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**HB 1023: Procedures for Failure to Pay Rent, Breach of Lease, and Tenant Holding Over  
Hearing of the Environment and Transportation Committee, February 28, 2023  
Position: Favorable**

The Pro Bono Resource Center of Maryland (“PBRC”), an independent 501(c)(3) non-profit organization, is the statewide coordinator, thought leader and clearinghouse for volunteer civil legal services in Maryland. As the designated pro bono arm of the Maryland State Bar Association, PBRC provides training, mentorship, and pro bono service opportunities to members of the private bar. We respond to acute legal needs identified in areas across the state by piloting and operating innovative pro bono service projects targeting specific legal problems or populations.

In May 2017, with a grant from the Maryland Judiciary’s Access to Justice Department, PBRC launched the **Tenant Volunteer Lawyer of the Day (TVLD) Program** in Baltimore City Rent Court to provide day-of-court legal representation to tenants who appear unrepresented for their proceedings. Since then, this continually-expanding Program has allowed PBRC staff and volunteer attorneys to represent thousands of tenants in both Baltimore City and Baltimore County in multiple types of legal actions that could result in eviction.

Based on our experience working with tenants faced with eviction, we urge a favorable report on House Bill 1023 because it will provide much needed protection to these tenants. It will allow tenants facing eviction to receive advance notice of their eviction date so that they can either exercise their statutory right of redemption (to “pay to stay”) before the eviction or make a plan to leave the property in an organized manner. The Bill also entitles Maryland renters (like most renters in the country) to a reclamation period after eviction occurs, which will mitigate the financial and personal loss caused by the eviction by allowing the tenant access to belongings such as life-saving medicine, important documents and personal treasures before they are thrown away or put on the street and damaged or stolen.

Our experience with Ms. Jones\* is illustrative. Ms. Jones is an elderly woman who fell behind on her rent because family members took advantage of her financially. She called our tenant hotline after missing a court date for her Failure to Pay Rent action because her ride fell through. While we could not help with the court case, our staff learned that she had applied for rental assistance and began helping her navigate that system to help ensure that her payment would come in time to stop any potential eviction. Over the next few weeks, our staff called periodically to check in. On one such check-in call, our staff attorney heard loud knocking at her door. Ms. Jones started panicking and said, “oh my God they are here. The Sherriff is here today!” Ms. Jones answered the door and was told by the Sherriff and landlord that she will be evicted unless she could pay \$650.00 and that she had 15 minutes to gather her things.

Ms. Jones had \$500.00 on hand but was not able to convince the landlord to accept that and allow her more time to collect an additional \$150.00. Our staff attorney attempted to help Ms. Jones over the phone but ultimately was forced to simply listen as the landlord and the Sherriff began to change the locks and Ms. Jones frantically looked for her phone, wallet and medications. She is asthmatic and was breathing heavily as she ran up and down the stairs looking for her inhaler. Fifteen minutes later, Ms. Jones was locked out of her home and calling her sister to ask for shelter. She was never able to retrieve her belongings and now, a year later, Ms. Jones still has not found adequate housing.

Situations like Ms. Jones’ are unnecessary, harsh and don’t serve the best interest of any party involved. They can be avoided with the passage of HB 1023. With advance notice of her eviction, as required by HB1023, Ms. Jones could have potentially expedited her rental assistance payment or tried to find an additional \$150.00 to “pay to stay”. At the very least this notice would have allowed her the dignity of being prepared to leave rather than having to scramble to find

her most necessary possessions. The seven (7) day reclamation period required by HB 1023 could have given Ms. Jones valuable time to move her belongings into her sister's house, thereby avoiding having them piled onto the street and ultimately lost. This is a sensible and humane bill that will help tenants like Ms. Jones and bring Maryland into line with the rest of the country.

Currently, Maryland renters have less rights over their personal belongings post eviction than in any surrounding state. Washington D.C., New Jersey, West Virginia, Pennsylvania, Delaware and Virginia have reclamation periods to allow tenants to access to their property. Nationwide, 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 (9) states require notice of the scheduled eviction and a right to reclaim. Even without the notice requirement, thirty-three states have reclamation periods that are longer than 24 hours.

**HB 1023 will benefit tenants, landlords and the public by smoothing out the chaos, confusion, and property damage from the eviction process, further preventing an eyesore and waste of having tenants' belongings on the street.** For these reasons and those detailed above, PBRC urges a favorable report on HB 1023.

For the above reasons,

**PBRC urges a FAVORABLE report on HB 1023.**

Please contact Katie Davis, Director of PBRC's Courtroom Advocacy Project, with any questions.

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