

Open Work Session
Letter of Support for Property Protection Legislation
December 21, 2021

Mr. Cannon said Council has a draft letter of support for the property protection Legislation to go to the State of Maryland that is being proposed by the Salisbury Area Property Owners Association (SAPOA). He then introduced Mr. Bret Hopkins, President of SAPOA, and Mr. Mike Wiesner, who is a member. He then introduced members of the Eastern Shore Delegation - Delegate Carl Anderton, Delegate Wayne Hartman, Delegate Chris Adams, Senator Addie Eckardt, Senator Mary Beth Carozza. He also introduced Delegate Johnny Mautz and Mr. Trap Jervey, representative for Delegate Sheree Sample-Hughes, who were participating in the meeting via Zoom.

Mr. Cannon said they have all been very instrumental in the last couple of years when they were trying to get this through, and twice it successfully ran through the house unanimously, but it got caught up in Committee as so many Bills do from certain groups trying to oppose it, so it sort of died in Committee. He said they have brought it back again this year with everybody's assistance. He then asked Mr. Hopkins to give the Council an overview on why they are asking for a letter of support.

Mr. Hopkins said they have written a letter of support, and, again, this is a multiyear effort based on something they started talking about at SAPOA many years ago. He said he came to the Eastern Shore from Baltimore City 19 years ago, and he started buying properties in Baltimore City back in 2004. He said Baltimore City went to a process where whatever is left behind in an apartment is no longer put out onto the street like they currently do here. He said they went through the process in Baltimore City in approximately 2008, and it made a tremendous benefit in Baltimore City. He explained, that process was supported back then because it is really a safety issue, a Baltimore City finance issue, and a community blight issue. He said, in Baltimore City they used to have an entire trash department that did nothing but service evictions. He said they would put everything out on the street, just like they do here, and it would stay out on the street for 48 hours just like here. He said there would be fistfights and just total wreckage of communities. He explained, they do evictions by blocks, so there would be two dozen apartments where homes were being evicted in one day, and it would just wreck the community. He said everything would be out there, and people would have their stuff stolen. He said back then there was still a lot of drugs going on and it was highly uncontrolled, and all of that would be released out onto the street, and people could not guard their possessions and they could be repossessed over that 48 hour period until the City would come and pick it up in their trash truck. He said, back then when they did an eviction the Sheriff would notify the city trash department of the time and date of the eviction, and the city trash department would then schedule to have their trucks come by and pick everything up 48 hours later. He said it was just a total wreck, so they started pushing for this process.

Mr. Hopkins said he came here in 2008 and started buying properties, and he was surprised because it had already been a year or two into what they in slang terms call the knock, lock, and leave policy from Baltimore City. He explained, this is simply knock with the Sheriff after they have been given ample notice, and the process of eviction is the same, so it has been about three months since they started their court action against them, so proper notice has been given, the Sheriff gave their notice, the eviction happens, and then things would be put out. He said, when Baltimore City modified the process, the Sheriff would be there and the person would come out if they were there. He said they would change the lock and then everyone would leave, including the owner/operator and the Sheriff, and the

place was secure because they changed the locks, so that is the knock, lock and leave process, which is the Baltimore City eviction process. He said, when he came here and had to go back to the old ways it was kind of a shock and much more dangerous. He said they went back to people getting in fights, and if their belongings were not treated with kid gloves, they would be very upset.

Mr. Hopkins said they got behind this effort a couple of years ago and made a couple runs to Annapolis, but it got derailed for various reasons. He said he thinks it is worthwhile to try and get it through again because it preserves the community's belongings, the city's finances, their dignity, and, last but not least, medications that can save lives because they are going to lose control of that or potentially harm the community if people take possession of medications that do not belong to them. He said he is here to support this 100 percent as it is a worthwhile thing to do, and they are going to keep trying to do this. He clarified, if it fails again, they will try again because it is definitely worth doing.

Mr. Dodd asked what knock, lock and leave means, to which Mr. Hopkins responded, they show up with the Sheriff on the scheduled date of the eviction, they knock, open the door with the Sheriff, remove the people who are there, change the locks, and then the leave part means they close the door and they all depart. Mr. Dodd asked if they put their own lock on there, to which Mr. Hopkins responded, yes, they repossess the apartment home.

Mr. Holloway asked how long they have to come back and get their possessions, to which Mr. Hopkins responded, the letter of the law is that they lose possession of their belongings. He said the landlord then owns and possesses whatever is left in there; however, they do not want to own their possessions. He said they encourage them to come back, but they control the door because they have changed the locks, so they schedule them to come back that day or the next day. He said, again, everything is not out on the street, it is inside and under a roof, and they encourage them to come back. He said they let them in to get all their stuff out and they can move one load at a time and keep coming back, and they let them back in. Mr. Holloway asked if it is in the Legislation that they let them do that, to which Mr. Hopkins responded, no, and they do not want it there because the landlord needs to possess the unit. He clarified, the tenant has been evicted, and this has been after three months, so it is not like this is a surprise, and this is the same process going forward as it has been for ten years, so they need to possess the unit and whatever is in there to control it.

