HB 1114 Favorable.pdf Uploaded by: Albert Turner Position: FAV



Albert Turner Attorney Public Justice Center 201 North Charles Street, Suite 1200 Baltimore, Maryland 21201 410-625-9409, ext. 250 turnera@publicjustice.org

### 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 Public Justice Center (PJC) is a nonprofit public interest law firm that stands with tenants to protect and expand their rights to safe, habitable, affordable, and non-discriminatory housing and their rights to fair and equal treatment by Maryland's landlord-tenant laws, courts, and agencies. We advocate to change the law regarding evictions and to demand the development of equitable and sustainable affordable housing. **PJC seeks the Committee's Favorable report on HB 1114**.

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.

**Public Justice Center supports HB 1114** as it would take essential steps to protect renters property and smooths out the eviction process.

Public Justice Center is a member of the Renters United Maryland coalition and asks that the Committee **issue a FAVORABLE report on HB 1114.** If you have any questions, please contact Albert Turner, Esq., turnera@publicjustice.org (410) 625-9409 Ext. 250.

### Anna Levy\_FAV\_HB1114\_02-27-2024.pdf Uploaded by: Anna Levy

February 27, 2024 Anna T. Levy Rockville, MD 20852



### TESTIMONY ON HB1114 - POSITION: FAVORABLE Real Property - Landlord and Tenant - Procedures for Failure to Pay Rent, Breach of Lease, and Tenant Holding Over

**TO**: Chair Korman, Vice Chair Boyce, and members of the House Environment and Transportation Committee

FROM: Anna T. Levy, on behalf of Jews United for Justice (JUFJ)

My name is Anna T. Levy and I am a resident of District 16 in North Bethesda. On behalf of Jews United for Justice (JUFJ), I am submitting this testimony in support of HB1114, Real Property - Landlord and Tenant - Procedures for Failure to Pay Rent, Breach of Lease, and Tenant Holding Over. JUFJ organizes 6,000 Jews and allies from across the state in support of social, racial, and economic justice campaigns.

Jewish sacred texts recognize that people having safe, stable housing is key to a healthy society. Access to safe and stable housing has far-reaching economic, health, and social benefits for individuals, families, and communities, and is key to reducing racial inequities. House Bill 1114 helps ensure that tenants do not lose all of their possessions when they are faced with the loss of their homes.

No child should have to come home from school and find their clothes, beds, and toys tossed outside. No one should have to undergo the indignity of finding their possessions on the street, unprotected from the elements and passersby. The loss of basic tools and furnishings that make our homes liveable, inflicts additional hardship on those who face the loss of their homes. In addition to the challenges of finding new housing, tenants must find the resources to replace the basic things that they need to survive, along with the loss of irreplaceable items like family photos which we all take for granted. This adds to the financial impact of eviction, further preventing families from ever reaching financial stability.

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.

HB1114 is critical legislation that would protect renters and bring Maryland in alignment with the rest of the country on executing evictions. This legislation 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.

On behalf of Jews United for Justice, I respectfully urge this committee to return a favorable report on HB1114.

### HB1114 \_ArielleJuberg\_Fav.pdf Uploaded by: Arielle Juberg

Dear Members of the Environment and Transportation Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are working in collaboration with CASA and Maryland Renters United. I am a resident of District 8. I am testifying in support of HB1114.

Eviction is an intensely stressful event for individuals and families. In addition to the eviction and the struggle to find new housing, people face the uncertainty of not knowing when eviction will occur and the panic of trying to hold onto their personal property. Currently, the



Showing Up for Racial Justice

law requires no advance notice of the specific date of eviction and makes no provisions for safeguarding tenant property.

If someone happens to not be home when the sheriff serves the warrant of restitution, the tenants' possessions are put on the street and left subject to theft or damage; the tenant with an impending eviction can only hope they are home at the time, or that they return soon enough to reclaim their property. Everything from necessities like clothes and medication, to family heirlooms and photographs, to important documents like birth certificates and social security cards can be lost in this way. The impact ranges from mildly inconvenient to catastrophic.

HB1114 would change the law in two important ways. First, it requires a landlord to give two weeks' notice of the scheduled eviction date, allowing tenants to appropriately prepare. Second, it requires a landlord to safeguard the personal possessions left on the property for 10 days, giving evicted tenants a chance to reclaim them. Neither of these measures stops the landlord from reclaiming their property after a court has issued a lawful warrant of restitution. They simply prevent the eviction process itself from being unnecessarily traumatic and punitive. These changes will have a substantial positive impact on the lives of many Marylanders facing the tough situation of having to leave their home.

This issue goes beyond economics to long-standing racial inequities. In October 2023, the National Equity Atlas reported an estimated 98,000 households were behind on their rent in Maryland.<sup>1</sup> Of those, 79% of tenants are people of color. Eviction has been documented to hit Black women tenants hardest because of intersecting prejudices against women with eviction records and housing discrimination against Black Americans.<sup>2</sup> Considering the wage gap for Black women is \$0.60 for every \$1 a white man earns, each item thrown on the street is harder to replace after eviction,<sup>3</sup> deepening financial hardship.

It is for these reasons that I am encouraging you to vote in support of HB1114.

Thank you for your time, service, and consideration.

Sincerely, Arielle Juberg 3411 Upton Road Baltimore, MD 21234 Showing Up for Racial Justice Baltimore

<sup>&</sup>lt;sup>1</sup> https://nationalequityatlas.org/rent-debt

<sup>&</sup>lt;sup>2</sup> https://www.nber.org/system/files/working\_papers/w30382/w30382.pdf

<sup>&</sup>lt;sup>3</sup> https://www.forbes.com/advisor/business/gender-pay-gap-statistics/

# HB1114\_Procedures\_for\_Failure\_to\_Pay\_Rent\_Breach\_o Uploaded by: Cecilia Plante



### TESTIMONY FOR HB1114 Real Property - Landlord and Tenant - Procedures for Failure to Pay Rent, Breach of Lease, and Tenant Holding Over

Bill Sponsor: Delegates Terrasa
Committee: Environment and Transportation
Organization Submitting: Maryland Legislative Coalition
Person Submitting: Aileen Alex, co-chair
Position: FAVORABLE

I am submitting this testimony in favor of HB1114 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of individuals and grassroots groups with members in every district in the state with well over 30,000 members.

Evictions and non-renewals of leases have skyrocketed in Maryland. Approx. **34,000** households will likely face eviction next year. Unplanned moves and forced evictions create uncertainty and upheaval and impacts physical and emotional health. Homelessness, the most severe consequence unstable housing, exposes individuals and families to additional risks, including exposure to the elements, violence, and health hazards which disproportionately affects vulnerable communities.

We need to limit the disruption of unplanned moves and evictions. HB1114 has this potential by requiring a landlord to give a tenant 2 weeks' notice before repossession by the sheriff. It also sets some provisions regarding the disposition of personal property following an eviction. Tenants have 10 days after eviction to recover personal property. With this bill, tenants would now have time to make other arrangements for their housing and personal property.

Too often we have walked by stacks of personal belongings on the sidewalk knowing that someone has been subject to a painful eviction and wondered if their belongings have been pilfered. We have even heard of stories of pets being left out in the elements as though they were furniture. This should not be happening in one of the richest states in America.

We support this bill and recommend a FAVORABLE report in committee.

HB1114 SVO TPRA Testimony.pdf Uploaded by: Chelsea Ortega Position: FAV



201 W. Padonia Rd. Ste. 101A Lutherville – Timonium, MD 21093 Telephone: 443-921-8161 • Facsimile: 410-525-5704 www.svolaw.com

### 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

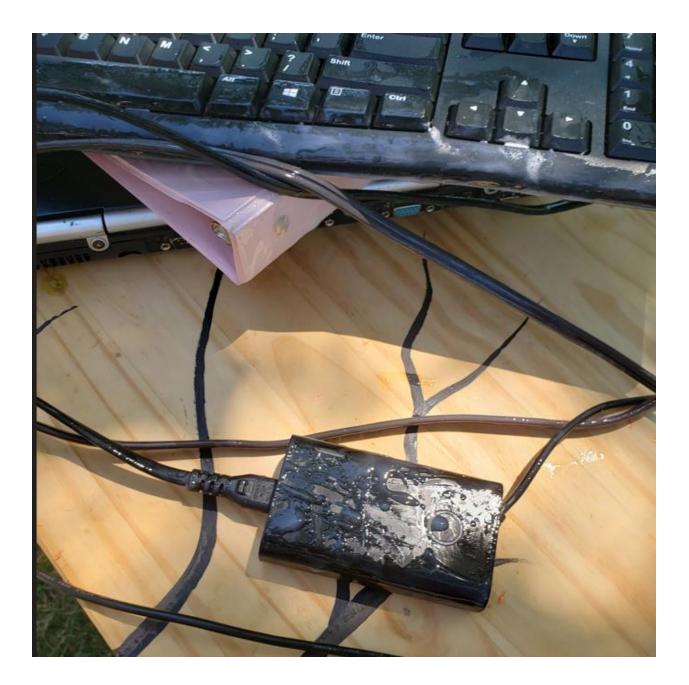
### **Position: FAVORABLE**

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.

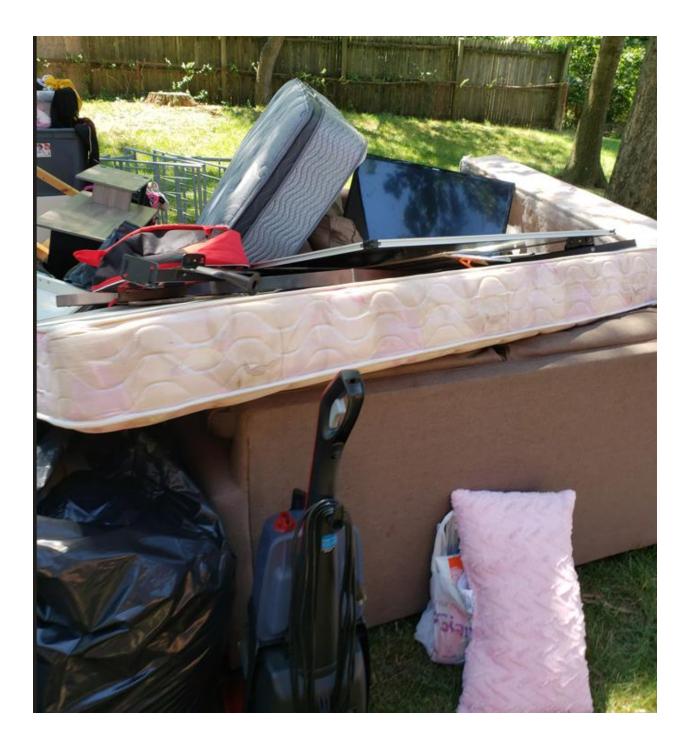
Santoni, Vocci & Ortega, LLC believes House Bill 1114 is a critical measure to ensure that tenants have notice of their impending eviction date and a limited period of time to reclaim their personal possessions in case an eviction is executed.

**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 notice of their eviction date is require the tenant be given notice of their eviction dates require the tenant be given notice of their eviction dates 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.

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

### HB1114 Tenant Possession Recovery Act.pdf Uploaded by: Daryl Yoder

### Dear Members of the Environment and Transportation Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA and Maryland Renters United. I am a resident of District 44A and have been both a renter and a landlord in Baltimore County. I am testifying in support of HB1114.



**Showing Up for Racial Justice** 

Eviction is an intensely stressful event in the lives of individuals and families. In addition to whatever troubles underlie the eviction itself

and the struggle to find new housing, people being expelled from their homes face the uncertainty of not knowing when the ax will fall and the panic of trying to make sure they hold onto their personal property when the eviction occurs. Currently, the law requires no advance notice of the specific date of eviction, and makes no provisions for safeguarding tenant property.

If someone happens to not be home when the sheriff serves the warrant of restitution, the tenants' possessions are put on the street and left subject to theft or damage; the tenant with an impending eviction can only hope they are home at the time, or that they return soon enough to reclaim their property. Everything from necessities like clothes and medication, to family heirlooms and photographs, to important documents like birth certificates and social security cards can be lost in this way. The impact ranges from mildly inconvenient to catastrophic.

HB1114 would change the law in two important ways. First, it requires a landlord to give two weeks' notice of the scheduled eviction date, allowing tenants to appropriately prepare. Second, it requires a landlord to safeguard the personal possessions left on the property for 10 days, giving evicted tenants a chance to reclaim them. Neither of these measures stops the landlord from reclaiming their property after a court has issued a lawful warrant of restitution. They simply prevent the eviction process itself from being unnecessarily traumatic and punitive. These changes will have a substantial positive impact on the lives of many Marylanders facing the tough situation of having to leave their home.

This issue goes beyond economics to long-standing racial inequities. In October 2023, the National Equity Atlas reported an estimated 98,000 households were behind on their rent in Maryland.<sup>1</sup> Of those, 79% of tenants are people of color, including Blacks, Latinx, and Native Americans. Eviction has been documented to hit Black women tenants hardest because of intersecting prejudices against women with eviction records and housing discrimination against Blacks.<sup>2</sup> Considering the wage gap for Black women is \$0.60 for every \$1 a white men earns, each item thrown on the street is harder to replace after eviction,<sup>3</sup> deepening financial hardship. Marylanders suffering the consequences of historically racist policies ought to be spared further harm.

