



January 28, 2021

## Senate Bill 328

Anne Arundel County - Landlord and Tenant –

Procedures for Repossession for Failure to Pay Rent

Judicial Proceedings Committee

### Position: OPPOSE

Thank you for the opportunity to provide testimony in opposition to Senate Bill 328, legislation that would allow “Lock & Leave” evictions of Anne Arundel County renters. Arundel Community Development Services, Inc., (ACDS) serves as Anne Arundel County’s nonprofit housing and community development agency, helping Anne Arundel County residents and communities thrive through the provision of safe and affordable housing opportunities, programs to prevent and end homelessness, and community development initiatives. In fulfilling this role, ACDS administers grants to nonprofit partners, directly develops and implements programming, and advises the County on housing and community development policy initiatives.

There are many reasons to oppose this Anne Arundel County-only exception to the current law regarding execution of an eviction, chief among them that **this bill would put Anne Arundel County renters in a substantially worse position than they are already in when being evicted.** Currently, when an eviction occurs, the tenant's possessions must be removed from the premises and *placed outside at the time of the eviction*. It is a terrible situation for the tenant, but at least they have the opportunity to gather up their belongings if they are able.

This bill would change the requirement that the tenant's belongings be put out along with the tenant, and **would deem the tenant's property abandoned as soon as the Sheriff arrives at the property to execute the eviction.** Because the tenant’s personal property is immediately deemed abandoned, the landlord may do with the belonging whatever the landlord chooses to do right then, which could and likely would lead to a quick changing of the locks with the tenant’s property inside. Indeed, this type of eviction is actually referred to as a “Lock & Leave” eviction. Rather than removing the tenant’s property before locking the tenant out of the rental unit, **the landlord simply changes the locks and leaves, with all of the evicted tenant's belongings "abandoned" and locked inside the property for disposal at the landlord's convenience. Not only is the tenant without a home, they immediately lose ownership of and access to everything they own.**

SB 328 would result in a significant expansion of the remedy a landlord is entitled to upon obtaining a judgment for possession of a rental unit. Rather than simply being a judgment that allows the landlord's repossession of the rental property, **this bill allows repossession of the rental unit, plus a taking of all the tenant's personal belongings**, which is not contemplated in the existing eviction statute. One Failure to Pay Rent case, which the tenant may or may not have received actual notice of in advance and which likely took all of five minutes (if that) for hearing by the court, could conceivably result in the tenant's loss of their home and absolutely everything they own inside.

This bill is also problematic in that it places the Sheriff overseeing the eviction in the position of having to determine whether the required process for notice of eviction was properly followed by the landlord and requires the Sheriff to unilaterally stop an eviction if he/she "reasonably believes" the landlord has not provided proper notice. If the Sheriff "reasonably believes" notice was improper, the Sheriff must notify the District Court and must stop the eviction pending further order of the court. While this could, presumably, work in a tenant's favor, it just as easily could not. This bill contemplates far more involvement by the Sheriff in an eviction than is in the current process and necessarily relies on the Sheriff's subjective and likely incomplete knowledge of the steps taken by the landlord with respect to notice. It then relies on the Sheriff's legal determination as to whether the landlord met the notice requirements. **It puts the Sheriff in the position of having to make a legal determination in a civil matter and inserts the Sheriff into the merits of the eviction case both as a witness and also, essentially, as a legal expert on required notifications for eviction.**

Along these lines, **the bill does not address the ramifications of a Sheriff going forward with an eviction when he/she knew or should have known that notice was improper. The bill is also oddly inconsistent** in that it places the responsibility on the Sheriff to determine whether the notice of eviction was proper in one section, yet in another section seems to indicate that the County could delegate authority to execute an eviction to "any official of the County entitled to serve process." Would that authorized official then have the same duties as the Sheriff to determine whether the notice of eviction was proper? What qualifications would that person be required to have?

As study after study shows, **eviction is a deeply traumatizing event that can result in the separation of families, an inability to obtain alternative housing, destruction of the tenants' credit, disruption to work and school, and loss of community supports.** It can plunge a family into a cycle of poverty that can last for generations. This bill would multiply all of those harms by not only taking away a family's home, but also taking away their access to and ownership of all the personal property in their home at the time of the eviction. Anne Arundel County renters should continue to be governed by the existing eviction statute, without this Anne Arundel County-only exception to the rule.

**For the reasons noted above, we urge an UNFAVORABLE report on SB 328.**

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