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HB 738 - Real Property – Transfer-on-Death Deed – Establishment
House Judiciary Committee
February 25, 2026
FAVORABLE

Good afternoon, Chair Bartlett, Vice Chair Davis, and members of the House Judiciary Committee. Thank you for the opportunity to testify in support of House Bill 738, which would establish the use of a Transfer-on-Death Deed. We thank Delegate Phillips for his leadership on this bill and thank the many co-sponsors as well.

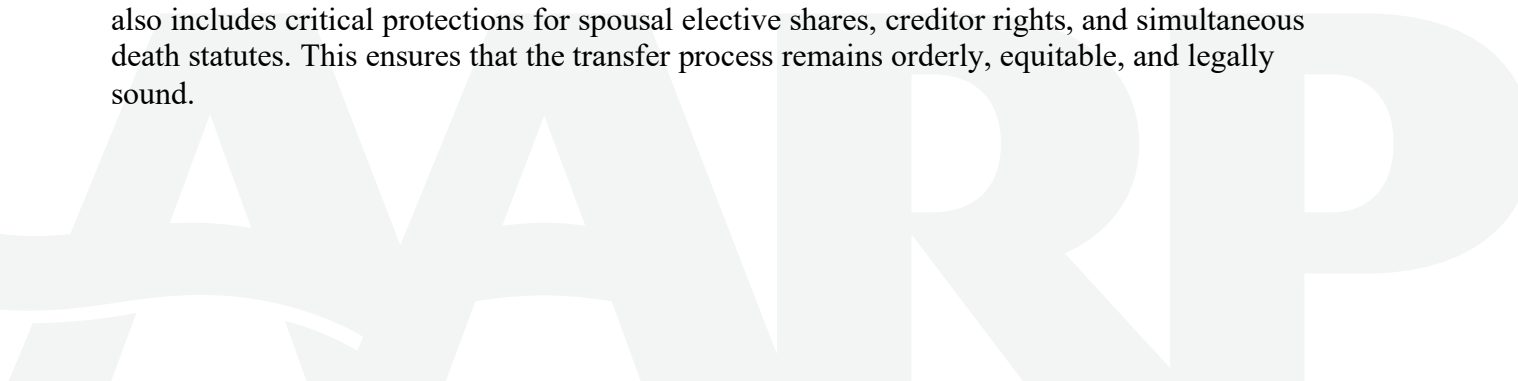
I am Jim Campbell, president emeritus of AARP Maryland and a former state delegate from Baltimore City. AARP Maryland represents approximately 850,000 members in the state. One of the organization's guiding policy positions is to advocate for simplified laws and probate policies, and that is what HB 738 does.

This bill would establish a Transfer-on-Death (TOD) deed option in Maryland. This represents a meaningful and overdue step toward simplifying estate planning for Maryland residents and reducing unnecessary barriers faced by families after the loss of a loved one.

For many Maryland homeowners, navigating the traditional probate process can be overwhelming, costly, and time-consuming. This is particularly true for older adults, individuals with modest estates, and those without access to legal counsel. HB 738 offers a practical solution by allowing property owners to record a TOD deed that automatically transfers real property upon their death, outside of probate. This approach has already been widely adopted across the country, helping families avoid administrative burdens while still protecting creditor rights, preserving revocability, and ensuring owners maintain full control of their property during their lifetimes.

Simplified estate tools like TOD deeds are essential because they promote accessibility and fairness. Not all Marylanders have the financial resources to hire an attorney or develop complex estate plans. A legally recognized, easy-to-use form, paired with clear statutory protections, helps ensure that individuals of all income levels can make their wishes known and pass property to loved ones without unnecessary legal hurdles.

Additionally, the bill includes thoughtful safeguards. TOD deeds remain fully revocable, do not impact eligibility for benefits, and provide no legal interest to beneficiaries until death. The bill also includes critical protections for spousal elective shares, creditor rights, and simultaneous death statutes. This ensures that the transfer process remains orderly, equitable, and legally sound.



Importantly, HB 738 will help families by reducing probate costs, preventing forced sales to cover administrative fees, and allowing homes to remain within families. For many Marylanders, their home is their most valuable asset. This bill ensures they have a simple, secure mechanism to determine its future.

By modernizing Maryland's estate-planning tools and aligning with standards already working across the country, we can make a meaningful impact on the lives of families throughout our state.

For these reasons, we respectfully urge the Committee to give a favorable report to HB 738.

If you have any questions, please contact Sara Westrick at swestrick@aarp.org or by calling 410-310-0374.