It is for these reasons that I am encouraging you to vote in support of HB1114.

Thank you for your time, service, and consideration.

Sincerely, Daryl Yoder, 309 Glenmore Ave., Catonsville, MD 21228 Showing Up for Racial Justice Baltimore

<sup>&</sup>lt;sup>1</sup> https://nationalequityatlas.org/rent-debt

<sup>&</sup>lt;sup>2</sup> https://www.nber.org/system/files/working\_papers/w30382/w30382.pdf

<sup>&</sup>lt;sup>3</sup> https://www.forbes.com/advisor/business/gender-pay-gap-statistics/

### HB 1114 TPRA Written Testimony.pdf Uploaded by: DiNesha Rucker

#### 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 <u>drucker@hprplaw.org</u> or (410) 449-2982.

# DRM HB 1114 Tenant Possession Recovery Act Testimo Uploaded by: E.V. Yost



1500 Union Ave., Suite 2000, Baltimore, MD 21211 Phone: 410-727-6352 | Fax: 410-727-6389 www.DisabilityRightsMD.org

### HB1114 - Landlord and Tenant – Failure to Procedures for Failure to Pay Rent, Breach of Lease, and Tenant Holding Over (Tenant Possession Recovery Act)

### Hearing before the House Environment and Transportation Committee February 27, 2024, 1:00PM

### **Position: SUPPORT (FAV)**

Disability Rights Maryland (DRM) is the federally-appointed Protection & Advocacy agency<sup>1</sup> in Maryland mandated to advance the civil rights of people with disabilities. One of DRM's goals is to end the unnecessary segregation and institutionalization of Marylanders with disabilities. To achieve this goal, DRM's Housing Unit works to expand opportunities for Marylanders with disabilities to be part of their communities and to live in affordable and accessible housing.

Disability Rights Maryland 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. While evictions are devastating for all families, losing access to necessary medications, medical equipment, social security information, service animals, or emotional support animals poses an additional risk to the health and safety of renters with disabilities. HB 1114's reclamation period would preserve access to these critical needs for renters with disabilities facing 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, electronics, and personal treasures such as photos, mementos, and heirlooms.

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<sup>&</sup>lt;sup>1</sup> For more information on Protection & Advocacy agencies, see NATIONAL DISABILITY RIGHTS NETWORK, <u>https://www.ndrn.org/</u> (last visited June 18, 2021).

## 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.

Disability Rights Maryland 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: E.V. Yost, evy@DisabilityRightsMD.org.

### HB1114 Tenant Possession Recovery Act.pdf Uploaded by: Erica Palmisano

### Dear Members of the Environment and Transportation Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA and Maryland Renters United. I am a resident of 12A. I am testifying in support of HB1114.



### Showing Up for Racial Justice

Eviction is an intensely stressful event in the lives of individuals and

families. In addition to whatever troubles underlie the eviction itself and the struggle to find new housing, people being expelled from their homes face the uncertainty of not knowing when the ax will fall and the panic of trying to make sure they hold onto their personal property when the eviction occurs. Currently, the law requires no advance notice of the specific date of eviction, and makes no provisions for safeguarding tenant property.

If someone happens to not be home when the sheriff serves the warrant of restitution, the tenants' possessions are put on the street and left subject to theft or damage; the tenant with an impending eviction can only hope they are home at the time, or that they return soon enough to reclaim their property. Everything from necessities like clothes and medication, to family heirlooms and photographs, to important documents like birth certificates and social security cards can be lost in this way. The impact ranges from mildly inconvenient to catastrophic.

HB1114 would change the law in two important ways. First, it requires a landlord to give two weeks' notice of the scheduled eviction date, allowing tenants to appropriately prepare. Second, it requires a landlord to safeguard the personal possessions left on the property for 10 days, giving evicted tenants a chance to reclaim them. Neither of these measures stops the landlord from reclaiming their property after a court issues a lawful warrant of restitution. They simply prevent the eviction process itself from being unnecessarily traumatic and punitive. These changes will substantially improve the lives of Marylanders facing a tough situation of having to leave their home.

This issue goes beyond economics to long-standing racial inequities. In October 2023, the National Equity Atlas reported an estimated 98,000 households were behind on their rent in Maryland.<sup>1</sup> Of those, 79% of tenants are people of color, including Blacks, Latinx, and Native Americans. Eviction has been documented to hit Black women tenants hardest because of intersecting prejudices against women with eviction records and housing discrimination against Blacks.<sup>2</sup> Considering the wage gap for Black women is \$0.60 for every \$1 a white men earns, each item thrown on the street is harder to replace after eviction,<sup>3</sup> deepening financial hardship. Marylanders suffering the consequences of historically racist policies ought to be spared further harm.

As a small private landlord, I expect my tenants to treat my property with care and it seems only right I do the same, even if a contract ends in eviction.

It is for these reasons that I am encouraging you to vote in support of HB1114.

Thank you for your time, service, and consideration.

Sincerely, Erica Palmisano 5580 Vantage Point Rd, Apt 5, Columbia, MD Showing Up for Racial Justice Baltimore

<sup>&</sup>lt;sup>1</sup> https://nationalequityatlas.org/rent-debt

<sup>&</sup>lt;sup>2</sup> https://www.nber.org/system/files/working\_papers/w30382/w30382.pdf

<sup>&</sup>lt;sup>3</sup> https://www.forbes.com/advisor/business/gender-pay-gap-statistics/

## HB1117\_MD Catholic Conference\_FAV Uploaded by: Garrett O'Day



### February 27, 2024

### HB 1114 Landlord and Tenant - Residential Leases and Holdover Tenancies - Local Just Cause Termination Provisions

### House Environment & Transportation Committee

### **Position: FAVORABLE**

The Maryland Catholic Conference offers this testimony in support of House Bill 1114. The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

House Bill 1114 would require landlords to give evicted tenants a ten-day notice to retrieve their property. Tenants would also be provided with notice of the ten-day period, as well as instructions for how to retrieve their property. Lastly it would ensure reasonable storage and safeguarding of their property thereafter.

House Bill 1114 would align Maryland with 46 states in allowing renting families a limited opportunity to collect their belongings after eviction. When tenants are evicted, they can lost important documentation such as passports or birth certificates, access to important medications, and family heirlooms and photos.

The ten day period and related notices proposed by this law are reasonable steps to protect renters, who can often be some of the most vulnerable in society when it comes to housing insecurity. Catholic teaching supports the right to private property but recognizes that communities and government have an obligation to ensure that housing needs of all or met, especially the poor and vulnerable members of our communities. Access to safe and affordable housing is a fundamental human right and this legislation represents a positive step toward achieving this goal.

Accordingly, the Conference appreciates your consideration and, for these reasons, respectfully requests a favorable report on House Bill 1114.

### CLS - HB1114- Favorable - Written Testimony.pdf Uploaded by: Golnaz Alemousavi



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The Honorable Marc Korman Chair, Environment and Transportation Committee House Office Building Annapolis, Maryland 21401

#### 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**

Dear Chair Korman, Vice Chair Boyce, and Committee Members,

Community Legal Services of Prince George's County ("CLS") is a private, non-profit organization that provides free legal services to low-income Maryland residents. Since 1985, CLS has provided civil legal assistance in Prince George's County. In 2020, CLS extended its services to assist Anne Arundel County residents in landlord-tenant matters, as the need for legal representation increased during and after the pandemic. In addition to legal representation, CLS attorneys have an important role in helping low-income tenants in Prince George's and Anne Arundel Counties connect with resources to help maintain housing, while their financial circumstances gradually improve. CLS attorneys have witnessed the challenges that tenants experience when they are at risk of an impending eviction.

CLS believes House Bill 1114 is helpful for both tenants and landlords, as it provides tenants fair notice with a specific date set for an eviction, fourteen (14) days in advance of an impending eviction; moreover, it allows landlords to appropriately dispose of personal property left in the unit, after tenants are given a reclamation period to collect personal possessions on the property for ten (10) days after an eviction occurs.

Currently, landlords are not required to notify tenants in Anne Arundel County when a specific eviction date is set. Although the Anne Arundel County Sheriff's office usually provides eviction notices to Anne Arundel County residents, sometimes tenants receive eviction notices a couple of days prior to their eviction dates; in many instances, tenants are not able to finalize moving arrangements or payments to their landlords, as a result of inadequate notice. Even more concerning, neither landlords nor the Sheriff's office in Prince George's County provide notices to tenants with scheduled eviction dates. When tenants are not provided adequate notice of an eviction date, there is a higher likelihood that they will be unable to exercise their statutory right of redemption ("pay to stay"), coordinate with housing or rental assistance resources, or properly arrange a move from the property with their personal belongings. Tenants who are facing eviction are already experiencing some level of instability and uncertainty, as they search for a place to relocate or attempt to address financial setbacks that often involve health-related obstacles. Establishing a specific reclamation period would not only help tenants avoid the potential loss of medicine and other valuable and essential items, but it could help preserve items that are priceless to families, such as photos and heirlooms. It is unfair and cruel to evict tenants who are struggling in these extreme conditions, without proper notice and a reclamation period that could avoid additional losses. Furthermore, HB1114 requires landlords to discard tenants' belongings in an environmentally safe manner after the reclamation period is over. In many Maryland counties, tenants' personal belongings are left in the street and public way after an eviction, creating excessive pollution and litter. HB1114 would help address these ongoing humanitarian and environmental concerns in Maryland by adequately notifying tenants of when an eviction is set to occur, and providing a streamlined process in which a landlord can properly remove and dispose of items that have remained on the property after an eviction.

Finally, it is important to note that nineteen states and D.C. have implemented eviction notice requirements and the opportunity for tenants to reclaim personal possessions. It is long overdue for Maryland to pass legislation to include notification requirements for impending eviction dates and a reclamation period for tenants to collect their personal property during the eviction process.

#### For these reasons, CLS urges a FAVORABLE REPORT on HB1114.

Sincerely.

Golnaz Alemousavi Staff Attorney Community Legal Services of Prince George's County, Inc. Anne Arundel County Eviction Prevention Program alemousavi@clspgc.org

## HB1114 - Maryland Legal Aid - FAV.pdf Uploaded by: Gregory Countess





### 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

Maryland Legal Aid (MLA) submits its written and oral testimony on HB1114 at the request of bill sponsor Delegate Jen Terrasa.

MLA is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. Our 12 offices serve residents in each of Maryland's 24 jurisdictions and handle a range of civil legal matters, including housing, family law, public benefits, bankruptcy and other debt collection matters, and criminal record expungements.

HB1114 would apply to evictions for non-payment of rent, holdover, and breach of lease and establish uniform procedures for (1) notifying tenants of their actual eviction date, (2) prohibiting the dumping of tenants' personal possessions in the public right of way, and (3) affording tenants a 10-day post-eviction period to reclaim personal possessions from the rental property.

### HB1114 improves on the existing model of anti-blight eviction procedures

In recent years, the General Assembly has considered delegation-requested bills (Wicomico County, Charles County, Anne Arundel County) and one statewide bill that attempted to end eviction-related blight by copying Baltimore City's "clean streets" ordinance. <sup>1</sup> The City ordinance, enacted in 2007, requires landlords to notify tenants of their actual eviction date in non-payment eviction cases. <sup>2</sup> The tenants' personal possessions are statutorily deemed abandoned at the time of eviction, and the landlord is obligated to remove the tenants' belongings to a landfill or by other means that avoid obstruction of the public right of way. The "clean streets" legislation was a compromise to curtail both surprise evictions and blight. In the intervening 15 years, however, tenants and tenant advocates have found that the legally required eviction notice sometimes fails. In these instances, the harm of the surprise eviction is exacerbated by the



MLSC



<sup>&</sup>lt;sup>1</sup> HB1051 (2019), HB1218 (2019), SB0347 (2022); *see* HB1309 (2022), with statewide application; *see also* HB0626 (2020), requiring, in Baltimore County, legal abandonment of tenants' personal property without notice. <sup>2</sup> Baltimore City Code, Art. 13 Subtitle 8A.

abandonment provision in the law. Households lose everything, without legal right to intervene as they watch crews destroy and haul away their belongings or even hold those belongings ransom for exorbitant prices.

MLA has opposed all recent bills because they did not correct the problems that our clients have experienced in practice in Baltimore City. In September 2022, the U.S. District Court also discerned the significant jeopardy that tenants face in the City's "clear streets" ordinance, finding the notice-and-abandonment procedure constitutionally defective.<sup>3</sup> In 2024, it is now clear that any legislation on this topic must improve, rather than copy, the City's model.

### Notice of eviction under HB1114

Under HB1114, landlords must send notice to tenants of critical information about their pending eviction. Of foremost importance, the notice must state the scheduled eviction date, not simply that an eviction may occur at some time after the date of the notice. Additionally, the notice must provide the District Court case number for case that resulted in an order to evict the tenant. It must also state the date on which the court signed a warrant of restitution for the eviction. These additional elements of notice are important for establishing that the notice of eviction is legitimate. As importantly, the eviction notice must warn the tenant their personal property will be considered abandoned and may disposed 10 days after the eviction date.

### **Reclamation period under HB1114**

During the 10 days between the eviction date and the date on which the tenant's personal possessions become legally abandoned, the tenant may recover their personal possessions from the rental property or reasonably secure location chosen by the landlord. During this "reclamation" period, the landlord may not charge the tenant a fee for storing the personal property. The landlord would *not* be liable for loss or damage to stored property except where they acted deliberately or with gross negligence.

