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**Managing Attorney**  
Ivy Finkenstadt, Esq.

**Supervising Attorneys**  
Warren Buff, Esq.  
Kathleen Hughes, Esq.  
Amy B. Siegel, Esq.

**Attorneys**  
Adebola Adedoyin, Esq.  
Vanessa Agbar, Esq.  
Golnaz Alemousavi, Esq.  
Jennifer Clark, Esq.  
Katherine Cooke-Caraway, Esq.  
Sheree Hughes, Esq.  
Lekwon Imoke, Esq.  
Deborah Kadiri, Esq.  
John Kowalko, Esq.  
Eric Orr, Esq.  
Hina Rodriguez, Esq.  
Peter Spann, Esq.  
Jawaid Stationwala, Esq.  
Tangi Turner, Esq.  
Riana Yaman, Esq.

**Equal Justice Works Fellows**  
Ashley Blankenship, Esq.  
Emory Cole II, Esq.  
Kency Nittler, Esq.

**Staff**  
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Samir Vasquez Romero  
Karen Zayas



**HB0767 – Real Property - Landlord and Tenant - Procedures for Failure to Pay Rent, Breach of Lease, and Tenant Holding Over (Tenant Possessions Recovery Act)  
Hearing of the Environment and Transportation Committee  
February 18, 2025**

**Position: Favorable**

Community Legal Services is pleased to submit this testimony in strong support of HB0767.

Community Legal Services (CLS) is a nonprofit legal services organization dedicated to ensuring equitable access to justice and promoting individual, family and community well-being and stability. We provide free legal services in a broad area of legal matters, including eviction prevention legal services. We have seen firsthand far too often the devastating effects that eviction has on individuals and families – devastation that is life-changing and long-lasting.

HB0767, the Tenant Possessions Recovery Act, is a critical step toward ensuring due process for Maryland tenants facing evictions and will bring Maryland’s eviction processes in line with our neighboring states, including New Jersey, West Virginia, Pennsylvania, Delaware, Virginia, North Carolina, and the District of Columbia, all of which have laws that require both advance notice of an eviction date and time within which evicted families can gather personal belongings. In fact, while 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, Maryland law has neither.

**Who is Most Affected by Eviction and the Threat of Eviction?**

***Families with children, especially families with a child under five years old, are overwhelmingly the most likely demographic to be threatened by eviction and are also most likely to be evicted.***

The [Proceedings of the National Academy of Sciences of the United States of America](#) (PNAS) recently published data developed through an innovative partnership between Princeton University, Rutgers University, and the US Census Bureau. A staggering **40% of individuals threatened with eviction are children**. Racial disparities are stark - **about a quarter of Black babies and toddlers in rental households in the United States face the threat of eviction**.

Racial disparities in evictions are stark - **about a quarter of Black babies and toddlers in rental households in the United States face the threat of eviction.** The study further 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.** (See Eviction Lab's article "[Who is Evicted in America](#)" for additional details regarding the demographics of households that are evicted. Children, individuals with disabilities, and the elderly are particularly at risk of eviction.)

### **Advance Notice of an Eviction Date Would Reduce the Overwhelming Burden on Governmental and Other Agencies and Allow Time to Arrange and Provide Critical 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 families facing eviction and 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 is personally and financially devastating. They also lose everything, including 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. - it is devastating. 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. From our frequent interactions with local nonprofits helping evicted families start over, we know they are at their limit. They simply 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.

Once an eviction date is known, that becomes the target date for pulling funds together to get the landlord paid. *All* efforts are directed toward that goal - getting the money to stay. Many times, families are able to come up with the money, often coming in just under the wire in time to prevent eviction. Other times, families just don't make it in time. For those families, the reclamation period that is part of this bill is crucial for allowing evicted families to gather their belongings so they do not have to start over completely from scratch.

## **HB0767 is a Critical Step Toward Protecting the Constitutional Rights of Tenants Who are Evicted from Their Homes.**

Under both the United States and Maryland Constitutions, when someone is going to lose property due to government action (i.e., losing personal property as a result of an eviction order), due process requires that both **adequate notice** of the impending loss and an **opportunity to be heard** to object to that loss be provided. In the recent case of *Todman v. Mayor and City Council of Baltimore City*, the federal appellate court had a chance to review Maryland's State law as it relates to the disposition of tenants' personal property upon eviction. In particular, the court looked at an eviction practice that included no notice of the eviction date and no period after the eviction during which the tenants could preserve and collect their personal belongings. *This is how evictions throughout Maryland occur every day, in jurisdictions all over the State - no mandatory advance notice of the eviction date, and no opportunity to reclaim personal property.* The court found this process violates the constitution. After consideration of Maryland statutes and judicial forms, the court concluded that, with respect to the loss of personal property, **current Maryland eviction law provides neither adequate notice nor any opportunity to be heard.**

Regarding notice, the court stated: "None of the pre-hearing notices given to the Todmans [the tenants] as part of the state-law eviction procedures even mention the possibility of personal property abandonment," so **State eviction statutes "could not possibly have provided sufficient notice" of the potential loss of personal property.** Regarding the second requirement – an opportunity to be heard to prevent the potential loss – **the court remarked that there is no opportunity to be heard regarding the potential loss of property provided anywhere in Maryland eviction law.**

There being no due process factors built into the State's eviction laws, the court concluded that **ensuring due process is afforded to tenants during evictions falls to the local jurisdiction executing evictions.** If a local jurisdiction does not provide the due process that is missing in State law, then the local jurisdiction may, as Baltimore City was, be found liable for violating the tenants' constitutional rights. In that all jurisdictions in the State follow essentially the same process as was followed in the *Todman* case, without significant changes to local practices throughout the State, local jurisdictions are at risk of liability for the same constitutional claims raised by the Todmans. (See *Todman v. the Mayor and City Council of Baltimore City*, 104 F.4th 479 (4th Cir., 2024).)

This bill acknowledges the *Todman* court's ruling and represents a step toward ensuring Maryland renters' constitutional rights are protected. By enacting HB0767, the legislature will provide a roadmap for all jurisdictions to follow when executing evictions. This will ensure uniformity across the State and will provide predictability for both tenants and landlords.

### **Conclusion**

Maryland's current eviction process creates unnecessary crises, loss and trauma for families during what will likely be one of the most traumatic and life-altering times of their lives – when they lose the roof over their heads. The process also fails to protect the Constitutional

due process rights of Maryland's residents. With the changes contemplated by this bill, Maryland will help individuals and families in crisis to ameliorate the damage caused by eviction, and Maryland will take an important step toward protecting the Constitutional rights of its residents.

For the reasons noted above, Community Legal Services urges the Committee to issue a FAVORABLE report on HB0767. Please feel free to contact Jessica Quincosa, Executive Director, and Lisa Sarro, Director of Litigation and Advocacy, with any questions at [quincosa@clspgc.org](mailto:quincosa@clspgc.org) and [sarro@clspgc.org](mailto:sarro@clspgc.org), respectively.