

JEN TERRASA
Legislative District 13
Howard County

Environment and Transportation
Committee



The Maryland House of Delegates
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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

February 14, 2025

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

From: Delegate Jen Terrasa
District 13, Howard County

Re: Sponsor Testimony in Support of HB 767, Real Property - Landlord and
Tenant - Procedures for Failure to Pay Rent, Breach of Lease, and Tenant
Holding Over (Tenant Possessions Recovery Act)

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

Thank you for the opportunity to present HB 767, which requires landlords to provide
tenants at least 14 days' notice of the scheduled date of eviction and a ten-day window
to reclaim their possessions, if needed.

In June of last year, the 4th Circuit Court of Appeals ruled in *Todman v. Baltimore City's
Mayor and City Council* that a couple's 14th Amendment due process rights were
violated because Baltimore City law declares a tenant's belongings "abandoned" upon
eviction without adequate notice and a reclamation period. Holding that the
responsibility for ensuring constitutional requirements in the execution of evictions falls
to the respective municipalities, the Court affirmed the money judgment for the couple
for over \$180,000 and found Baltimore City's abandonment statute and eviction
practices unconstitutional. Further, I am told that a class action suit against Baltimore
City is in the works for all tenants who have lost personal possessions like the
Todmans.

While *Todman* only addresses the constitutionality of eviction practices in Baltimore
city, their holding implicates every local jurisdiction in Maryland – particularly those like
Baltimore County and Prince George's County that also declare a tenant's possessions
"abandoned" upon eviction without notice and a reclamation period. Thus, if the 4th
Circuit found that the City did not pass constitutional muster, other jurisdictions do not
either. Ordinances, policies and practices vary from locality to locality, but under

Todman, the procedural due process rights of Maryland tenants are violated every time an eviction that results in a loss of tenants' personal property takes place.

HB 767 is a bill that requires landlords to provide notice to tenants at least 14 days before the scheduled date of eviction. On the date of eviction, the sheriff escorts any occupant off the property, and the landlord changes the locks. Upon changing of the locks, a 10-day reclamation period begins, where the landlord must provide the tenant reasonable access to their belongings for 10 days – either onsite or in another secure place like a storage locker – to allow the tenant to reclaim those possessions.

Relying on best practices from jurisdictions around the country, HB 767 resolves the issue by ensuring tenants receive notice at least 14 days prior to eviction. On the day of eviction, the sheriff removes the tenant from the property, and the landlord locks the premises. Following the lock change, tenants have a 10-day period to reclaim their possessions, either at the site of eviction or at a secure location provided by the landlord.

HB 767 offers a win-win-win situation for the tenant, landlord, and community. It makes the eviction process more predictable. The tenant knows at every step of the eviction process what is happening and will allow them to keep their belongings such as life-saving medicine, electronics, and personal treasures such as photos, mementos, and heirlooms. It is more predictable for the landlord, because they know when the tenants' property is officially abandoned. It also saves the landlord from having to pay employees to move all the tenants' possessions to the curb on the scheduled date of eviction. And it's a win for the community. No more will our streets and community be filled with clutter and trash that block sidewalks and rights-of-way, creating public safety risks and public eyesores.

Right now, Maryland is far 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 notice and reclamation periods to allow tenants to access their possessions after the eviction. Twenty-eight 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. HB 767 brings Maryland in line with other states.

This bill adds predictability around the eviction process, benefits tenants, landlords, and the community, and addresses the 4th Circuit's Todman decision to ensure our localities are not open to liability for constitutional violations. I respectfully urge a favorable report. This bill adds predictability around the eviction process, benefits tenants, landlords, and the community, and addresses the 4th Circuit's Todman decision to ensure our localities are not open to liability for constitutional violations.

I respectfully urge a favorable report.