This feature of HB1114 would be a sensible, humane addition to Maryland law that brings our state into line with neighboring jurisdictions. Locally, Washington D.C. (7 days), New Jersey (30 days), West Virginia (30 days), Pennsylvania (30 days), Delaware (7 days), and Virginia (1 day)

<sup>&</sup>lt;sup>3</sup> Todman v. Mayor & City Council of Baltimore, No. CV DLB-19-3296, 2022 WL 4548640, at \*19 (D. Md. Sept. 29, 2022) ("[T]he plaintiffs had no way to contest the state-mandated abandonment of their personal property. The operation of § 8A-4 violated their due process rights because they received inadequate notice and had no opportunity to be heard.").

all have reclamation periods that allow tenants to access to their property after eviction. Across the states and the District of Columbia:

9 jurisdictions require notice of eviction + a right to reclaim post-eviction possessions.

**19** jurisdictions require notice of eviction date + a right to reclaim + a duty on the landlord to store the post-eviction possessions.

Even without the notice requirement, thirty-three states have reclamation periods that are longer than 24 hours. The state of Maryland provides no time for reclaiming personal property and stands woefully outdated on this important due process and public safety measure.

Those opposed to this bill will argue that a reclamation period is unnecessary because HB1114 provides a 14-day notice of the scheduled eviction date. Presumably, that 14-day notice period provides sufficient time for the tenant to vacate with their belongings. However, MLA knows from our clients that, too often, tenants do not have notice of their evictions until the sheriff shows up to execute the warrant. In these surprise eviction scenarios, many of MLA's clients are not even aware that they missed a court date and were subject to a court's order for eviction. HB1114 would alleviate the harm of surprise evictions. We would expect failed notices to be rare, but we also know that, in those rare instances, we must safeguard against catastrophic loss. The 10-day post-eviction period in HB1114 provides that safeguard.

As supervisors at Maryland Legal Aid, we are tasked with training many young attorneys to advise clients on how not to lose their possessions during an eviction. We often share stories with young attorneys about clients who have come to us after an eviction, trying to obtain a family member's ashes, that were left in the property during the eviction. These young attorneys often think this is a one-off situation that we use for training. However, these young attorneys are then quickly surprised when they confront the same situation typically within the first six months of their employment as this is a regular occurrence in our practice and more importantly and unfortunately in the lives of our clients.

Tenants who lose their housing should not be forced to start over with only the clothes on their back. Our clients have recounted coming home from work to find out they had been evicted. They are in shock, as their mind races to understand how they will find shelter, clothing, and basic living items while balancing their ordinary responsibilities, such as getting the kids to school the next day and going to work. They may soon lose their job because they no longer have a place to sleep, shower, and wash their clothes for work. They may have lost critical items

such as medication, medical equipment, identification documents, all necessary for their day-today responsibilities.

### HB1114 offers the most balanced approach to post-eviction procedures

In most of Maryland currently, a tenant's personal belongings, from lifesaving medication to birth certificates, are thrown out into the street at the time of eviction. The ensuing clutter and trash blocks sidewalks and rights-of-way, creating public safety risks. HB1114 would prevent blight much like prior legislation – it establishes the legally abandoned status of the tenant's post-eviction possessions and requires the landlord to remove those items without resort to dumping in the public right of way. Yet, it is crucial to accomplish this priority humanely, that is, by including a 10-day, post-eviction reclamation period. This benefits all stakeholders: the tenant, the landlord, and the community at large. It also reduces the risk for law enforcement officers at the time of eviction by moderately lowering the stakes.

This bill will enhance public safety and bring Maryland in line with other surrounding states that have taken a systematic approach to mitigating the harm of eviction. For these reasons, **Maryland Legal Aid urges the Committee's favorable report on HB1114**. If you have any questions, please contact:

Gregory Countess Director of Advocacy- Housing And Community Economic Development Maryland Legal Aid 500 E. Lexington Street Baltimore, MD 21202 (410) 951-7687 gcountess@mdlab.org Zafar Shah Assistant Director of Advocacy -Access to Counsel in Evictions Maryland Legal Aid 500 E. Lexington Street Baltimore, MD 21202 (410) 951-7672 zshah@mdlab.org

## HB1114 Tenant Possession Recovery Act.pdf Uploaded by: Holly Powell

#### Dear Members of the Environment and Transportation Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA and Maryland Renters United. I am a resident of **District 46. I am testifying in support of HB1114.** 

Eviction is an intensely stressful event in the lives of individuals and families. In addition to whatever troubles underlie the eviction itself and the struggle to find new housing, people being expelled from their homes face the uncertainty of not knowing when the ax will fall and the panic of trying to make sure they hold onto their personal property when the eviction occurs.



#### Showing Up for Racial Justice

Currently, the law requires no advance notice of the specific date of eviction, and makes no provisions for safeguarding tenant property.

If someone happens to not be home when the sheriff serves the warrant of restitution, the tenants' possessions are put on the street and left subject to theft or damage; the tenant with an impending eviction can only hope they are home at the time, or that they return soon enough to reclaim their property. Everything from necessities like clothes and medication, to family heirlooms and photographs, to important documents like birth certificates and social security cards can be lost in this way. The impact ranges from mildly inconvenient to catastrophic.

HB1114 would change the law in two important ways. First, it requires a landlord to give two weeks' notice of the scheduled eviction date, allowing tenants to appropriately prepare. Second, it requires a landlord to safeguard the personal possessions left on the property for 10 days, giving evicted tenants a chance to reclaim them. Neither of these measures stops the landlord from reclaiming their property after a court has issued a lawful warrant of restitution. They simply prevent the eviction process itself from being unnecessarily traumatic and punitive. These changes will have a substantial positive impact on the lives of many Marylanders facing the tough situation of having to leave their home.

This issue goes beyond economics to long-standing racial inequities. In October 2023, the National Equity Atlas reported an estimated 98,000 households were behind on their rent in Maryland.<sup>1</sup> Of those, 79% of tenants are people of color, including Blacks, Latinx, and Native Americans. Eviction has been documented to hit Black women tenants hardest because of intersecting prejudices against women with eviction records and housing discrimination against Blacks.<sup>2</sup> Considering the wage gap for Black women is \$0.60 for every \$1 a white men earns, each item thrown on the street is harder to replace after eviction,<sup>3</sup> deepening financial hardship. Marylanders suffering the consequences of historically racist policies ought to be spared further harm.

It is for these reasons that I am encouraging you to vote in support of HB1114.

Thank you for your time, service, and consideration.

Sincerely, Holly Powell 2308 Cambridge Street Baltimore, Maryland 21224 Showing Up for Racial Justice Baltimore

<sup>&</sup>lt;sup>1</sup> https://nationalequityatlas.org/rent-debt

<sup>&</sup>lt;sup>2</sup> https://www.nber.org/system/files/working\_papers/w30382/w30382.pdf

<sup>&</sup>lt;sup>3</sup> https://www.forbes.com/advisor/business/gender-pay-gap-statistics/

# **Sponsor Testimony, HB1114.pdf** Uploaded by: Jen Terrasa Position: FAV

**JEN TERRASA** Legislative District 13 Howard County

Environment and Transportation Committee

House Chair

Joint Committee on Children, Youth, and Families



Annapolis Office The Maryland House of Delegates 6 Bladen Street, Room 217 Annapolis, Maryland 21401 410-841-3246 · 301-858-3246 800-492-7122 Ext. 3246 Jen.Terrasa@house.state.md.us

#### THE MARYLAND HOUSE OF DELEGATES Annapolis, Maryland 21401

#### February 27, 2024

#### To: The Honorable Marc Korman Chair, Environment and Transportation Committee

From: Delegate Jen Terrasa District 13, Howard County

Re: Sponsor Testimony in Support of HB1114, Real Property - Landlord and Tenant - Procedures for Failure to Pay Rent, Breach of Lease, and Tenant Holding Over

Dear Chairman Korman, Vice Chair Boyce, and Members of the Environment and Transportation Committee,

Thank you for the opportunity to present HB1114, which requires landlords to provide notice to tenants at least 14 days before the scheduled date of eviction. And gives the tenant ten days after that to reclaim their possessions if needed. This is a reintroduction of my bill from last year with some changes.

Why is HB1114 necessary? Because many times when a tenant is evicted, they lose access to valuable personal possessions -- including medicine, pictures, and family mementos, but thankfully not pets anymore thanks to Speaker Pro Tem Stein's bill from last year.

As a reminder, the process is that once the landlord files in court, a court date is set. If the landlord wins and a judgment is entered against the tenant, the tenant has four days to appeal the judgment for failure to pay rent matter or ten days to appeal for a breach of lease and tenant holding over matters.

After that, things become less transparent and predictable for the tenant. Anytime after the appeal period, the landlord can ask the judge to issue a warrant of restitution at which point the sheriff can schedule an eviction. There is no state requirement that the tenant be given notice of this request or the date scheduled for the eviction. Note that, unless the right to redeem has been foreclosed, anytime up until the sheriff evicts the tenant, the tenant has a statutory right of redemption in failure to pay actions. (i.e. pay off the unpaid balance of their rent). And it is my understanding that many tenants do this or at least believe they will be able to do this successfully. However, if this is not done by the time the sheriff shows up, they are removed from their unit and locked out. Their possessions are then either locked in the unit or put to the curb where they are usually destroyed or stolen, etc., depending on the county. This bill will help avoid that situation.

HB1114 requires landlords to provide notice to tenants at least 14 days before the scheduled date of eviction by sending notice first class mail with certificate of mailing and posting on the premises. On the date of eviction, the sheriff supervises as the landlord changes the locks, and the landlord must hold the tenant's belongings for 10 days – either onsite or in another secure place like a storage locker – during which time the tenant has a right to reclaim those possessions. This is a slight change from last year's bill that gave tenants a 7-day reclamation period because it is more in line with what other jurisdictions do. The other change in this year's bill is an enforcement section that allows a tenant to enforce the law if it is violated.

HB1114 offers a win-win-win situation for the tenant, landlord, and community. It makes the situation much more predictable. The tenant knows what is happening and can keep their belongings such as life-saving medicine, electronics, and personal treasures such as photos, mementos, and heirlooms. It's more predictable for the landlord, because they know when the law considers the tenants' property officially abandoned, and when they can dispose of that property. It also saves the landlord from having to pay employees to move all of the tenants' possessions to the curb on the scheduled date of eviction. There are also great community benefits with HB1114. For example, the contents of the tenants' home becomes clutter and trash that block sidewalks and rights-of-way, creating public safety risks and public eyesores.

Right now, Maryland is behind other states when it comes to tenants rights over their own belongings. Locally, Washington DC, New Jersey, West Virginia, Pennsylvania, Delaware, and Virginia all have reclamation periods to allow tenants to access their property. 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 states require notice of the scheduled eviction and a right to reclaim. Even without the notice requirement, 33 states have reclamation periods that are longer than 24 hours. HB1114 brings Maryland in line with other states.

This bill adds predictability around the eviction process, benefits tenants, landlords, and the community, and treats tenants with the respect we all deserve.

I respectfully urge a favorable report.

## HB1114 Tenant Possession Recovery Act.pdf Uploaded by: John Ford

### Dear Members of the Environment and Transportation Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA and Maryland Renters United. I am a resident of **District 46**. I am a property owner and landlord in the **City of Baltimore. I am testifying in support of HB1114**.



Showing Up for Racial Justice

Eviction is an intensely stressful event in the lives of individuals and families. In addition to whatever troubles underlie the eviction itself

and the struggle to find new housing, people being expelled from their homes face the uncertainty of not knowing when the ax will fall and the panic of trying to make sure they hold onto their personal property when the eviction occurs. Currently, the law requires no advance notice of the specific date of eviction, and makes no provisions for safeguarding tenant property.

If someone happens to not be home when the sheriff serves the warrant of restitution, the tenants' possessions are put on the street and left subject to theft or damage; the tenant with an impending eviction can only hope they are home at the time, or that they return soon enough to reclaim their property. Everything from necessities like clothes and medication, to family heirlooms and photographs, to important documents like birth certificates and social security cards can be lost in this way. The impact ranges from mildly inconvenient to catastrophic.

HB1114 would change the law in two important ways. First, it requires a landlord to give two weeks' notice of the scheduled eviction date, allowing tenants to appropriately prepare. Second, it requires a landlord to safeguard the personal possessions left on the property for 10 days, giving evicted tenants a chance to reclaim them. Neither of these measures stops the landlord from reclaiming their property after a court has issued a lawful warrant of restitution. They simply prevent the eviction process itself from being unnecessarily traumatic and punitive. These changes will have a substantial positive impact on the lives of many Marylanders facing the tough situation of having to leave their home.

This issue goes beyond economics to long-standing racial inequities. In October 2023, the National Equity Atlas reported an estimated 98,000 households were behind on their rent in Maryland.<sup>1</sup> Of those, 79% of tenants are people of color, including Blacks, Latinx, and Native Americans. Eviction has been documented to hit Black women tenants hardest because of intersecting prejudices against women with eviction records and housing discrimination against Blacks.<sup>2</sup> Considering the wage gap for Black women is \$0.60 for every \$1 a white men earns, each item thrown on the street is harder to replace after eviction,<sup>3</sup> deepening financial hardship. Marylanders suffering the consequences of historically racist policies ought to be spared further harm.

