

JEN TERRASA
Legislative District 13
Howard County

Environment and Transportation
Committee

House Chair

Joint Committee on Children,
Youth, and Families



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

February 28, 2023

To: The Honorable Kumar P. Barve
Chair, Environment and Transportation Committee

From: Delegate Jen Terrasa
District 13, Howard County

Re: Sponsor Testimony in Support of HB 1023, Real Property - Landlord and
Tenant - Procedures for Failure to Pay Rent, Breach of Lease, and Tenant
Holding Over

Dear Chairman Barve, Vice Chair Stein, and Members of the Environment and
Transportation Committee,

Thank you for the opportunity to present HB1023, which requires landlords to provide
notice to tenants at least 14 days before the scheduled date of eviction. And gives the
tenant seven days after that to reclaim their property.

Why is HB1023 necessary? Because many times when a tenant is evicted, they lose
access to valuable personal belongings -- including medicine, pictures, family
mementos, and sometimes pets (although Vice Chair Stein's bill, HB102, if enacted will
address the pet part).

As a reminder, the process is that once the landlord files in court, a court date is set. If
the landlord wins and a judgment is entered against the tenant, the tenant has four days
to comply with the judgment (which essentially means they pay what is owed in failure
to pay rent cases or otherwise comply with the judgment).

After that, things become less transparent and predictable for the tenant. Any time after
those four days, the landlord can ask the judge to issue a warrant of restitution at which
point the sheriff can schedule an eviction. There is no requirement that the tenant be
given notice of this request, the issuance of the warrant, or the date scheduled for the
eviction. Note that, anytime up until the sheriff evicts the tenant, the tenant has a
statutory right of redemption (i.e., pay off the unpaid balance of their rent). And it is my
understanding that many tenants do this or at least believe they will be able to do this
successfully. However, if this is not done by the time the sheriff shows up they are
locked out and either can't access their important belongings or their belongings are put

to the curb where they can be destroyed or stolen, etc. This bill will help avoid that situation.

HB1023 requires landlords to provide notice to tenants at least 14 days before the scheduled date of eviction by sending notice first class mail with certificate of mailing and posting on the premises (which they must take a picture of for proof). On the date of eviction, the sheriff gives the landlord possession of the premises, and the landlord must hold the tenant's belongings for 7 days during which they have a right to reclaim their property.

HB1023 offers a win-win-win situation for the tenant, landlord, and community. It makes the situation much more predictable. The tenant knows what is happening and can keep their belongings such as life-saving medicine, electronics, and personal treasures such as photos, mementos, and heirlooms. It's more predictable for the landlord, because they know when the law considers the tenants' property officially abandoned, and when they can dispose of that property. It also saves the landlord from having to pay employees to move all of the tenants' possessions to the curb. There are also great community benefits with HB1023. For example, the contents of the tenants' home becomes clutter and trash that block sidewalks and rights-of-way, creating public safety risks and eyesores.

Right now, Maryland is behind other states when it comes to tenants' rights over their own belongings. Locally, Washington DC, New Jersey, West Virginia, Pennsylvania, Delaware and Virginia all have reclamation periods to allow tenants to access their property. Nineteen states and D.C. require notice of the scheduled eviction date, provide for the tenant's right to reclaim belongings, and give the landlord some duty to store the tenant's property. An additional nine states require notice of the scheduled eviction and a right to reclaim. Even without the notice requirement, 33 states have reclamation periods that are longer than 24 hours. HB1023 brings Maryland in line with other states.

This bill adds predictability around the eviction process, benefits tenants, landlords, and the community, and treats tenants with the respect we all deserve.

I respectfully urge a favorable report.