

Open Work Session

Letter of Support for Proposed Legislation – Landlord and Tenant Repossession for Failure to Pay Rent Procedures

February 2, 2021

Mr. Cannon said this is rather simple, and is nothing different than what they have done the last two years in a row. He said this is simply a measure after an eviction has been granted by the court and the Sheriff's Department is there for the eviction to allow a landlord to simply do one thing – it allows the landlord to lock the door and to leave whatever possessions may still be there in the house instead of throwing them in the yard, which is what is required right now. He said right now they have to leave it in the yard for 24 hours, and the City hates it, the Sheriff's Department hates it, and nobody likes it. He said they are doing this in Baltimore, and that is what this was fashioned after. He said nothing is different at all except for the fact they are just going to try one more time to get it through Annapolis.

Mr. Dodd said the people who pilferage like it, to which Mr. Cannon responded, they have people come up and steal the property for whatever value there may be. He said there will be trash that gets strewn through the neighborhood, and the City hates that. He said the Sheriff's Department likes this Bill because it is very simple. He explained, the Sheriff's Department can be there, the landlord can lock the door, and the Sheriff signs off and leaves, and they do not have to sit there for two or three hours while the landlord takes everything out of the house and puts it in the front yard. He said that is all this does.

Mr. Davis asked, how will people get their stuff, to which Mr. Cannon responded, the way the process really works is that the people know very well when the eviction is coming, and they have plenty of time to move everything out. Mr. Davis said their property is still in that house, so how will they get their stuff out of the house, to which Mr. Cannon responded, the way it is now is that their property will be on the front lawn. Mr. Davis said he understands that. He then asked, if the door is locked, how will they get their property out of that house, to which Mr. Cannon responded, that is why they are asked to remove their property before the eviction. He said at the point in time once the eviction is processed, they lose the right to that property, as unfortunate as that might sound. Mr. Davis said right now they lose their right to their property but it is on the outside, but now they would be locking the door. He said Mr. Cannon is saying that if he gets evicted and the landlord comes and locks the door, all of his property inside the house is now the landlord's, to which Mr. Cannon responded, that is true. He clarified, actually, he would say that 99 percent of landlords do not want that property, so if they can make an arrangement for the tenant to remove it, that would be fine, but that tenant has had weeks to remove everything in there. He said a lot of times the tenant does not want it, and they do not want to go through the cost and difficulty of moving it, so they leave it.

Mr. McCain asked if the landlord has legally been given possession at that point, to which Mr. Cannon responded, yes. Mr. McCain said, once it reaches that point, the owner of the property now has legal possession, to which Mr. Davis responded, it is legal possession after 24 hours. He said right now they put it out in the yard for 24 hours, and then the landlord gets to discard it.

Mr. Cannon said, again, legally the tenant can come on the property when it is in the front yard and they can remove it. He clarified, it is not put on the front yard as a courtesy to allow them to come back and get it, it is just done as the court has established that the property be removed from the house, period, and has nothing to do with the tenant at that point. He said, if the tenant comes back and gets it, that is

fine, but the courts recognize the fact that by the time the eviction is scheduled, that tenant has had more than enough time and notice to remove all of their belongings. Mr. Davis said that is true, but it is still all of their belongings, so if the landlord locks that door, their belongings are still in that house.

Mr. Davis asked, if they pass this Bill, will the court say that when the landlord locks the door, their property becomes the landlord's, or is it still the tenant's property. He further asked, if it is still the tenant's property, how are they going to get it, to which Mr. Cannon responded, as Mr. McCain said, it is not the tenant's property anymore. Mr. Davis asked if the courts have declared that, to which Mr. Cannon responded, on the day of the eviction they do. Mr. Davis said that is what the courts are saying now because the landlord is putting the property on the outside, but now, instead of putting the property out in the yard, they are going to lock the door.

Mr. Cannon asked, how many days should they extend an eviction that has been established by the court? He asked if they should say the person is evicted on the 17th, but then they can come back on the 18th or 19th? Mr. Davis said he understands that, but that is not for this Council to decide, that is for a judge to decide if that property is the landlord's now that the door is locked, to which Mr. Cannon responded, the judge does decide that. Mr. Davis said, no, the judge does not because there is no law now saying that the door is locked. He said they are saying now that, once they evict somebody, they are putting their property outside. Mr. Cannon clarified, the day of the eviction, the property no longer belongs to the tenant, to which Mr. Davis responded, but they are putting it outside so the tenant has a chance to come and get it. He said what Mr. Cannon is saying now is that they will lock the door and the property is on the inside, so they cannot get it. Mr. Cannon explained, the property is not put on the lawn for 24 hours for the tenant to get it, it is simply to remove it from the house, to which Mrs. Acle responded, but they have the opportunity to get it if it is outside. Mr. Cannon said everyone in the neighborhood has the opportunity to get it.

Mrs. Acle said either way it is unfortunate, but she thinks clearly, they already have a due process in place, and she does not see a point in changing it. Mr. Cannon said the point in changing this is that they will not end up with everything the person owns in the front yard. He said, if it is in the front yard, it can get rained on within 24 hours, or the neighbors are going to steal it, to which Mrs. Acle responded, she understands.

Mr. Cannon said nine times out of ten if a landlord has a house that has furniture in it or any other belongings, they are going to be glad to let the person come back in and get it because they do not want to pay somebody to take it to the dump. He said, if they look at how common sense will prevail, that is going to happen, but if they say they do not want the landlord to lock the door and just want them to keep putting it in the front yard, the Sheriff has to wait for hours while they do that.