Mr. Dodd asked if it has to be within 48 hours when they allow them to come back in, to which Mr. Hopkins responded, no. Mr. Dodd asked if they can do whatever they want with it after 48 hours, to which Mr. Hopkins responded, as it is today, they put everything out on the street. He said, if this passes Legislation, it is right then and there, and then they let them back in to take out whatever they left behind. Mr. Dodd asked how many times they will let someone back in because that could get annoying after a while, to which Mr. Hopkins responded, it is not.

Mr. Dodd said Mr. Hopkins talked about crime and fighting. He then asked if a Deputy has to come back when they let them in, to which Mr. Hopkins responded, no. Mr. Dodd asked if anybody has to pay for the Sheriff's Department to go out there when they are being evicted, to which Mr. Cannon responded, there is a \$40 fee to the Sheriff's Department to file an eviction. Mr. Hopkins added, that does not even cover their time.

Mr. Davis said, if there is not anything in this Legislation that says they have a certain amount of time, in reality, they do not have to let them back in there. Mr. McCain clarified, once the court gives them

possession, they own everything, and, as Mr. Hopkins said earlier, that takes three months by the time they get to this point, so they have had months at that point to get their things out.

Mr. Hopkins said, in the private sector they are for profit and they do not want to be moving people's things out, so if they want their things back, they want them to come back and get their belongings because they have to empty out the home to start turning it for the next person and they do not want to belabor the point.

Mrs. Acle asked, just so she is clear, is this something the County wants, or is it something the State Delegates want, or is it something SAPOA wants, to which Mr. Hopkins responded, they want it. He said their landlords and operators want it because it costs a tremendous amount of time and ruins people's dignity, costs money, potentially increases hazards into the community that they still own and operate. Mrs. Acle asked if Mr. Hopkins pursuing the Legislation and asking the Council for a letter of support for their Legislation, to which Mr. Hopkins responded, they have firsthand experience from a positive side after many years in Baltimore City. He clarified, it is not like this is a theory, it has been demonstrated in Baltimore City that this works and is a very positive thing.

Delegate Anderton clarified, this Legislation only pertains to Wicomico County as it is a local Bill, and in order for a local Bill to be successful, they have to have support from the local Governing Bodies, so that is why they are asking for the letter.

Mr. Holloway asked if they are trying to get support from other municipalities, to which Delegate Anderton responded, the County supersedes all of that because the evictions are done through the Sheriff's Department. Mr. Holloway asked if other municipalities said they did not want this, to which Delegate Anderton responded, that is up to the Council to decide, but he knows that the City asked for it. Mr. Cannon clarified, the City of Salisbury sent a letter voluntarily, but the City is not required to do it as this is done by the Sheriff's Department in the County.

Mrs. Acle asked, what if Sharptown does not want this in their municipality, to which Delegate Anderton responded, Sharptown does not do the evictions, the County does them.

Mr. Cannon said, when they discussed this very briefly at the Civic Center, which is on PAC 14, some members of the towns were there, and he talked to some since then. He said he talked to Sharptown and they are okay with it, to which Mrs. Acle responded, Sharptown is adamantly against this. She said she does not know if Mr. Cannon is aware, and they were not at that meeting, but they do not want this and want to be excluded from it. Mr. Cannon said he talked to Mr. Doug Gosnell yesterday and he is in favor of it, to which Mrs. Acle responded, Mr. Gosnell called her this morning and told her he was not.

Delegate Anderton said, being a former Municipal Official in Delmar, they would have gladly accepted this, and that way it would not be their Public Works Department going out to clean up everything left behind after an eviction. He said, to him, this makes fiscal sense, it makes prideful sense, and it makes human sense.

Mr. Holloway said he is looking at a picture of trash in a yard, so he understands why this is needed. He said his problem is the knock and lock, and they are saying that they want the people to come back, but he also knows there is probably a lot of animosity by the time they get to the eviction, so the landlord and the tenant are not on good terms, to which Mr. Hopkins responded, they were not on good terms before the eviction. Mr. Holloway said he understands that, but he is saying that they have not been

paid in two or three months and they have evicted somebody, but that person calls and says they need their stuff, and maybe they only want to come get one thing, but the landlord wants it all gone. He said he just has a problem with the knock and lock and then they are done. He said he understands this has been going on for 90 days, but he thinks after those people are physically evicted they should have some time, whether a day or two, to say they can come back to get their stuff.

Mr. McCain said that would be a whole different Bill, to which Mr. Davis responded, it could be part of this one if they just give them time to come back and get their stuff. Mrs. Acle said they could put 30 days in there, to which Mr. Davis responded, no, that is too long.

