



**HB 767/SB 442 – Real Property - Landlord and Tenant - Procedures for Failure to Pay Rent, Breach of Lease, and
Tenant Holding Over (Tenant Possessions Recovery Act)
Hearing before the House Environment and Transportation Committee
February 18, 2025
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, this continually expanding Program has allowed PBRC staff and volunteer attorneys to represent thousands of low-income 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 767/SB 442 represents a critical measure to help ensure that their eviction, while a transfer of the real property back to the landlord, does not also result in the unconstitutional loss or destruction of all the tenants’ personal belongings.** On June 10, 2024, the United States Court of Appeals for the Fourth Circuit found Baltimore City’s eviction law unconstitutional due to lack of adequate notice and reclamation period to tenants. Todman v. The Mayor & City Council of Baltimore, 104 F.4th 479 (4th Cir. 2024). Baltimore City’s law, like similar local laws in Baltimore County, Prince George’s County and others, declares a tenant’s belongings “abandoned” upon eviction. However, it actually provides more notice to tenants than many other local laws in Maryland. **Thus, all jurisdictions in Maryland are potentially in danger of legal liability based upon their eviction practices.** By ensuring that tenants get notice 14 days in advance of their impending eviction dates and the opportunity to reclaim whatever personal possessions are on the property for ten days after the eviction occurs, HB 767/SB 442 will bring uniformity to all districts and may protect them from liability. This is a sensible bill that brings Maryland eviction laws in line with the rest of the country.¹

Without reliable notice of the eviction date or a reclamation period after the eviction occurs to mitigate the financial and personal loss that evictions cause, Maryland tenants suffer unnecessarily from their evictions. Renters in Baltimore County cannot adequately prepare for an eviction because the local law does not mandate any notice of an eviction date. PBRC’s Eviction Prevention Counselor works with Baltimore County tenants each month who are facing eviction, many of whom do not know their eviction date. They are legitimately worried that they will arrive home from work to find their locks changed and their belongings squeezed into trash bags and put outside their apartment. One client found out about his eviction the day before it was scheduled only because she assisted him in contacting the constable assigned to his zip code. He had been having trouble communicating with his landlord and ultimately was left with insufficient time to acquire funds from available resources or plan to move out prior to the eviction date.

While renters in Baltimore City receive notice of eviction dates due to a local ordinance requiring the landlord to provide it, those tenants risk having all their personal belongings locked inside their home and are then at the mercy of the landlord to retrieve them. The landlord is currently under no legal obligation to return the items. PBRC recently worked with a tenant whose landlord had sent a maintenance technician to change the locks before the tenant could retrieve

his personal belongings. While we attempted to negotiate with the landlord, he had no obligation to allow the tenant continued access to his property and the tenant had to leave with what he could gather in a short time.

HB 767/SB 442 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 of real 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. The current eviction law allows for unconstitutional eviction practices that harm tenants and neighborhoods and put localities at risk of liability. **HB 767/SB 442 provides commonsense solutions that will benefit everyone.**

PBRC urges a FAVORABLE report on HB 767/SB 442.

Please contact Katie Davis, Director of PBRC's Courtroom Advocacy Project, with any questions.

kdavis@probonomd.org • 443-703-3049

¹ 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. Twenty-eight states and D.C. require the tenant be given notice of their eviction date and a limited window to reclaim their personal possessions.