and government service and working as a student attorney in the Mediation for Families Clinic. I am also a two-time recipient of Maryland Legal Service Corporation's Housing Justice Fellowship Grant, which has allowed me to support and engage directly with Access to Counsel in Evictions ("ACE") work at Pro Bono Resource Center of Maryland last fall and Public Justice Center this spring.

For twelve years prior to law school, I worked for a variety of nonprofit organizations including a domestic violence shelter, a statewide advocacy coalition, a research institute, and a national advocacy organization. Through these experiences, I have witnessed firsthand the barriers many people encounter in trying to meet their basic needs and exercise their rights related to health, education, housing, and safety. Professional experience supporting people with housing insecurity led to my interest in ACE work and public interest internships throughout law school have deepened my understanding that housing and both personal and economic security are inextricably linked. This brings me to the bill before you.

In addition to my internship, I have also worked pro bono with Public Justice Center and Renters United Maryland and part of my work has revolved around researching and documenting how every state handles how tenants can get their property (reclamation) after an eviction is executed. In my research I have found that Maryland renters have less rights over their personal property post eviction than in any surrounding state. Currently, Washington D.C., New Jersey, West Virginia, Pennsylvania, Delaware and Virginia all have reclamation periods to allow tenants to access to their property.¹ From my research, nineteen states and D.C. require that tenants be notified that they may lose their property upon execution of eviction, the right for the tenant to reclaim their property, and for the landlord to dutifully store the tenant's property.² An additional nine states require notice and a right to reclaim³. Even without the notice requirement, thirty-three states have reclamation periods that are longer than 24

¹ DC Code Ann. § 42-3505.01a (requiring notice, the tenant's right to reclaim the property, and the landlord's duty to store the tenant's property); N.J. Stat. § 2A:18-73-76 (same); W. Va. Code § 37-6-6 (same); 68 Pa. Stat. Ann. § 250.505a(d)-(e) (same); Del. Code Ann. tit. 25, § 5715 (requiring notice for the eviction and a seven-day reclaim period); Va. Code Ann. § 55.1-1254 (mandated notice of eviction and the right to reclaim property in the twenty-four hours following the eviction, unless the landlord disposes of the property before that time).

² See Alaska Stat. § 34.03.260; Cal. Civ. Code § 1983-88; DC Code 42-3505.01a; Fla. Stat. Ann. §§ 715.104, 715.107; Haw. Rev. Stat. Ann. § 521-56; Iowa Code § 555B.2; Kansas Stat. Ann. § 58-2565; Me. Rev. Stat. tit. 14, § 6005; Minn. Stat. Ann. § 504B.271; Mont. Code Ann. § 70-24-430; Neb. Rev. Stat. Ann. §§ 69-2303-04, 06; Nev. Rev. Stat. Ann. § 118A.460; N.J. Stat. § 2A:18-73-77; N.C. Gen. Stat. § 42-25.9; Okla. Stat. tit. 41, § 130; Or. Rev. Stat. Ann. § 90.425; 68 Pa. Stat. Ann. § 250.505a; Vt. Stat. Ann. tit. 9, § 4462; Wash. Rev. Code Ann. § 59.18.310 (2); W. Va. Code 37-6-6.

³ See Code of Ala. §§ 35-9A-421, 423, 426; Ind. Code Ann. §§ 32-31-4-1, 31-4-3; Mo. Rev. Stat. § 441.065; N.D. Cent. Code § 47-16-30.1; Tenn. Code Ann. § 66-28-405; Utah Code Ann. § 78B-6-816(2); Wyo. Stat. Ann. § 1-21-1210.

hours. The state of Maryland currently requires no notice to the tenant they are losing their property and no time to reclaim their property post eviction.

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. For victims of domestic violence, this may include essential paperwork for themselves and oftentimes children, including personal identification and birth certificates, vaccination and other school records, or financial records related to banking or insurance. For the belongings that can be replaced, it can be a time intensive and cost prohibitive undertaking during what is likely already a period of crisis for that individual or family.

HB1023 would give tenants notice they may be at risk of losing the personal property described above 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.

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.

I ask that the Committee issue a FAVORABLE report on HB 1023.