It is for these reasons that I am encouraging you to vote in support of HB1114.

Thank you for your time, service, and consideration.

Sincerely, John Ford 529 S East Ave, Baltimore, MD 21224

<sup>&</sup>lt;sup>1</sup> https://nationalequityatlas.org/rent-debt

<sup>&</sup>lt;sup>2</sup> https://www.nber.org/system/files/working\_papers/w30382/w30382.pdf

<sup>&</sup>lt;sup>3</sup> https://www.forbes.com/advisor/business/gender-pay-gap-statistics/

## HB1114 - CASA Written Testimony.pdf Uploaded by: Jose Coronado Flores



#### Testimony in SUPPORT of HB1114 HB1114 - Real Property - Landlord and Tenant - Procedures for Failure to Pay Rent, Breach of Lease, and Tenant Holding Over House - Environment and Transportation Committee Jose Coronado-Flores, On Behalf of CASA

February 27th, 2024

Dear Honorable Chair Korman and Members of the Committee,

CASA is pleased to offer favorable testimony in support of **HB1114**. HB1114 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.

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 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.

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.

CASA members face evictions for a variety of reasons including difficulty paying rent and retaliation for organizing or demanding better conditions. They do not deserve to have their possessions withheld or left to be stolen on common grounds. For these reasons, CASA urges a favorable report.

Jose Coronado-Flores Research and Policy Analyst jcoronado@wearecasa.org, 240-393-7840

## HB 1114\_MD Center on Economic Policy\_FAV.pdf Uploaded by: Kali Schumitz



### **Marylanders Need Stronger Renter's Rights**

#### Position Statement Supporting House Bill 1114

#### Given before the House Environment and Transportation Committee

Marylanders who experience an eviction also often face the additional setback of losing most of their belongings in the process, from furniture to medications and treasured family mementos, in part because they often don't know the actual date they are removed from their home. **The Maryland Center on Economic Policy supports HB 1114**, which seeks to assist Maryland's most vulnerable renters by ensuring 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.

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 deserve a reclamation period after the eviction occurs, to mitigate the financial and personal loss that evictions cause – as most renters in the country already have. 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.

HB1114 would provide tenants notice 14 days in advance of their impending eviction dates and provide tenants the opportunity to reclaim whatever personal possessions are on the property for 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 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 any remaining items 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 five or more 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.

HB 1114 is a critical protection during a time when too many Marylanders are at risk of facing eviction. According to the Maryland Housing Needs Assessment, nearly one-third of all Maryland households are experiencing housing cost burdens.<sup>i</sup> Of these, 67% are homeowners while 33% are renters. Among renters, 48% of those households are cost burdened, and among low-income households, 76% are severely cost-burdened.

Contributing to the inflated housing cost is the fact that Maryland is experiencing a housing shortage of 96,000 units and this number is expected to grow. The latest Out of Reach report from the National Low Income Housing Coalition lists Maryland as the ninth least affordable state for renters.<sup>ii</sup> To afford a modest two-bedroom apartment in the state, a family must earn \$28.93 an hour or \$60,183 annually. A minimum wage worker in Maryland would have to work 78 hours per week year-round.

While policies to increase affordable housing and prevent evictions are important, reducing the level of financial setback that comes along with an eviction by providing tenants more opportunity to retrieve their belongings could help families bounce back more quickly following an eviction.

If we want to close disparities between white, Black and Brown Marylanders, we must begin with housing. HB 1114 is a step in the right direction because the eviction process should be humane for all Marylanders. For these reasons, **the Maryland Center on Economic Policy respectfully requests the House Environment and Transportation Committee to make a favorable report on House Bill 1114.** 

#### Equity Impact Analysis: House Bill 1114

#### Bill Summary

House Bill 1114 ensures 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.

#### Background

HB1114 would provide tenants notice 14 days in advance of their impending eviction dates; and provide tenants the opportunity to reclaim whatever personal possessions are on the property for 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 of their eviction date and the opportunity to reclaim their possessions.

Maryland is experiencing a housing shortage of 96,000 units and this number is expected to grow. The latest Out of Reach report from the National Low Income Housing Coalition lists Maryland as the ninth least affordable state for renters.<sup>iii</sup> To afford a modest two-bedroom apartment in the state, a family must earn \$28.93 an hour or \$60,183 annually. A minimum wage worker in Maryland would have to work 78 hours per week year-round. When families struggle to pay rent, they face greater risks of instability, eviction, and even homelessness,

which research links to food insecurity, poor health, lower cognitive scores and academic achievement, and more frequent foster care placement among children. Seniors and people with disabilities, on fixed incomes, cannot live safely without affordable housing and supportive services.

#### Equity Implications

Unaffordable and unstable housing perpetuates racial and economic and health disparities in our state. If we want to close disparities between white and black and brown Marylanders, we must begin with housing. We must also ensure that renters are not being subjected to unfair and eviction practices. Because Black and Brown people are more likely to be renters, they often feel the brunt of both the good and bad rental policies such as repeated eviction filings, increase security deposits and substandard housing living conditions.

Ensuring that people do not loose all of their possessions in the event an eviction is executed will benefit lowincome renters who are most at risk of experiencing an eviction.

#### Impact

#### HB 1114 will likely improve racial, health and economic equity in Maryland.

<sup>&</sup>lt;sup>i</sup> Maryland 10 Year Housing Assessment <u>https://dhcd.maryland.gov/Documents/Other%20Publications/Report.pdf</u>

<sup>&</sup>lt;sup>ii</sup> National Low Income Housing Coalition <u>https://nlihc.org/oor/state/md</u>

<sup>&</sup>lt;sup>iii</sup> National Low Income Housing Coalition <u>https://nlihc.org/oor/state/md</u>

## HB 1114 - Tenant Proprty Rights Act - HOUSE.pdf Uploaded by: Katherine Davis



#### HB 1114 – 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 February 27, 2024 Position: FAVORABLE

The Pro Bono Resource Center of Maryland ("PBRC"), an independent 501(c)(3) non-profit organization, is the statewide thought leader and clearinghouse for pro bono civil legal services in Maryland. As the designated pro bono arm of the MSBA, PBRC provides training, mentorship, and pro bono service opportunities to members of the private bar and offers direct legal services to over 6,200 clients annually.

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, thanks in large part to grants from the Maryland Legal Services Corporation (MLSC), PBRC's Courtroom Advocacy Project staff and volunteer attorneys have represented thousands of tenants in both Baltimore City and Baltimore County in multiple types of legal actions that could result in eviction.

While our goal is always to avoid eviction where possible, we recognize that some of our clients end up in that situation. For those who do, **HB 1114 represents a critical measure to ensure that their eviction, while a transfer of the property back to the landlord, does not also result in the loss or destruction of all their belongings.** This legislation does that by ensuring that tenants get notice of their impending eviction date and a limited period of time to reclaim their personal possessions in case an eviction is executed.

Specifically, HB 1114 provides tenants notice 14 days in advance of their impending eviction dates; and 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.<sup>1</sup>

Renters need and deserve a 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 retrieve their possessions. Without either provision, too many tenants lose their homes and property, including items like life-saving medicine, electronics, birth certificates and school photos.

**HB 1114 is not only a benefit to tenants. It also benefits both the landlords and the community.** Many jurisdictions require landlords to have a specific number of workers, equipment, and resources at the ready to conduct an eviction and dispose of the tenants belonging, which can be costly to the landlord. Instituting a reclamation period after an executed eviction means that landlords will no longer have to hire these workers to be present at each eviction. Instead, they will now have more flexibility after the end of the 10-day reclamation period to dispose of any remaining belongings. The community will benefit as well because the tenants' personal belongings will no longer be thrown into the street after an eviction. Those left after the reclamation period will be discarded in a proper and clean fashion.

The point of an eviction is the transfer property back into the hands of the owner, not the destruction or loss of the personal property of the tenants. No one benefits when a family has to look for donations to replace their destroyed furniture because they didn't have time to find a storage unit and it was left in the rain, when a mother has to spend hours at state agencies to replace her children's lost birth certificates, when an elderly man has to replace months'

worth of insulin, or when a community has to look at an entire family's belongings piled on the street. **HB 1114 provides** commonsense solutions that will benefit everyone.

#### PBRC urges a FAVORABLE report on HB 1114.

Please contact Katie Davis, Director of PBRC's Courtroom Advocacy Project, with any questions. kdavis@probonomd.org • 443-703-3049

<sup>1</sup> 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 personal possessions.

## HB 1114\_Consumer Protection Division\_Support\_2024\_ Uploaded by: Kira Wilpone-Welborn

**CANDACE MCLAREN LANHAM** *Chief Deputy Attorney General* 

**CAROLYN A. QUATTROCKI** Deputy Attorney General

**LEONARD J. HOWIE III** Deputy Attorney General

**CHRISTIAN E. BARRERA** *Chief Operating Officer* 

**ZENITA WICKHAM HURLEY** Chief, Equity, Policy, and Engagement

> PETER V. BERNS General Counsel



WILLIAM D. GRUHN Chief Consumer Protection Division

Attorney General State of Maryland

OFFICE OF THE ATTORNEY GENERAL CONSUMER PROTECTION DIVISION

Writer's Direct Dial No. 410-576-6986 kwilponewelborn@oag.state.md.us

February 23, 2024

To: The Honorable Marc Korman Chair, Environment and Transportation Committee

From: Kira Wilpone-Welborn, Assistant Attorney General Consumer Protection Division

Re: House Bill 1114 – Real Property - Landlord and Tenant - Procedures for Failure to Pay Rent, Breach of Lease, and Tenant Holding Over (SUPPORT)

The Consumer Protection Division of the Office of the Attorney General (the "Division") supports House Bill 1114 sponsored by Delegates Terrasa, Atterbeary, Ebersole, Fair, Feldmark, Hill, Lehman, Ruth, and Williams. Eviction, by its very nature, is chaotic and disruptive to the tenant, the landlord, and the community. House Bill 1114 attempts to reduce one area of disruption by protecting the personal belongings of tenants facing eviction by: (1) providing advance written notice of a scheduled eviction, and (2) allowing the tenant time after possession is restored to the landlord to collect personal property.

First, House Bill 1114 seeks to prepare tenants for an impending eviction after the Court issues a warrant of restitution by requiring the landlord or its agent to provide the tenant with at least 14 days' written notice of the scheduled eviction. To ensure the tenant receives the notice, the notice must be mailed and posted on the tenant's door; and, to ensure the landlord can document the notice, the landlord must have a certificate of mailing and a date-stamped photograph of the posted notice. Providing tenants with at least 14 days' notice of a scheduled eviction provides them with ample time to plan and make alternative arrangements and reduces the disruption of the eviction. For example, with at least 14 days' notice, tenants are provided with the material piece of information they need to make tough decisions about what belongings to pack and store, and, in the case of evictions due to a tenant's failure to pay rent, what bill payments can be rearranged to secure the funds necessary to redeem the property and avoid an eviction altogether.

Second, House Bill 1114 requires landlords to provide tenants with 10 days to reclaim property that remained in or on the premises at the time of the eviction. Presently, in many Maryland communities, evicted tenants' belongings are hastily removed from the premises and placed on the curb. Often included among the removed belongings are tenants' valuables, such as medications, birth certificates, and family heirlooms, which often become lost or damaged. Providing tenants with a mere 10 days to reclaim remaining property after an eviction can prevent invaluable personal belongings from being lost or damaged and save tenants from the additional time and expense needed to obtain a duplicate of important documents. Additionally, House Bill 1114's reclamation period reduces disruptions to the community by keeping personal belongings from being housed on the curb or other public property after an eviction.

As such, the Division requests that the Environment and Transportation Committee give House Bill 1114 a favorable report.

cc: The Honorable Jen Terrasa, *et al*. Members, Environment and Transportation Committee

## HB1114\_MoCoDHCA\_Frey\_FAV.pdf Uploaded by: Leslie Frey



### **Montgomery County** Office of Intergovernmental Relations

#### ROCKVILLE: 240-777-6550

#### ANNAPOLIS: 240-777-8270

DATE: February 27, 2024

HB 1114

SPONSOR: Delegates Terrasa, et al.

ASSIGNED TO: Environment and Transportation

CONTACT PERSON: Leslie Frey (I

(leslie.frey@montgomerycountymd.gov)

POSITION: FAVORABLE (Department of Housing and Community Affairs)

#### Real Property - Landlord and Tenant - Procedures for Failure to Pay Rent, Breach of Lease, and Tenant Holding Over

House Bill 1114 requires a landlord to provide notice to a tenant at least 14 days before the scheduled date of repossession as set by the sheriff when a court has issued a warrant of restitution for a failure of a tenant to pay rent, a breach of lease, or a tenant holding over. The bill also establishes procedures and requirements for the execution of a warrant for repossession and mandates that tenants be provided ten days following the execution of a warrant of restitution to recover personal property from the premises or another reasonably secure location chosen by the landlord. Finally, the bill states that nothing in the bill may be interpreted to restrict the authority of the State and local jurisdictions to enact legislation governing landlords and tenants, including legislation establishing penalties for a violation of this section.

