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HB1114 - 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. 27, 2024**

Position: FAVORABLE

Santoni, Vocci & Ortega, LLC is a private tenants' rights firm, representing tenants living in uninhabitable conditions, or have been the subject of an illegal eviction or debt collection violations. We have represented many tenants who have been illegally evicted from their homes, resulting in the loss of all of their possessions, including irreplaceable items, like loved ones' ashes, important citizenship paperwork, and photographs.

Santoni, Vocci & Ortega, LLC believes House Bill 1114 is a critical measure to ensure that tenants have notice of their impending eviction date and a limited period of time to reclaim their personal possessions in case an eviction is executed.

Currently, Maryland car owners are given more protection when their vehicles are subject to repossession than tenants have when facing eviction. Maryland law requires that creditors provide car owners with multiple notices before a vehicle is sold, including the date, time and location of a sale. The creditor also must provide the location of the vehicle and keep the vehicle for at least 15 days so the car owner can obtain their possessions. It is illogical that people have more right to their possessions stored in their vehicle than their homes.

An eviction is already devastating for families. When tenants, who often have children, lose an entire household of items unexpectedly, it is an event from which they rarely recover. Many are left with only the clothing they were wearing on the day of their eviction. **Even when belongings are put outside, often the items are damaged, open to the elements, and ripe for theft.** One tenant we represented alleged in his lawsuit that he had a safe broken into and his money stolen during an eviction. Another client alleged that her electronics were destroyed when they were thrown in a trash bag with liquids by the workers performing the eviction:







Renters need and deserve reliable notice of the eviction date so that they can exercise their statutory right of redemption (“pay to stay”) or make plans to leave the property with their belongings intact. Equally, Maryland renters (like most renters in the country) deserve a reclamation period after the eviction occurs, to mitigate the financial and personal loss that evictions cause. A “reclamation period” is a period post-eviction in which a renter can still gain access to their possessions, such as life-saving medicine, furniture, electronics, and personal photos, mementos, and heirlooms.

HB1114 would 1) provide tenants notice 14 days in advance of their impending eviction dates; and 2) provide tenants the opportunity to reclaim whatever personal possessions are on the property for ten (10) days after the eviction occurs. This is a sensible bill that brings Maryland in line with the rest of the country on executing evictions.

Washington D.C., New Jersey, West Virginia, Pennsylvania, Delaware, and Virginia all require that the tenant be given notice of their eviction date and the opportunity to reclaim their personal possessions after their eviction. Moreover, nineteen states and D.C. require the tenant be given notice of their eviction date, the opportunity to reclaim their personal possessions, and require the landlord to perform some duty to store the tenant's possessions during the time of holding. An additional nine states require the tenant be given notice of their eviction date and the opportunity to reclaim their possessions.

HB 1114 is also beneficial to neighborhoods in that it no longer allows for an evicted tenant's belongings to be thrown out on public streets. Currently, in most of Maryland, a tenant's personal belongings are thrown into the street after an eviction, creating clutter that blocks sidewalks and creates public blight. HB 1114 remedies this issue by requiring the landlord to discard of whatever remaining items that are left in a proper and clean fashion.

Additionally, many jurisdictions currently require landlords to have a specific number of workers, equipment, and resources at the ready to conduct an eviction. Not only is this costly to the landlord, but in the event an eviction is redeemed, cancelled, or postponed, the landlord loses money and resources. Instituting a reclamation period after an executed eviction means that landlords will no longer have to hire 5-6 workers to be present at each eviction. The landlord will now have more flexibility after the end of the 10-day period to dispose of any remaining belongings – without placing those belongings in the public way.

Santoni, Vocci & Ortega, LLC urges a favorable report on HB 1114.