



Date: February 28, 2023

Committee: Environment and Transportation

Bill: House Bill 1023- Real Property - Landlord and Tenant - Procedures for Failure to Pay Rent, Breach of Lease, and Tenant Holding Over

Position: Unfavorable

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose membership consists of owners and managers of more than 207,246 rental housing homes in more than 937 apartment communities. Our members house over 667,000 residents of the State of Maryland throughout the entire State of Maryland. MMHA membership also includes more than 216 associate members that supply goods and services to the multi-housing industry. More information is available at <https://www.mmhaonline.org/>

House Bill 1023 (HB 1023) requires a housing provider to provide 14 days notice to a resident of an execution of a warrant of restitution with details regarding the scheduled date. The bill outlines the criteria and acceptable methods for legal notice. It further specifies that the notice must provide a statement that if the warrant is executed, the resident will have 7 days to collect any property remaining in the leased premises, and after 7 days that property will be considered abandoned. The statement must provide instructions on how to retrieve personal property left in the leased premises. The bill also allows the sheriff or District Court, to stay or vacate the warrant of restitution if notice requirements are not met. Moreover, a housing provider may not charge a fee for holding property during the 7-day reclamation period. A resident may not waive the right to a reclamation period. The housing provider is not liable for any damaged or lost property during the reclamation period. Lastly the bill prescribes how abandoned property must be disposed of, and prohibits abandoned property from being left on public thoroughfares.

HB 1023 is introduced in the wake of recent U.S. District Court case, Todman v. The Mayor and City Council of Baltimore. In this matter, a federal judge held a Baltimore ordinance declaring all personal property left behind after an eviction abandoned violates the rights of tenants, who have no way to get their belongings back and, in some cases, do not receive notice of when their eviction will take place.

As this decision is postured for appeal to the U.S. District Court of Appeals, MMHA asks that the Committee allow the legal questions at issue be fully litigated, and judicial process exhausted, before the legislature responds. As such, MMHA respectfully requests an unfavorable report on HB 1023.

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