Current law allows the enforcement of a writ of restitution at any time after four days from the judgement. Landlords do not have to provide any specific date for the repossession of the property or the eviction, causing tenants uncertainty on access to the property. House Bill 1114 creates an obligation for notice of a specific date for enforcement; this creates a process for providing tenants with structure and clarity on rights and actions available to them. Montgomery County would benefit from fewer completed evictions, which saves landlords turnover costs and reduces eviction impacts on tenants and households. Montgomery County Department of Housing and Community Affairs supports House Bill 1114 because it creates structure and communication to eliminate the disruptive and confusing process of eviction enforcement. Current practice creates uncertainty and does not support tenants managing efforts to either satisfy the judgment or coordinate a process of moving. For these reasons, Montgomery County Department of Housing and Community Affairs respectfully requests a favorable report.

## HB1114 Tenant Possession Recovery Act.pdf Uploaded by: Lindsay Keipper

### Dear Members of the Environment and Transportation Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA and Maryland Renters United. I am a resident of **District 46 and I am testifying in support of HB1114**.

Eviction is an intensely stressful event in the lives of individuals and families. In addition to whatever troubles underlie the eviction itself and the struggle to find new housing, people being expelled from



Showing Up for Racial Justice

their homes face the uncertainty of not knowing when the ax will fall and the panic of trying to make sure they hold onto their personal property when the eviction occurs. Currently, the law requires no advance notice of the specific date of eviction, and makes no provisions for safeguarding tenant property.

If someone happens to not be home when the sheriff serves the warrant of restitution, the tenants' possessions are put on the street and left subject to theft or damage; the tenant with an impending eviction can only hope they are home at the time, or that they return soon enough to reclaim their property. Everything from necessities like clothes and medication, to family heirlooms and photographs, to important documents like birth certificates and social security cards can be lost in this way. The impact ranges from mildly inconvenient to catastrophic.

HB1114 would change the law in two important ways. First, it requires a landlord to give two weeks' notice of the scheduled eviction date, allowing tenants to appropriately prepare. Second, it requires a landlord to safeguard the personal possessions left on the property for 10 days, giving evicted tenants a chance to reclaim them. Neither of these measures stops the landlord from reclaiming their property after a court has issued a lawful warrant of restitution. They simply prevent the eviction process itself from being unnecessarily traumatic and punitive. These changes will have a substantial positive impact on the lives of many Marylanders facing the tough situation of having to leave their home.

This issue goes beyond economics to long-standing racial inequities. In October 2023, the National Equity Atlas reported an estimated 98,000 households were behind on their rent in Maryland.<sup>1</sup> Of those, 79% of tenants are people of color, including Blacks, Latinx, and Native Americans. Eviction has been documented to hit Black women tenants hardest because of intersecting prejudices against women with eviction records and housing discrimination against Blacks.<sup>2</sup> Considering the wage gap for Black women is \$0.60 for every \$1 a white men earns, each item thrown on the street is harder to replace after eviction,<sup>3</sup> deepening financial hardship. Marylanders suffering the consequences of historically racist policies ought to be spared further harm.

It is for these reasons that I am encouraging you to vote in support of HB1114.

Thank you for your time, service, and consideration.

Sincerely, Lindsay Keipper 2425 Fleet St. Showing Up for Racial Justice Baltimore

<sup>&</sup>lt;sup>1</sup> https://nationalequityatlas.org/rent-debt

<sup>&</sup>lt;sup>2</sup> https://www.nber.org/system/files/working\_papers/w30382/w30382.pdf

<sup>&</sup>lt;sup>3</sup> https://www.forbes.com/advisor/business/gender-pay-gap-statistics/

## HB1114 ACDS Support - Tenant Possessions Recovery Uploaded by: Lisa Sarro



### HB1114 – Real Property - Landlord and Tenant - Procedures for Failure to Pay Rent, Breach of Lease, and Tenant Holding Over

Hearing of the Environment and Transportation Committee, February 27, 2024

**Position: Favorable** 

#### SUPPORT: ACDS strongly supports HB1114.

#### The Bill

This bill will bring Maryland's eviction process in line with the rest of the country by ensuring that families and individuals on the verge of eviction have advance notice of the date when their eviction will occur and a limited period of time after the eviction date within which to gather their personal belongings.

All of Maryland's neighboring states, including New Jersey, West Virginia, Pennsylvania, Delaware, Virginia, North Carolina, and the District of Columbia, have laws that require both advance notice of an eviction date and a period of time within which evicted families can gather personal belongings. In fact, 46 states in the US have laws that require notice to a tenant of their eviction date and/or a reclamation period post eviction for tenants to gather their belongings, or both. *Currently, Maryland has neither.* 

#### **ACDS Connection to Eviction Matters**

ACDS serves as Anne Arundel County's nonprofit housing and community development agency. As part of fulfilling this role, ACDS administers an Eviction Prevention Program providing financial assistance to prevent the eviction of families and individuals facing imminent eviction, administers grants to other nonprofits providing eviction prevention assistance, and coordinates the County's Continuum of Care and local Coalition to End Homelessness. We interact closely everyday with government agencies, school personnel, legal services providers, foundations, inter-faith organizations, and others that help individuals and families facing eviction and families that need help rebuilding their lives, often from the ground up, after the family has been evicted.

## Who is Most Affected by Eviction and the Threat of Eviction? *Families with children, especially families with a child under the age of five, are overwhelmingly the most likely demographic to be threatened by eviction and are also most likely to actually be evicted.*

Late in 2023, the <u>Proceedings of the National Academy of Sciences of the United States of</u> <u>America</u> (PNAS) published new data developed through an innovative partnership between Princeton University's Eviction Lab, Rutgers University, and the US Census Bureau. They linked millions of eviction court records with detailed census data to provide the most accurate and comprehensive estimates to date of demographic variations in eviction risk, finding that **evictions overwhelmingly affect households with children present – 40% of individuals threatened with eviction are children.** Racial disparities are stark, also - **about a quarter of Black babies and toddlers in rental households face the threat of eviction**. The study

> 410-222-7600 Voice 410-222-7619 Fax

2666 Riva Road, Suite 210 Annapolis, Maryland 21401 info@acdsinc.org www.acdsinc.org reveals that **not only does the average evicted household include a child, but the most common age to experience this traumatic event is during the earliest years of a child's life.** 

Advance Notice of an Eviction Date Would Provide Time for Local Agencies to Step In to Help. Families are often taken by surprise when the Sheriff and a moving crew appear at their home to change the locks and toss their belongings out of the house. With advance notice of their scheduled eviction date, households and the agencies that may help them will know exactly how much time they have to come up with the amount needed to "pay and stay," or to make other arrangements for their housing. This time is absolutely critical for the agencies and organizations that might be able to assist the families either with funding, so they can pay and stay, or with arranging housing alternatives.

When a family is evicted without notice and they are unable to preserve their belongings, the family's crisis is often shared with the agencies and organizations whose responsibility and mission is to help pick up the pieces, including school staff tasked with ensuring the educational success of children who are homeless or housing insecure. Loss of not just the roof over their heads, but also all their property, creates a crisis that especially traumatizes children. They lose all their belongings - their pets, cherished toys, schoolbooks and school laptops, clothing – literally everything they own is lost, often before their very eyes. For adults, too, the loss of everything – vital medicines, key documents like passports and IDs, credit cards and banking documents, computers, work clothes, tools needed for work, car keys, food, furniture, etc.. The losses can set a family back not just temporarily, but permanently.

For those without alternatives, shelter must be located, along with resources for everyday life. We know from our interactions with our local nonprofits helping families start over, that those nonprofits and interfaith groups are at their limit and can't keep up with the needs of families who need to restock everything they have lost. Resources would be much more effective if directed toward helping families preserve rather than replace belongings.

Advance Notice of Eviction Dates and Some Time for Families to Gather Their Belongings Will be Life-Changing for Many Families. Maryland's current eviction process creates unnecessary crises. With the change contemplated by this bill - advance notice of the eviction date and time to gather belongings - both the crisis element and the lifelong trauma and economic impact caused by eviction will be avoided, or at least ameliorated. Families will have a chance to avoid eviction altogether or to at least preserve the belongings they need to move forward with their lives after an eviction.

### For the reasons noted above, ACDS urges the Committee to issue a FAVORABLE report on HB1114.

## HB1114 Tenant Possession Recovery Act\_Badeker.pdf Uploaded by: Melissa Badeker

### Dear Members of the Environment and Transportation Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA and Maryland Renters United. I am a resident of **District 8. I am testifying in support of HB1114**.



Eviction is an intensely stressful event in the lives of individuals and families. In addition to whatever troubles underlie the eviction itself and the struggle to find new housing, people being expelled from

Showing Up for Racial Justice

their homes face the uncertainty of not knowing when the ax will fall and the panic of trying to make sure they hold onto their personal property when the eviction occurs. Currently, the law requires no advance notice of the specific date of eviction, and makes no provisions for safeguarding tenant property.

If someone happens to not be home when the sheriff serves the warrant of restitution, the tenants' possessions are put on the street and left subject to theft or damage; the tenant with an impending eviction can only hope they are home at the time, or that they return soon enough to reclaim their property. Everything from necessities like clothes and medication, to family heirlooms and photographs, to important documents like birth certificates and social security cards can be lost in this way. The impact ranges from mildly inconvenient to catastrophic.

HB1114 would change the law in two important ways. First, it requires a landlord to give two weeks' notice of the scheduled eviction date, allowing tenants to appropriately prepare. Second, it requires a landlord to safeguard the personal possessions left on the property for 10 days, giving evicted tenants a chance to reclaim them. Neither of these measures stops the landlord from reclaiming their property after a court has issued a lawful warrant of restitution. They simply prevent the eviction process itself from being unnecessarily traumatic and punitive. These changes will have a substantial positive impact on the lives of many Marylanders facing the tough situation of having to leave their home.

This issue goes beyond economics to long-standing racial inequities. In October 2023, the National Equity Atlas reported an estimated 98,000 households were behind on their rent in Maryland.<sup>1</sup> Of those, 79% of tenants are people of color, including Blacks, Latinx, and Native Americans. Eviction has been documented to hit Black women tenants hardest because of intersecting prejudices against women with eviction records and housing discrimination against Blacks.<sup>2</sup> Considering the wage gap for Black women is \$0.60 for every \$1 a white men earns, each item thrown on the street is harder to replace after eviction,<sup>3</sup> deepening financial hardship. Marylanders suffering the consequences of historically racist policies ought to be spared further harm.

It is for these reasons that I am encouraging you to vote in support of HB1114.

Thank you for your time, service, and consideration.

Sincerely, Melissa Badeker 3020 Linwood Avenue, Parkville MD 21234 Showing Up for Racial Justice Baltimore

<sup>&</sup>lt;sup>1</sup> https://nationalequityatlas.org/rent-debt

<sup>&</sup>lt;sup>2</sup> https://www.nber.org/system/files/working\_papers/w30382/w30382.pdf

<sup>&</sup>lt;sup>3</sup> https://www.forbes.com/advisor/business/gender-pay-gap-statistics/

# HB1114 Favorable Testimony.pdf Uploaded by: Michael Lent Position: FAV

#### 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**

I, Michael Lent resident of Maryland District 8, believe 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.

Giving tenants who are going through a difficult experience and transitioning with limited funds time to find space and collect their personal possessions and items they need. Just think about being without clothes, medicine, or everyday essentials while you are trying to get back to a stable living situation. The anxiety, stress, and constraints this adds on to a person while navigating family, work, and courts.

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.

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 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.

#### I, Michael Lent, urge that the committee issue a favorable report on HB 1114.

Michael Lent 2504 Creighton Ave Parkville, MD 21234

## HB1114\_MiriamGrant\_Landlord\_FAV - Google Docs.pdf Uploaded by: Miriam Grant

February 27, 2024

#### HB 1114 - Real Property - Landlord and Tenant - Procedures for Failure to Pay Rent, Breach of Lease, and Tenant Holding Over

#### Position: FAVORABLE

**TO:** Chair Korman, Vice Chair Boyce, and members of the Environment & Transportation Committee

#### FROM: Miriam Grant

I own a duplex in the Reservoir Hill neighborhood of Baltimore City (District 40) and as a landlord, I believe HB 1114 is essential to ensure fairness for renters and our neighborhoods. Tenants should have notice of their impending eviction date and a reasonable period of time to reclaim their personal belongings when an eviction is carried out. If HB 1114 is passed, it would provide both, resulting in greater stability for families and individuals, and a reduction in community blight.

While eviction is deeply unfortunate, and something I would like to avoid, it is a reality of the rental housing system. I want my tenants to be put in the best possible position should an eviction become necessary. They should have ample notice of when the eviction is scheduled for, so they have time to either collect the funds to "pay and stay," or secure alternate housing and move their belongings. Should they be unable to move ahead of an eviction, they should be able to reclaim their possessions in order to minimize the negative impacts. Losing housing shouldn't also mean losing life-saving medications, personal identification, family photos and heirlooms, or their toddler's favorite stuffy.

HB 1114 would also be beneficial for neighborhoods in that it would prohibit an evicted tenant's belongings from being thrown out in the street. Currently, in most of Maryland, a tenant's personal belongings are tossed into the street after an eviction, creating clutter that blocks sidewalks and creates public blight. HB 1114 would remedy this issue by requiring landlords to discard whatever remaining items are left after an eviction in a clean and responsible 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, canceled, or postponed, the landlord loses money and resources. Instituting a reclamation period after an executed eviction. The landlord 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.

