



Bill Title: Senate Bill 328, Anne Arundel County - Landlord and Tenant - Procedures for Repossession for Failure to Pay Rent

Committee: Judicial Proceedings Committee

Date: January 28, 2021

Position: Favorable with Amendments

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose members consist of owners and managers of more than 210,000 rental housing homes in over 958 apartment communities. Our members house over 538,000 residents of the State of Maryland. MMHA also represents over 250 associate member companies who supply goods and services to the multi-housing industry.

Specific to Anne Arundel County, Senate Bill 328 states that if a judgment is entered in favor of the landlord, the landlord may provide for repossession of the property by notifying the tenant of the intended repossession in writing sent by first-class mail with certificate of mailing at least 14 days before the intended date of repossession and posted on the front door of the leased premises at least 7 days before the intended date of repossession. The notice must include the District Court summary ejectment case number, the tenant's name, the address of the leased premises, the date on which the warrant of restitution was ordered by the District Court, the date of the eviction, a statement that the repossession may occur unless the tenant pays the amount of the Court's judgment for rent due or returns control of the leased premises and a statement that the notice is the final notice to the tenant of the intended repossession, even if the repossession is stayed.

While there is a rebuttable presumption that the tenant was notified if the landlord provides the certificate of mailing and a signed affidavit of the person who posted the notice on the front door of the leased premises, if the sheriff reasonably believes that the landlord has not provided the notice the sheriff shall notify the District Court and may not execute the warrant of restitution without further order of the District Court. If the District Court finds that the landlord did not provide the notice, the District Court shall vacate the warrant of restitution.

Senate Bill 328 is patterned after Baltimore City Code Article 13, Section 8A which mandates procedures for notifying tenants of a pending eviction and procedures for the lawful disposal of evicted personal property by the landlord. This legislation benefits all parties. Under Senate Bill 328, a tenant will get notice of the entry of a judgment for eviction, advance notice of the eviction date and have a clear a deadline to pay what is due or relocate. Municipalities will no longer have to use public resources to dispose of chattels. Lastly, for a landlord, passage of Senate Bill 328 creates a bright line specifying when a tenant's evicted property is abandoned and when the landlord can lawfully dispose of it.



We offer amendments and reasons for those amendments below:

- On page 3, in line 9 strike the word “IF” and substitute the word “WHENEVER” and in line 11, strike the words ” MAY PROVIDE FOR REPOSESSESION OF THE PROPERTY ” and substitute the words “SHALL NOTIFY THE TENANT OF THE DATE ON WHICH THE WARRANT OF RESTITUTION IS SCHEDULED TO BE EXECUTED BY THE SHERIFF”

This makes the section mandatory for the Landlord which is what the tenant advocates wanted and tracks the Baltimore City ordinance.

- On page 3, in lines 21-22, strike the words “LEASE OR OTHERWISE AGREED BY LANDLORD” and substitute the words “ THE SUMMARY EJECTMENT CASE”

This is consistent with what the law provides

- On page 3, in line 29, strike the word “CONTROL” and substitute “POSSESSION” Possession is what the landlord is seeking in the Failure to Pay Rent matter, if there is no redemption.

For these reasons, MMHA respectfully requests a favorable report with amendments on Senate Bill 328.

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