

HOMELESS PERSONS REPRESENTATION PROJECT, INC.

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

The Homeless Persons Representation Project, Inc. (“HPRP”) is a non-profit civil legal aid organization providing free legal aid in Maryland to those suffering from homelessness or at risk of homelessness on legal issues that eliminate barriers to becoming or remaining housed. HPRP regularly provides representation on landlord-tenant matters in Baltimore City, Montgomery County, and Prince George’s County and advocates for continued housing of those at risk of homelessness across Maryland.

HPRP 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.

Within HPRP’s housing work we are uniquely positioned to observe a lack of awareness amongst tenants concerning rights subsequent to the issuance of a judgment. For many there is immediate fear after the initial judgment. Amongst those with judgments are those that are aware of their right of redemption, those that are fearful and unaware of their rights, and others that are simply not able to redeem. **HB 1114** would protect each of those tenants through its notification requirement.

Also, in HPRP’s housing work, we unfortunately observe the totality of the eviction process for some of our clients. This process, for many of our actual and prospective clients, does not end after the eviction is executed. Many times, the effects of an eviction ripple throughout the lives of tenants long after execution. Often these long-term effects are due to a tenant’s loss of property. Typically, HPRP’s clients and those prospective clients are tenants unable to recoup from the loss of property. They lack the necessary resources to do so. This loss of property can at times be due to the date of the eviction being unknown to the tenant, the short time between the notification of the eviction date and its execution or the decision to abandon property because of lack of resources or fear of police presence. The reality for our clients and prospective clients is that much future hardship could be prevented by **HB 1114**’s reasonable reclamation period. Tenants affected by the execution of an eviction have already lost their homes, many times their property is all they own.

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, electronics, and personal treasures such as photos, mementos, and heirlooms.

HB 1114 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 belonging 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.

HPRP is a member of the Renters United Maryland coalition and asks that the Committee issue a report of **FAVORABLE on HB 1114**. If you have any questions, please contact: DiNesha Rucker at drucker@hprplaw.org or (410) 449-2982.