

**DATE:** February 25, 2025

**BILL NO.:** House Bill 1093

**TITLE:** Small Landlord Eviction Protection Act

**COMMITTEE:** House Environment & Transportation Committee

### Letter of Opposition

#### **Description of Bill:**

House Bill 1093 prohibits local jurisdictions from enacting or enforcing any local law or ordinance requiring landlords who offer fewer than 10 dwelling units for rent to compensate a tenant for moving expenses in connection with an eviction based on failure to pay rent, breach of lease, or the tenant holding over after the expiration of the tenancy. It also provides that the personal property of a tenant evicted by such a landlord for one of those reasons is deemed abandoned upon the execution of a warrant of restitution in favor of the landlord.

#### **Background and Analysis:**

Many Marylanders who face eviction from their home – often for reasons such as job loss, death of a family member, or other personal or family crisis – also face the secondary indignity of losing their personal property that was still in the residence at the time of eviction. This property can include crucial items such as clothing, medication, vital records, and tools, as well as family photos and heirlooms. In more than one documented case, even the cremated remains of loved ones have been lost in this way. Such a dual blow can make it all the more difficult for struggling families to get back on their feet after being evicted.

This bill would essentially foreclose any right tenants of small landlords have to recover personal property left in their home after an eviction, in direct conflict with the United States Court of Appeals for the 4<sup>th</sup> Circuit’s recent ruling in *Todman v. The Mayor and City Council of Baltimore*, in which the court ruled that Baltimore City’s abandonment ordinance – similarly styled to this bill – violated evicted tenants’ constitutional rights by depriving them of property without due process of law. Another bill introduced in the 2025 General Assembly session, [House Bill 767](#), which DHCD supports, addresses this ruling by allowing evicted tenants to recover personal property left in their former residence up to 10 days after the date of eviction, and notifying them in advance of their rights.

As a public policy matter, deeming a tenant’s personal property left on the premises “abandoned” at the moment of eviction is highly undesirable. The aforementioned compounding of the consequences of eviction disproportionately falls on those most likely to be facing eviction in the first place: Poor Marylanders, elderly Marylanders, and disabled Marylanders. Continuing to allow this dual blow to fall on some of the state’s most vulnerable renters – especially in light of the recent federal appellate court ruling – should not be contemplated.

#### **DHCD Position**

The Maryland Department of Housing and Community Development respectfully requests an **unfavorable** report on House Bill 1093.