This is sensible legislation that brings Maryland in line with the rest of the country in how they execute 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 personal possessions.

For these reasons, I respectfully urge a favorable report on HB 1114.

## HB 1114 - Real Property - Landlord and Tenant - Pr Uploaded by: NaShona Kess



February 27, 2024

Environment and Transportation Maryland General Assembly Annapolis, Maryland

Re: HB 1114 – Real Property - Landlord and Tenant - Procedures for Failure to Pay Rent, Breach of Lease, and Tenant Holding Over

Members of the Committee,

Chairman, Members of the Committee,

I am writing to express the full support of the Maryland NAACP for HB 1114, a crucial piece of legislation that requires a landlord to provide certain notice to a tenant when a court has issued a warrant of restitution for a failure of a tenant to pay rent, a breach of lease, or a tenant holding over under certain circumstances; establishing certain procedures and requirements for the execution of a warrant for repossession; providing for the disposition of certain personal property following the execution of a warrant of restitution; etc.

It is imperative to recognize that eviction disproportionately impacts communities of color. The lack of reliable notice exacerbates this disparity, as marginalized tenants are often left uninformed and without recourse, further perpetuating cycles of poverty and instability. HB 1114 seeks to rectify this injustice by mandating landlords to provide tenants with a 14-day notice prior to eviction, affording them the opportunity to exercise their rights and make informed decisions.

Furthermore, HB 1114 introduces a much-needed reclamation period of ten days post-eviction, allowing tenants to retrieve essential personal belongings. This provision is particularly critical for marginalized communities who may lack the resources to swiftly relocate or replace their possessions. By aligning Maryland with states such as Washington D.C., New Jersey, and Virginia, HB 1114 acknowledges the fundamental right of tenants to secure their belongings and rebuild their lives with dignity.

Moreover, HB 1114 addresses the systemic neglect of neighborhoods by prohibiting the disposal of evicted tenants' belongings onto public streets. The current practice not only perpetuates blight but also symbolizes a disregard for the welfare of affected communities. HB 1114 mandates landlords to dispose of belongings in a proper and respectful manner, fostering cleaner and safer neighborhoods for all residents.

Additionally, HB 1114 alleviates undue financial burdens on landlords by eliminating the requirement for excessive resources during eviction proceedings. The implementation of a reclamation period reduces the need for a surplus workforce, ensuring that landlords can efficiently manage their properties without unnecessary expenses.

HB 1114 acknowledges the devastating consequences of housing insecurity that follow eviction, particularly for families and vulnerable individuals. Eviction disrupts lives, destabilizes communities, and exacerbates poverty cycles. Providing tenants with advance notice of eviction dates affords them crucial time to seek alternative housing arrangements, access support services, and avoid the trauma of homelessness. This legislation recognizes that stable housing is essential for the well-being and prosperity of families, and that adequate notice can significantly mitigate the disruptive effects of eviction, offering families a chance to navigate challenging circumstances with greater resilience and dignity.

In conclusion, HB 1114 represents an opportunity to address the intersecting challenges faced by families, break the cycle of poverty, and confront racial disparities entrenched within Maryland's eviction process. By providing tenants with adequate notice and a reclamation period, this legislation upholds principles of fairness and justice for all Marylanders. The Maryland NAACP urges the Committee to support HB 1114 and advance equity and dignity for tenants across our state.

Thank you for your attention to this vital matter.

In Service,

NaShona Kess, Esq., MLS Executive Director, NAACP Maryland State Conference <u>NaShonakess.mdnaacp@gmail.com</u>

HB1114 P Thomas Testimony.pdf Uploaded by: Pretnier Thomas Position: FAV

### Written Testimony from Pretnie'r Thomas

### 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**

My name is Pretnie'r Thomas. I am a tenant in Baltimore City, Maryland.

I believe 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.

This is important to me because my son and I were evicted in October 2022, and we lost all our belongings. These belongings include furniture, kitchen items, clothing, and sentimental items, like pictures. My son has asked me several times what happened to his gaming system, which is very upsetting to me. If the protections afforded under this bill had been in place at the time, I would have had a chance to get my belongings before they were thrown out like trash.

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.

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.

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.

I, Pretnie'r Thomas, urge a favorable report on HB 1114.

# HB1114 Tenant Possession Recovery Act.pdf Uploaded by: Rebecca Shillenn

Position: FAV

## Dear Members of the Environment and Transportation Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA and Maryland Renters United. I am a resident of **District 45. I am testifying in support of HB1114.** 



Eviction is an intensely stressful event in the lives of individuals and families. In addition to whatever troubles underlie the eviction itself and the struggle to find new housing, people being expelled from

Showing Up for Racial Justice

their homes face the uncertainty of not knowing when the ax will fall and the panic of trying to make sure they hold onto their personal property when the eviction occurs. Currently, the law requires no advance notice of the specific date of eviction, and makes no provisions for safeguarding tenant property.

If someone happens to not be home when the sheriff serves the warrant of restitution, the tenants' possessions are put on the street and left subject to theft or damage; the tenant with an impending eviction can only hope they are home at the time, or that they return soon enough to reclaim their property. Everything from necessities like clothes and medication, to family heirlooms and photographs, to important documents like birth certificates and social security cards can be lost in this way. The impact ranges from mildly inconvenient to catastrophic.

HB1114 would change the law in two important ways. First, it requires a landlord to give two weeks' notice of the scheduled eviction date, allowing tenants to appropriately prepare. Second, it requires a landlord to safeguard the personal possessions left on the property for 10 days, giving evicted tenants a chance to reclaim them. Neither of these measures stops the landlord from reclaiming their property after a court has issued a lawful warrant of restitution. They simply prevent the eviction process itself from being unnecessarily traumatic and punitive. These changes will have a substantial positive impact on the lives of many Marylanders facing the tough situation of having to leave their home.

This issue goes beyond economics to long-standing racial inequities. In October 2023, the National Equity Atlas reported an estimated 98,000 households were behind on their rent in Maryland.<sup>1</sup> Of those, 79% of tenants are people of color, including Blacks, Latinx, and Native Americans. Eviction has been documented to hit Black women tenants hardest because of intersecting prejudices against women with eviction records and housing discrimination against Blacks.<sup>2</sup> Considering the wage gap for Black women is \$0.60 for every \$1 a white men earns, each item thrown on the street is harder to replace after eviction,<sup>3</sup> deepening financial hardship. Marylanders suffering the consequences of historically racist policies ought to be spared further harm.

It is for these reasons that I am encouraging you to vote in support of HB1114.

Thank you for your time, service, and consideration.

Sincerely, **Rebecca Shillenn** 5401 Elsrode Avenue Baltimore MD 21214 Showing Up for Racial Justice Baltimore

<sup>&</sup>lt;sup>1</sup> https://nationalequityatlas.org/rent-debt

<sup>&</sup>lt;sup>2</sup> https://www.nber.org/system/files/working\_papers/w30382/w30382.pdf

<sup>&</sup>lt;sup>3</sup> https://www.forbes.com/advisor/business/gender-pay-gap-statistics/

# Eckel HB1114 Tenant Possession Recovery Act.pdf Uploaded by: Rianna Eckel

Position: FAV

## Dear Members of the Environment and Transportation Committee,

My name is Rianna Eckel and I'm a resident of the 43<sup>rd</sup> District, and a renter. I am submitting this testimony as a member of Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA and Maryland Renters United. **I am testifying in support of HB1114.** 



Showing Up for Racial Justice

Eviction is an intensely stressful event in the lives of individuals and families. In addition to whatever troubles underlie the eviction itself and the struggle to find new housing, people being expelled from their homes face the uncertainty of not knowing when the ax will fall and the panic of trying to make sure they hold onto their personal property when the eviction occurs. Currently, the law requires no advance notice of the specific date of eviction and makes no provisions for safeguarding tenant property.

If someone happens to not be home when the sheriff serves the warrant of restitution, the tenants' possessions are put on the street and left subject to theft or damage; the tenant with an impending eviction can only hope they are home at the time, or that they return soon enough to reclaim their property. Everything from necessities like clothes and medication, to family heirlooms and photographs, to important documents like birth certificates and social security cards can be lost in this way. The impact ranges from mildly inconvenient to catastrophic.

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It is for these reasons that I am encouraging you to vote in support of HB1114.

Thank you for your time, service, and consideration.

Sincerely, Rianna Eckel 2300 Hunter St, Baltimore 21218 Showing Up for Racial Justice Baltimore

<sup>&</sup>lt;sup>1</sup> https://nationalequityatlas.org/rent-debt

<sup>&</sup>lt;sup>2</sup> https://www.nber.org/system/files/working\_papers/w30382/w30382.pdf

<sup>&</sup>lt;sup>3</sup> https://www.forbes.com/advisor/business/gender-pay-gap-statistics/

# **02.23 - HB 1114 - Real Property - Landlord and Te** Uploaded by: Robin McKinney

Position: FAV



### HB 1114 - Real Property - Landlord and Tenant - Procedures for Failure to Pay Rent, Breach of Lease, and Tenant Holding Over Environment and Transportation Committee February 27, 2024 <u>SUPPORT</u>

Chair Korman, Vice-Chair Boyce and members of the committee, thank you for the opportunity to submit testimony in support of House Bill 1114. This bill will 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.

The CASH Campaign of Maryland promotes economic advancement for low-to-moderate income individuals and families in Baltimore and across Maryland. CASH accomplishes its mission through operating a portfolio of direct service programs, building organizational and field capacity, and leading policy and advocacy initiatives to strengthen family economic stability. CASH and its partners across the state achieve this by providing free tax preparation services through the IRS program 'VITA', offering free financial education and coaching, and engaging in policy research and advocacy. Almost 4,000 of CASH's tax preparation clients earn less than \$10,000 annually. More than half earn less than \$20,000.

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.

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 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

### Creating Assets, Savings and Hope



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.

<u>The CASH Campaign of Maryland is a member of the Renters United Maryland coalition and asks that the</u> <u>Committee issue a report of FAVORABLE on HB 1114.</u>

Creating Assets, Savings and Hope

# HB1114 Tenant Possession Recovery Act.pdf Uploaded by: Sarah Johnson

Position: FAV

## Dear Members of the Environment and Transportation Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA and Maryland Renters United. I am a resident of District 41. I am testifying in support of HB1114.



Eviction is an intensely stressful event in the lives of individuals and families. In addition to whatever troubles underlie the eviction itself and the struggle to find new housing, people being expelled from

Showing Up for Racial Justice

their homes face the uncertainty of not knowing when the ax will fall and the panic of trying to make sure they hold onto their personal property when the eviction occurs. Currently, the law requires no advance notice of the specific date of eviction, and makes no provisions for safeguarding tenant property.

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HB1114 would change the law in two important ways. First, it requires a landlord to give two weeks' notice of the scheduled eviction date, allowing tenants to appropriately prepare. Second, it requires a landlord to safeguard the personal possessions left on the property for 10 days, giving evicted tenants a chance to reclaim them. Neither of these measures stops the landlord from reclaiming their property after a court has issued a lawful warrant of restitution. They simply prevent the eviction process itself from being unnecessarily traumatic and punitive. These changes will have a substantial positive impact on the lives of many Marylanders facing the tough situation of having to leave their home.

This issue goes beyond economics to long-standing racial inequities. In October 2023, the National Equity Atlas reported an estimated 98,000 households were behind on their rent in Maryland.<sup>1</sup> Of those, 79% of tenants are people of color, including Blacks, Latinx, and Native Americans. Eviction has been documented to hit Black women tenants hardest because of intersecting prejudices against women with eviction records and housing discrimination against Blacks.<sup>2</sup> Considering the wage gap for Black women is \$0.60 for every \$1 a white men earns, each item thrown on the street is harder to replace after eviction,<sup>3</sup> deepening financial hardship. Marylanders suffering the consequences of historically racist policies ought to be spared further harm.

It is for these reasons that I am encouraging you to vote in support of HB1114.

Thank you for your time, service, and consideration.

Sincerely, Sarah Johnson 1 Merryman Court, Baltimore, MD 21210 Showing Up for Racial Justice Baltimore

<sup>&</sup>lt;sup>1</sup> https://nationalequityatlas.org/rent-debt

<sup>&</sup>lt;sup>2</sup> https://www.nber.org/system/files/working\_papers/w30382/w30382.pdf

<sup>&</sup>lt;sup>3</sup> https://www.forbes.com/advisor/business/gender-pay-gap-statistics/

**SHunt Testimony Final.pdf** Uploaded by: Sharnae Hunt Position: FAV

### 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, 2023

### **Position: FAVORABLE**

Chairman Korman, Vice Chair Boyce, and members of the House Environment and Transportation Committee:

My name is Sharnae Hunt, I am a government worker, a mother, and a renter in the city of Glen Burnie, Maryland. I am here today to support the Tenant Possessions Recovery Act (HB 1114) which would protect renters from experiencing the harm I unfortunately went through. **Two days before Thanksgiving 2022, I was evicted by the landlord, while I was at work.** That day, I was called by the property manager and told that I owed \$300 in back rent and that I needed to pay that immediately. Because I was working and I did not have time to discuss the matter in full, I paid the \$300 over the phone and continued to work. Shortly after the phone call with the property manager, I was called by a neighbor letting me know that an eviction had taken place at my building. By the time I came home, I found that all my belongings had been removed from my unit and had been thrown carelessly into the street.

