



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

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January 26, 2021

The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, MD 21301

**Re: Maryland Legal Aid's Testimony in Opposition to Senate Bill 328 -
Landlord and Tenant – Procedures for Repossession for Failure to
Pay Rent**

Dear Chairperson Smith and Committee Members:

Thank you for the opportunity to provide testimony on this important bill. Maryland Legal Aid (MLA) opposes this bill. Maryland Legal Aid is a non-profit law firm that provides free legal services to Maryland's low-income and vulnerable residents. MLA handles civil legal cases involving a wide range of issues, including family law, housing, public benefits, consumer law (e.g., bankruptcy and debt collection), and criminal record expungements to remove child custody barriers, a driver's license, and employment. This letter serves as notice that Gregory Countess is testifying on behalf of Maryland Legal Aid at the request of Senator Shelly Hettleman.

MLA represents thousands of tenants throughout the State. Some tenants contact us after having judgments entered against them in actions involving failure to pay rent, tenant holding over, or breach of lease cases. SB 328 involves changes to the procedures in an eviction following a judgment for possession due to a failure to pay rent. This is an extremely abbreviated process by which a landlord can have a tenant ejected from a rental property if the tenant cannot pay their entire rental amount timely. The Bill adds a new provision to the statute explicitly targeting Anne Arundel County residents. This added provision provides a landlord with the power to dispose of all of the family's worldly possessions at the moment of eviction. This provision would deem all of the family's belongings "abandoned" if the family cannot arrange for moving and storage.

There are three critical ways this bill will negatively affect families and undermine county residents' safety and security.

1. The notice requirements are grossly insufficient.

SB 328 relies on timely notice to be received by a family through first-class mail and posting. In today's pandemic world, it is not uncommon for first-class mail to take well beyond the 14 days' notice required by the Bill. Posting, which can be done by anyone, is even more problematic. In lower-income areas, Legal Aid attorneys frequently hear from families who report that posted court notices are never received because they fall off, are blown away, are taped to public area railings, or are intentionally removed from a residents' exterior door. For these reasons, the notice provisions of SB 328 provide no meaningful protection to poorly positioned families under the best of circumstances to arrange for moving and storage of their property. There is a public interest in the reassurance that a neutral law enforcement officer has oversight over all aspects of the eviction process, and this Bill undermines that reassurance.

1. The Bill eliminates critical oversight for both landlord and tenant at a time of crisis.

Currently, the Anne Arundel County Sheriff's Department plays an essential role in protecting landlords and tenants when a family is being evicted along *with* their personal property. For example, in executing an eviction of elderly and disabled or emotionally distraught persons, the Sheriff may facilitate contacting trained emergency response services provided by the Anne Arundel County Police Department and the Annapolis Police Department. Under the proposed Bill, the Sheriff would merely be there to ensure a lockout goes smoothly. SB 328 strips away the necessary oversight of divesting a family of all of their possessions, which places a family in a desperate attempt to retrieve their belongings, inviting a breach of the peace.

2. The Bill taxes social support services that are already stretched to the limit.

Because the tenant's belongings are considered abandoned, the Landlord has no duty to give the tenant back their property. Deeming a tenant's personal belongings "abandoned" at eviction results in high costs to local social service agencies and charities. This places an undue burden on Anne Arundel County taxpayers to provide shelter for an evicted family and replace their personal belongings. Birth Certificates, Social Security cards, medicines, medical equipment, photographs, family bibles, and treasures are lost. The bill increases the likelihood that at the same time they lose the roof over their heads, an evicted family will also endure the humiliation and devastating consequences of loss of their worldly possessions.

This Bill severely prejudices Anne Arundel County families already enduring the misfortune of eviction. The landlord needs only a few moments to change the locks and gain the right to keep all of a family's belongings with no obligation to return them. Families can be left peering in the windows of their former homes, unable to regain the right to their beds, clothing, their children's toys, school-supplied laptops, and everything else a family needs every day. The devastating impact of such a loss cannot be overstated, and the cruelty of such a scheme is unworthy of consideration by Maryland's legislative body.

SB 328 would turn a tragic situation – eviction -- into one immeasurably worse. For these

reasons, Maryland Legal Aid respectfully requests that you give **SB 328** an unfavorable report.

Very Truly Yours,

/s/ Gregory Leo Countess

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