

MARYLAND STATE BAR ASSOCIATION ANIMAL LAW SECTION

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Maryland State Bar Association Animal Law Section
Kimberly L. Fullerton, Esq.
301-870-9555
RE: Senate Bill 279 – Real Property – Actions for Possession – Pet Protections
DATE: February 7, 2023
POSITION: Support

The Maryland State Bar Association Animal Law Section is in support of SB 279, a bill which would establish procedures to protect companion animals and due process rights during an eviction.

I. Maryland Has Failed to Establish Eviction Procedures or Protections for Companion Animals

This bill is necessary to address a gap in Maryland law. Current legislation fails to provide any form of procedure for the removal of a tenant's companion animal after real property has been restored to a landlord. This bill will close the legal gap by establishing appropriate procedures and delineating a course of conduct for the inspection, removal, and protection of pets during an eviction.

II. The Due Process Clause Requires Establishment of a Procedure for the Removal of Companion Animals When Possession of Real Property is Restored to a Landlord

The Due Process Clause requires that government officials follow fair procedures before depriving a person of their property. Because companion animals are designated merely as personal property, certain circumstances which deprive tenants of their pets will trigger constitutional protections of the Due Process Clause.

The procedures established by SB 279 would appropriately satisfy due process requirements, close a gap in the law, and reinforce Maryland's constitutional protections. The Maryland State Bar Association urges a favorable report.

Respectfully Submitted,

/s/

Kimberly Fullerton,

Immediate Past Chair, Maryland State Bar Association Animal Law Section

Vice Chair, American Bar Association Animal Law Committee

cc: Maryland State Bar Association