It was not long after that, my landlord confessed to me that the eviction was done "erroneously" and that they would move my belongings back into my unit. However, the damage had already been done. During the eviction the landlord's agents damaged, broke and dirtied my furniture and took my belongings for themselves. I lost precious keepsakes my son made for me, old passports, social security cards, bank information, a laptop, gaming systems and other technologies. My son's pet turtle was sent away and we were never able to track him down.

Because of the traumatic experience, I moved out of the unit and now live with my parents while me and my son try to make ourselves whole again. If the Tenant Possessions Recovery Act was a law, this experience would not have happened to me or any other Maryland tenant. The law would make sure that in evictions whether done "erroneously" or by the law, tenants would have the right to access their personal and sacred belongings.

### I ask for a favorable report on HB 1114.

Thank you,

Sharnae Hunt

Sharnae Hunt watches as haulers put her belongings back onto a truck after she was wrongfully evicted at Tall Pines Apartments in Glen Burnie on Tuesday, Nov. 22, 2022. (Jessica Gallagher/The Baltimore Banner)

Our nonprofit news organization is made possible by <u>subscribers</u> and <u>donors</u> who value storytelling that impacts and uplifts communities. Thank you for supporting our journalism.

Sharnae Hunt often comes home from work to find the curb in front of her Glen Burnie apartment complex piled high with furniture, clothes, toys and strollers — the items left behind by neighbors who were evicted after falling behind on rent.

But on Tuesday, she was shocked to find her own possessions strewn across the grass at Tall Pines Apartments after she was improperly evicted from her home by one of Anne Arundel County's most prolific evictors, Hendersen-Webb, Inc., a Cockeysville-based property management company.

Two days before Thanksgiving, the contents of the apartment she shares with her 9-year-old son, Jacoby Thomas, were piled in a heaping mass: mattresses, couches, TVs, paintings, schoolwork and toys, clear plastic bags stuffed with a tangled combination of clothes, food and electronics.



Sharnae Hunt talks on the phone and watches as haulers put her belongings back onto a truck after she was wrongfully evicted at one of the five Glen Burnie apartment communities that makeup the Hendersen Webb, Inc.-owned The Forest on November 22, 2022. (Jessica Gallagher/The Baltimore Banner)

The eviction was the result of a "miscommunication," according to Pamela Newland, Hendersen-Webb's chief operating officer.

The confluence of events that took place at Tall Pines on Tuesday is likely rare. But it reflects the vulnerabilities of an eviction system in Maryland that enables regular mass eviction filings by landlords and relies on them to share accurate information with law enforcement overseeing evictions.



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A couple of hours earlier, Hunt had received a call from the rental office informing her that she was behind \$300 on her rent, she said. Anne Arundel County sheriff's deputies were already carrying out evictions across several of the company's three-story, brick-exterior garden apartment buildings, which are wedged behind the University of Maryland Baltimore Medical Center in southern Glen Burnie. If she didn't pay the amount due, she was told, she'd be on their list.



Haulers and a sheriff's deputy collect the belongings of a resident being evicted from one of the five Glen Burnie apartment communities that makeup the Hendersen Webb, Inc.-owned The Forest in Glen Burnie. (Jessica Gallagher/The Baltimore Banner)

It was the first that Hunt heardabout the balance, she said, and she wasn't sure how she'd missed it. But she patched her stepfather into a three-way call and he paid the balance by credit card. Her stepfather confirmed the call to The Baltimore Banner. Nervous that news of the payment wouldn't reach the crews filling flatbed trailers with residents' belongings, she made the 20-minute drive from her job at a laser manufacturing company back home and confirmed directly with a property manager overseeing evictions that her name was not on the list. She drove back to work.

An hour and a half later, she received a call from a neighbor: she'd been evicted.

"It's just me and my child, I'm supposed to bring him home after school today to this?" shouted Hunt, her face wet with tears. A Baltimore Banner reporter and photographer had gone to the scene to observe the evictions at the complex as part of ongoing coverage of the region's rental housing crisis.

Hunt went through the pile to assess the damage, desperately pulling her couch off of whatever breakables might be beneath it and tossing aside shoeboxes already emptied by those who had found her belongings before her. She'd have to tell her son that his pet turtle Mikie had been taken by animal control, she realized, and slumped into an office chair on the edge of the pile.

"Two days before Thanksgiving— where is the humanity in that?" Hunt asked. "All for \$300."

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Newland declined to address questions about why the eviction occurred.

"This is an extremely unfortunate situation," Newland wrote in an email to The Banner. "We are working with our resident to make this right." She declined to respond to emailed questions or to offer any further comment.

As Hunt and a few of her relatives snapped photos of the damage on their mobile phones, the same crew of haulers who had thrown her belongings onto the curb returned to the scene to load her now-cracked mirrors, dirty mattresses, and food-soiled clothing back onto flatbed trailers and into Hunt's apartment.



Essence Bennett goes through the belongings of her cousin, Sharnae Hunt, after she was wrongfully evicted. (Jessica Gallagher/The Baltimore Banner)

"What value does my stuff have at this point?" Hunt asked by phone Tuesday evening, after having left her disheveled apartment to coach her varsity girls basketball team at a game in Parkville. Hunt also volunteers as a basketball commissioner at the Old Mill Youth Association.

Hunt said a company representative offered her a \$5,000 check for the damages, but she's not planning to cash it. "This situation is so much more than that — it's not about the money," said Hunt, who was weighing her legal options.

Brian Andre, a captain with the Anne Arundel County Sheriff's Office, said that law enforcement officials rely on landlords to provide accurate information about residents facing eviction.

"If they don't notify the sheriff on scene that this person paid, we're going off the information that we have on hand at the time — much as in a criminal case," Andre said. Deputies regularly call the courts to confirm whether eviction cases have received a stay from a judge. But if the tenant has paid since their court date, officers rely on the landlord to update them.

"I do fault 100% the landlord for this incident. This is 100% on them and they need to do better with their tenants," Andre said.

The captain said he rarely hears of situations like Hunt's, though.



Essence Bennett sorts through the belongings of her cousin, Sharnae Hunt, after she was wrongfully evicted at Tall Pines Apartments. (Jessica Gallagher/The Baltimore Banner)

"We get very, very, very few complaints from tenants or landlords when it comes to landlord-tenant affairs," he said.

Lisa Sarro, general counsel for Arundel Community Development Services, an affordable housing nonprofit, said these types of mix-ups may happen more often than get reported to the group or to law enforcement.

"You don't know about the ones that just happen and you don't hear about," said Sarro.

"It really is a system that is completely dependent on the good bookkeeping and goodwill of the property managers," said Sarro. "All it takes is for one property manager accepting a payment without letting somebody on the ground know that that payment was received. ... That's all it takes for a tragedy to happen."

Sarro added, "It's much more likely to happen with properties that have multiple filings and they literally have hundreds of people constantly at risk of eviction."

Tenants of Hendersen-Webb are among the most vulnerable to these types of errors. The company is one of the most frequent eviction filers in Anne Arundel County, a Baltimore Banner analysis of electronically available eviction filings show.



Sharnae Hunt watches as haulers put her belongings back onto a truck after she was wrongfully evicted. (Jessica Gallagher/The Baltimore Banner)

More than 11% of the near 80,000 failure-to-pay-rent cases filed in Anne Arundel County between January 2019 and July 2022 were brought by Hendersen-Webb. It was the largest share of any large property management company that The Banner could identify, though limitations and errors in the cases that could be electronically reviewed may affect the finding.

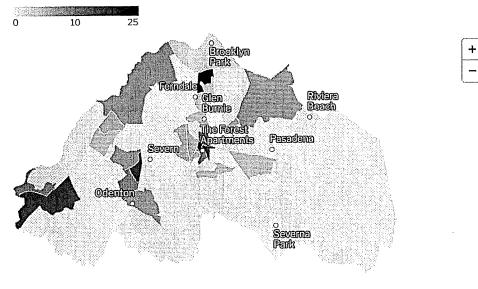
The Banner reviewed three other large Anne Arundel property managers: Pennsylvania-based Morgan Properties and the Maryland Management Co. each filed 8% of all filings. Glen Burnie-based A&G Management filed 7%.

A review of eviction logs kept by the county sheriff's office shows 12% of evictions completed in the fourmonth period between May and August were executed on land where county property records list Hendersen-Webb as the owner. The five apartment complexes that constitute The Forest are located in the county's eviction epicenter. Nearly one in five removals in the county occur inside the sheriff's office

district that includes them — three times more than the district with the next-highest number.

# The Forest Apartments are located in the epicenter of eviction enforcement in Anne Arundel County

Between May and August, the sheriff excecuted 62 evictions in the four Census Tracts where and around The Forest is located, the most of any four contiguous tracts in the county.



Note: This map excludes southern parts of the county where very few evictions took place. Map: Ryan Little · Source: The Anne Arundel County Sheriff's Office Eviction Logs

Other property management companies "charge you a late fee or something like that," Hunt recalled from living at other complexes in the area. But at her current complex, she said, "they automatically file."

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As The <u>Banner previously reported</u>, the base filing fee statewide is just \$15, contributing to Maryland's ranking as a top state for eviction filings in the country. Filing is cheap for landlords but can be expensive for tenants, burdening them with extra fees, hours spent in court, and potential stains on their credit records and rental histories. It costs landlords an additional \$90 to execute the eviction, plus an additional \$40 for every additional tenant on the lease.



Residents of the five Glen Burnie apartment communities that makeup the Hendersen-Webb, Inc.-owned The Forest wait to pay rent as sheriff's deputies prepare to begin evictions on November 22, 2022. (Jessica Gallagher/The Baltimore Banner)

It is unclear for which month Hunt purportedly owed \$300. According to court records, Hunt's landlord filed a failure-to-pay-rent case against her on Sept. 30. A judge granted a judgment to her landlord in the case, but Hunt said she paid that balance. She said the representative who called from the rental office Tuesday told her that the \$300 she owed was for October's rent, despite the fact that, according to court records, Hendersen-Webb did not file an eviction for October rent.

Hunt blames representatives at Hendersen-Webb, too, for their role in leading her to fall behind on rent in the first place. After losing her second part-time job during the pandemic, Hunt applied for federal emergency rental assistance through the United Way of Central Maryland. She said she was advised by representatives at Hendersen-Webb not to pay her rent while the funds were pending, so she instead used that money to pay other bills. Hendersen-Webb declined to answer questions about what the \$300 balance was for and whether residents were told not to pay rent while awaiting relief funds.

But on May 25, Hunt received a letter stating that the rental assistance funds had not covered all of her rent over the last several months, so she owed a total of \$2,891 immediately, and \$1,374 for June due within a few days. Hunt used her savings to pay the back rent and has been scrambling to keep up ever since, she said.

"We did not advise any landlords to advise tenants not to pay," said Scott Gottbreht, vice president of homeless services for United Way of Central Maryland. He said he's heard from numerous tenants about receiving conflicting messages from various providers and even different members of their property management staff about how to handle rent payments while assistance funds were pending. "It can be difficult for tenants to understand what they should actually do," he said. Meanwhile, Hunt on Wednesday set off to brave the holiday crowds at Walmart so her son would have some clean clothes to wear. The two will stay with her parents, who live nearby, until she can find another apartment. "I'm trying to get out of there as fast as I can, I just can't subject my child to that — who's to say that it won't happen again?" she said.

In the meantime, she said she needs to figure out how to get through the holidays with her home in shambles.

"They always wake up for Christmas at my house," Hunt said of her son, as well as three stepchildren who come over for the holiday. "Now I have to tell them we don't even have a bed to sleep on."

sophie.kasakove@thebaltimorebanner.com



### More from The Banner

A month after mistaken eviction, Glen Burnie woman struggles to find normalcy in abnormal holiday season





Iconic Baltimore Sun sign removed from Camden Yards

Settling with Kushner Companies was hard. Getting money to former tenants may be harder.

Baltimore couple awarded more than \$180,000 after losing belongings in eviction





**MMHA - UNF - HB 1114.pdf** Uploaded by: Grason Wiggins Position: UNF



### House Bill 1114

**Date:** February 22, 2024 **Committee:** Environment and Transportation **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 <a href="https://www.mmhaonline.org/">https://www.mmhaonline.org/</a>

House Bill 1114 ("HB 1114") requires a housing provider to provide an additional notice to a resident 14 days prior to the execution of a warrant of restitution and creates a new 10 day reclamation period that would require a housing provider to store a residents property for free. HB 1114 further establishes a sheriff deputy as a fact finder and adjudicator of record at the location where a warrant of restitution is being carried out.

HB 1114 specifically notes that local jurisdictions may set penalties or legislate in addition to the bill, which has the potential to create a patchwork of penalties and requirements across the state. In addition to potential penalties at the local level, the bill unnecessarily seeks to establish a private right of action that would allow residents to recover actual damages, attorney fees, court costs, and any other remedy the court determines.

Finally, HB 1114 is introduced in the wake of an ongoing U.S. District Court case, <u>Todman v. The</u> <u>Mayor and City Council of Baltimore</u>. 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 1114.