Mr. Davis said he does not think that is something this Council should decide, he thinks that is more like a legal thing and he thinks a judge should decide whether the landlord is able to lock the door and keep that person's property, to which Mr. Cannon responded, it has already been decided, as they are doing it in Baltimore. Mr. Davis said they are not in Baltimore, they are in Wicomico County. He said it is not on paper saying the landlord can lock the door, it says the landlord has to put the property on the outside. He said what Mr. Cannon is trying to say is that the landlord can go and lock that door, and he thinks Council is overstepping their bounds because they are not the judge. Mr. Cannon said they have been doing this in Baltimore County for years, and it works out great. Mr. Davis asked if it is issued by a judge stating they can do this, to which Mr. Cannon responded, yes. Mr. Davis said what Mr. Cannon is trying

to do now is not being issued by a judge, it would be issued by the County Council, to which Mr. Cannon responded, no. He explained, this has to go to State law, and the judiciary follows State law, just like what they did in Baltimore, to which Mr. Davis responded, but Mr. Cannon is not showing them a State law that says the landlord can lock the door. Mr. Cannon said it is in Baltimore, and it is part of what they have done the past two years. He said this is the third year they have done this, and Council approved the letter two years in a row unanimously, to which Mr. Davis responded, but is it in the law saying the landlord can lock the door? Mr. Cannon responded, yes, it is. Mr. Davis asked, then why does it keep getting denied in Annapolis, to which Mr. Cannon responded, because that is Annapolis. He clarified, it went through the House unanimously, and there were difficulties with some of the Committees in the Senate, so that is what they are trying to work on. He said they are trying to get a letter of endorsement from the County Council the same as they have done the last two years in a row.

Mrs. Acle asked if the County Executive has endorsed this, to which Mr. Cannon responded, he is waiting on that. He said Mr. Psota is supposed to let Council know today, and he is waiting to find out exactly what his opinion is going to be. Mrs. Acle said Council really cannot do anything unless they have Mr. Psota's endorsement, to which Mr. Cannon responded, he is okay with that. Mr. Holloway said that was not what Mr. Cannon said a couple of meetings ago, to which Mr. Cannon responded, he misunderstood him. He clarified, when he said he is okay with that, he meant he is waiting for Mr. Psota's endorsement.

Mr. Holloway said this is the third year they are putting this forward, so it seems like they are beating on a dead horse, to which Mr. Cannon responded, there are a lot of dead horses in Annapolis. Mr. Holloway clarified, they keep hearing about these other letters, and he understands what Mr. Cannon wants and he sees the issues landlords have, but Council keeps hearing they should have these letters in a timely fashion, and they are back in Session, and here it pops up again. He then asked if they are late again on this, to which Mr. Cannon responded, no, they are not late. He said it is on the Agenda today, but they are not late. He said they are asking Council to get a letter of endorsement, and the Bill has already been drafted. He said he is expecting to get a letter of endorsement from the Sheriff and also the Mayor's Office. Mr. Holloway asked why they did not have that when Council was given this letter? He asked if Mr. Cannon wants those letters for Annapolis, to which Mr. Cannon responded, yes. He said all they do is change the date and simply send it again. Mr. Holloway asked if the City Council has voted to support this, to which Mr. Cannon responded, they have supported it the last two years. Mr. Holloway asked if they have not done so this year, to which Mr. Cannon responded, it is simply a matter of contacting the Mayor's Office and getting a letter of endorsement. He clarified, nothing has changed over the last two years, and it is the same Bill, they are just reintroducing it to the General Assembly.

Mr. Dodd asked if the letter of endorsement from the Mayor would include a letter of endorsement from the City Council just like the County does, to which Mr. Cannon responded, he does not remember what they gave him last year, he would have to see.

Mr. Dodd asked for a consensus on sending the letter, to which Mr. McCain responded, he came into the meeting this evening being fine with it, and he understands the debate, but he is okay with it.

Mr. Davis was not in favor of sending the letter.

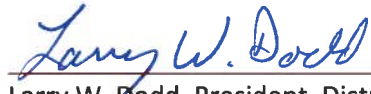
Mr. Holloway said he will abstain because he is not happy with it one way or the other.

Mr. Cannon was in favor of sending the letter.

Mr. Hastings said it is a tough issue. He said he asked last year about to what degree the landlord is notifying the tenant, and he likes that it has been added as far as a certificate of mailing and a signed affidavit. He said this is a situation where they are damned if they do, and damned if they do not for the issue itself. He said, with that being said, this is an issue that is locally impacted. He explained, he can drive up Camden Avenue and usually see this situation with stuff sitting out on a lawn, so he understands why the City and others would want to try to address this. He said he does not like the situation where somebody could suddenly own someone else's valuables, but technically, if someone leaves their valuables in someone else's space, that is what makes it legal to be taken by somebody else. He said, with that being said, he supported this the last two years, and he will do it again.

Mrs. Acle was not in favor of sending the letter.

Mr. Dodd said he has mixed feelings on this. Mrs. Acle said they have to see if the County Executive is in support of this, to which Mr. Dodd responded, the Council can still send a letter without the Executive, but Mr. Cannon is waiting on that. He said, after listening to Mr. Davis, he is going to have to say no right now. He said Mr. Davis brought up some good points. There was no further discussion.




Larry W. Dodd, President, District 3



Joe Holloway, Vice President, District 5



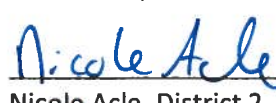
John T. Cannon, At-Large



William R. McCain, At-Large

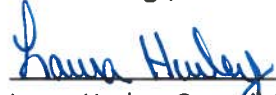


Ernie Davis, District 1



Nicole Acle, District 2

Josh Hastings, District 4



Laura Hurley, Council Administrator