HB1114 RMI Testimony.pdf Uploaded by: Katherine Howard Position: UNF

## REGIONAL MANAGEMENT INC.

### HB 1114 -Real Property- Residential Leases-Procedures for Failure to Pay Rent, Breach of Lease and Tenant Holding Over Testimony of Regional Management, Inc.- Unfavorable February 27, 2024

Regional Management, Inc, (RMI)is a property management company which has, for over 60 years, managed over 5,000 units of affordable, market rate, residential properties in Baltimore City and County. RMI is a founding member of the Maryland MultiHousing Association.

House Bill 1114 is an attempt to codify a ruling made by the United States District Court for the District of Maryland in <u>Todman v. The Mayor and City Council of Baltimore</u>, which is currently on appeal at the US Court of Appeals for the 4<sup>th</sup> Circuit, with arguments set for March 22, 2024. The case, which began as a Tenant Holding Over matter, resulted in the expansion of a local Baltimore City law governing the disposition of eviction chattels in Failure to Pay Rent (FTPR) evictions, to include Tenant Holding Over evictions as well.

RMI opposes this Bill because it is premature to promulgate legislation while this matter is pending. See, Docket Entries attached. This is an Appeal of Right, which means that the appellate court <u>must hear the case</u>. Given the differences between the rights of tenants in FTPR cases versus those in Tenant Holding Over cases it is highly possible that the lower court decision will be over-turned or modified.

Over the last 3-4 years Landlords, Tenant organizations and Sheriff's representatives have discussed legislation regarding the disposition of FTPR eviction chattels and have not yet found a solution acceptable to all stakeholders. RMI suggests that after the <u>Todman</u> case is finally resolved that we begin exploring this matter again.

Respectfully Submitted,

Katherine Kelly Howard, Esq., General Counsel

(410) 539-2370 • 1 1 EAST FAYETTE STREET • BALTIMORE, MARYLAND 21202-1679

### General Docket United States Court of Appeals for the Fourth Circuit

		ourt of Appeals for		
Court of Appeals Docket # Nature of Suit: 3440 Other Marshall Todman v. The May Appeal From: United States Fee Status: fee paid	Civil Rights or and City Council of Baltim	nore t of Maryland at Balti	more	Docketed: 02/23/2023
Case Type Information: 1) Civil Private 2) private 3) null	14			
Court Reporter: Amanda Court Reporter: Camille Presiding Judge: Debor Date Filed: 11/15/2019	<u>r-03296-DLB</u> Gazic, Official Court Reporte a Longmore, Official Court Re Powell, Court Reporter Coor ah Lynn Boardman, U. S. Dis	eporter rdinator strict Court Judge		
Date Order/Judgment: 02/21/2023	Date Order/Judg 02/21/2023	yment EOD:	Date NOA Filed: 02/21/2023	Date Rec'd COA: 02/22/2023
Prior Cases: None				
Current Cases: Lead Cross-Appeal	Member	Start	End	
23-1201	23-1277	03/15/2023		
MARSHALL TODMAN Plaintiff - Appell		Direct: 4 Email: jc [COR N LAW OF 106 Peli Tavernie Conor B Direct: 4 Email: c [COR N ZUCKEI Suite 24 100 Eas Baltimor	t Pratt Street re, MD 21202-0000 Samuel Mack	K
Plaintiff - Appell	lee	[COR N (see abo Conor B Direct: 4	rendan O'Croinin, Esq. 10-332-0444 TC Retained]	
THE MAYOR AND CITY CO Defendant - Ap		Direct: 4 Email: n [COR N BALTIM	Patrick Redmond 10-396-7536 nichael.redmond@baltimorec TC Government] ORE CITY LAW DEPARTME f Legal Affairs 1	

MARYLAND MULTI-HOUSING ASSOCIATION, INC. Amicus Supporting Appellant

PUBLIC JUSTICE CENTER Amicus Supporting Appellee

CIVIL JUSTICE Amicus Supporting Appellee

HOMELESS PERSONS REPRESENTATION PROJECT Amicus Supporting Appellee

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02/23/2023	<u>1</u> 1 pg, 55.42 KB	Case docketed. Originating case number: 1:19-cv-03296-DLB. Case manager: NaeemahSims. [1001321758] [23-1201] NRS [Entered: 02/23/2023 04:52 PM]
01/18/2024	58 2 pg, 124.46 KB	CASE CALENDARED for oral argument. Date: 03/22/2024. Session Starting Time: 8:30 am. Check-in Time: 7:45-8:00 am. Forms due within 7 calendar days. [1001506544] [23-1201, 23-1277] NRS [Entered: 01/18/2024 07:10 PM]
01/19/2024	□ <u>59</u> 1 pg, 489.5 KB	ORAL ARGUMENT ACKNOWLEDGMENT by Marshall Todman and Tiffany Todman in 23-1201, 23-1277. Counsel arguing: Conor B. O'Croinin. Answering argument time: 18 minutes. Rebuttal argument time: 2 minutes [1001506744] [23-1201, 23-1277] Conor O'Croinin [Entered: 01/19/2024 10:48 AM]
01/24/2024	□ <u>60</u> 1 pg, 83.18 KB	ORAL ARGUMENT ACKNOWLEDGMENT by The Mayor and City Council of Baltimore in 23-1201, 23- 1277. Counsel arguing: Michael Redmond. Opening argument time: 15 minutes. Rebuttal argument time: 5 minutes [1001509134] [23-1201, 23-1277] Michael Redmond [Entered: 01/24/2024 12:44 PM]
01/26/2024	□ <u>61</u> 25 pg, 526.12 KB	BRIEF by Marshall Todman and Tiffany Todman in 23-1201, 23-1277. Type of Brief: REPLY Do any cases pending in this court or the Supreme Court of the United States raise similar issues? NO [1001510636] [23-1201, 23-1277] Conor O'Croinin [Entered: 01/26/2024 01:05 PM]
01/26/2024	□ <u>62</u> 1 pg, 97.2 KB	COPY FOLLOW-UP NOTICE issued to Marshall Todman and Tiffany Todman in 23-1201, 23-1277 requesting 4 copies of reply brief. [1001510727] Must be received in Clerk's Office by 01/29/2024. [23-1201, 23-1277] AW [Entered: 01/26/2024 01:46 PM]
01/26/2024	63	Receipt of paper copy of REPLY BRIEF filed at [ <u>61]</u> by Marshall Todman and Tiffany Todman in 23-1201, 23-1277. Number of pages: [25]. Sufficient: Yes. Number of Copies: [4]. Received by clerk date: 01/29/2024. [1001511458] [23-1201, 23-1277] KS [Entered: 01/29/2024 11:43 AM]

# **MBIA Letter of Opposition HB 1114.pdf** Uploaded by: Lori Graf Position: UNF



February 23, 2024

The Honorable Marc Korman Chairman, House Environment & Transportation Committee Room 251, House Office Building Annapolis, Maryland 21401

# **RE:** MBIA Letter of Opposition HB 1114 Real Property – Landlord and Tenant – Procedures for Failure to Pay Rent, Breach of Lease, and Tenant Holding Over

Dear Chairman Korman,

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **HB 1114 Real Property – Landlord and Tenant – Procedures for Failure to Pay Rent, Breach of Lease, and Tenant Holding Over**. MBIA **opposes** the Act in its current version.

This bill adds requirements for landlords to provide tenants with a 14-day advance notice before the scheduled repossession of items following the issuance of a court-ordered warrant of restitution. Landlords will then be required to store the tenants unclaimed property for 10 days at no cost. MBIA opposes this measure. In Maryland, a warrant of restitution currently allows landlords to vacate a tenant within 4 days of receiving the warrant. The notification requirement essentially pushes this to 14 days forcing the landlord to continue to maintain responsibility for a tenant in arrears and lose the time that is required to make the unit possible to put back on the market. In addition, eviction proceedings already carry a substantial time burden which means tenants will have ample opportunity to look for new living accommodations. It is unfair to burden the landlord with a further retention of a tenant that has already been recognized as not fulfilling their contractual duties.

For these reasons, MBIA respectfully urges the Committee to give this measure **an unfavorable** report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the House Environment & Transportation Committee

HB 1114-AOBA--UNF.pdf Uploaded by: Ryan Washington Position: UNF



- Bill No: HB 1114—Real Property Landlord and Tenant Procedures for Failure to Pay Rent, Breach of Lease, and Tenant Holding Over
- Committee: Environment and Transportation

Date: 2/27/2024

### Position: Unfavorable

The Apartment and Office Building Association of Metropolitan Washington (AOBA) represents members that own or manage more than 23 million square feet of commercial office space and 133,000 apartment rental units in Montgomery and Prince George's Counties.

House Bill 1114 requires housing providers to provide tenants with a 14-day notice of an eviction prior to the scheduled repossession of the unit as set by the Sheriff's Office. In AOBA's experience, tenants already receive ample notice of a looming eviction. Furthermore, the current backlog of evictions in Montgomery and Prince George's Counties has made it difficult to schedule evictions with the Sheriff's Office particularly during the fall and winter months when inclement weather can lead to eviction cancellations on the day of.

This bill also creates an additional burden on the housing providers to store an evicted tenant's property for up to 10 days. Housing providers typically do not have empty storage space, so this requirement would result in the tenant's belongings remaining in the unit for 10 days following the eviction. This burden adds to the losses incurred by the housing provider because it extends the amount of time it would take to turn over the unit. Moreover, this responsibility to provide additional notice should be on the Sheriff's office as they schedule the evictions. Lastly, it is unclear whether a sheriff would then need to be present after the 10-day period expires so that the housing provider can dispose of the abandoned property.

**For these reasons, AOBA requests an unfavorable report on HB 1114.** For further information, contact Ryan Washington, AOBA's Government Affairs Manager, at 202-770-7713 or email <u>rwashington@aoba-metro.org</u>.

HB 1114\_realtors\_unf 2.pdf Uploaded by: William Castelli Position: UNF



**House Bill 1114** – Real Property – Landlord and Tenant – Procedures for Failure to Pay Rent, Breach of Lease, and Tenant Holding Over

### **Position: Unfavorable**

The Maryland REALTORS® oppose HB 1114 which greatly extends the time of eviction for housing providers and property managers.

Many Maryland REALTORS® provide property management services for single-family rental properties. While the REALTORS® appreciate that eviction is difficult for many tenants, eviction is also a difficult process for many housing providers. When an eviction occurs, many owners not only lose rent payments that they may rely on to pay a mortgage for the time period of the judgment, but the owner will now be faced with the additional costs of eviction and turning the unit over. In Prince George's County, as an example, the Sheriff's office requires a single-family rental property to provide the following before the Sheriff will evict:

- A 25-person moving crew
- A tow truck on-site (or the availability of a tow truck)
- A locksmith on-site (or the availability of a locksmith)

Combining the day of eviction costs, with the time to clean, paint (likely), market the property, and lost rent the housing provider will be out thousands of dollars.

HB 1114 will actually extend the eviction period to 24 days for many owners because of the requirement that a housing provider keep a tenant's personal property for up to 10 days after the eviction (14-day notice to evict and 10 period to keep personal items). In a single-family rental, many tenants move the personal property (furniture, clothes, personal items) they want and leave the personal property they don't. As a result, a housing provider, under this bill, will be required to keep the unwanted property in the house for another 10 days (rather than paying for a storage locker to rent) before disposing of the tenant's unwanted personal property.

HB 1114 also directs the District Court to vacate a warrant of restitution when an owner fails to provide notice. For some owners of single-family properties – particularly not professionally managed properties -- this can be harsh penalty. Some small landlord's ignorance of the law, rather than their willfulness, may result in more months of no rent for an owner who is probably managing the property themselves because they do not have the money to pay a professional.

While the current law permitting execution of the warrant of restitution within 4 days after the judgment seems short, the likelihood is that both the tenant and the homeowner have been waiting for a court date for at least a month. Not only does a tenant have time to plan, but as a matter of policy, the law should encourage a quick return of the property to the market for the next tenant looking for a home.

## For more information contact lisa.may@mdrealtor.org or christa.mcgee@mdrealtor.org



**hb1114.pdf** Uploaded by: Linda Miller Position: INFO

### MARYLAND JUDICIAL CONFERENCE GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader Chief Justice 187 Harry S. Truman Parkway Annapolis, MD 21401

### MEMORANDUM

TO:	House Environment and Transportation Committee			
FROM:	Legislative Committee			
	Suzanne D. Pelz, Esq.			
	410-260-1523			
RE:	House Bill 1114			
	Real Property – Landlord and Tenant – Procedures for Failure to			
	Pay Rent, Breach of Lease, and Tenant Holding Over			
DATE:	February 15, 2023			
	(2/27)			
COMMENT PAPER				

The Judiciary respects the separation of powers doctrine and acknowledges that the legislature is the policy-making branch. As such, the Judiciary has no position on the policy aims of this legislation and defers to the legislative branch on such matters.

The Judiciary only writes to point out a few concerns. First, on page 10, lines 27–30, the bill authorizes local jurisdictions to enact legislation governing landlords and tenants, which poses the risk that local jurisdictions could pass local laws that are inconsistent with state law. Second, on page 7, lines 13-16, the bill's use of the term "summary ejectment case number" is vague and may be inapposite. Further, on this page, the bill references the District Court, but the circuit courts, on appeal from the District Court, also sometimes issue warrants of restitution. The language could simply be changed to "the court." Finally, on page 8, it is unclear whether the rebuttable presumption of notice would apply in the circuit courts and/or the District Court of Maryland.

cc. Hon. Jen Terrasa Judicial Council Legislative Committee Kelley O'Connor