Mrs. Acle said, if someone is evicted, they are assuming they are just not paying their rent, and she understands that no one wants to see trash because she has seen that out there and it is not a good look. She said she has never seen blocks of trash put out as in Baltimore City and she thinks Wicomico is a little different in that dynamic, and she just does not know if this is the answer. She suggested they have a legal analysis of this as she just got this last night at 4:00 p.m., so she has not had time to talk to the municipalities she covers, and she would like a little more time. She said some of this language is a little concerning to her, such as "The Sheriff reasonably believes certain notice has not been provided and prohibiting the Sheriff from executing the warrant." She said this is some pretty heavy language, and she really thinks they need to get a legal analysis of this from their attorney. She said she knows they had one in the past. She suggested they could just table this even until after the new year.

Delegate Adams said they brought this Bill a number of years and passed it through the House one year, and he would just ask the Council to consider it not through the lens of the landlord, but through the lens of the tenant who is being evicted. He said he owns 80 rentals, so he is in the business, and in his 20-some year career he has had to go through evictions and, on every eviction, he shows up personally and participates because they do not want these to be acrimonious. He explained, they bring workers to the house and start removing the furniture, the television, and bags of clothing, and when it is taken out of the house it is not necessarily in as courteous of a way as a furniture mover would do it. He said their goal while the Sheriff is there is to gain possession of the property, and to say that the acrimony comes from locking a door after a tenant is evicted, it is actually the other way around; the acrimony is taking personal property and throwing it out on the street for someone to steal, which he has seen happen, or it can get damaged if it is done during a rainstorm. He said the reason most of the furniture sits is because, even if the tenant wanted it, they have to come up with a way to get it, so they need a vehicle to get it. He said then they have to assume when they come get it that the things they want are still there. He said a conscientious tenant knows an eviction is coming, so this is not coming because there are four or five days of notice, this has been months of legal process. He said normally with the Sheriff's Office there is a delay, and when the eviction becomes a reality it is not a surprise because they let the tenants know it is coming and the posting is on the door. He said the Council can come to their own conclusions in their deliberation in how they approach this as local Legislation, but he would encourage the Council to look at it not through the eyes of the landlord, but rather through the tenant.

Delegate Adams said, if a tenant knows an eviction is coming and wants personal property, they already took it out of the house. He said what normally is left are things they either do not want or cannot move themselves, and of course it is not the landlord's business to move it from one place to the other, so it is there for a reason. He clarified, it is not there because they still want it inherently, and he is not

necessarily saying this as a Legislator, although he represents, but he also is saying it as a practitioner who has experienced this.

Mrs. Acle said that is a very good point, and she would like to understand from the lens of a tenant, but the Council just got this at 4:00 p.m. last night, so she did not really have that chance, and that is why she is asking for more time so she can understand from different stakeholders.

Senator Carozza said she can offer a little bit of background because there is a little bit of Bill history in the past. She said, it has been noted that it passed out of the House in 2019, and in 2020 it was on its way moving forward, but, if they recall, they adjourned early because of COVID. She said the Bill actually passed in the Senate 44 to 1 in 2020, and it was viewed as a local courtesy Bill and pretty much a courtesy to the locality. She said she just wanted to let the Council know because this is new to some, but this has been worked on, and she really believes was on track to move forward in 2020, but they were cut short due to COVID. She said she knows Senator Eckardt has been the lead sponsor on the Senate as well, and once the local consensus is reached, they can pave the groundwork ahead of time, so, again, it should be viewed as a local courtesy Bill for Wicomico County and not opening up a whole evictions process, which she does not think there would be support for.

Mrs. Acle asked if they have the letter of support from 2020 because she thought they did not vote on that, to which Mr. Cannon responded, the Council has supported it two different years.

Delegate Hartman said, having been a landlord himself, he had to go through the eviction process once, and he really sees this as a pro-tenant Bill because the situation he had was very much like they have heard described already where the people were in a situation where they could not move the stuff. He said there is a procedure, and his recollection is that they go to court and it is determined that the money is owed, and they are given so many days to pay. He said then they go back to court and either they pay or they have not paid, and then there are so many days before a Sheriff can come out. He clarified, there is a lot of time and very emphatic dates through the process, so this does not come as a surprise to anyone. He said also there are tipping fees to get rid of the stuff, so the last thing he wants as a landlord is tonnage to the landfill, so cooperating with the tenant only makes sense. He said he knows it is months, but maybe someone else can go over that timeframe who knows it better than he does. He said he truly sees this as a pro-tenant Bill.

Mr. Cannon said the process is a minimum of six to seven weeks as to when that person first failed to pay their rent before the eviction even takes place.

Mr. Wiesner explained, first the tenant has to not pay the rent and then they have to wait at least a day before they can send a letter because the State has a new law saying they have to give the tenant ten days' notice that the rent is due before they can file any court action with the District Court. He said action can be filed around the 11th or 12th of the month, and then it takes about 10 or 12 days for the court to be scheduled, so then it is 22 to 24 days later. He said then they have the hearing and the tenants have five business days to pay before they can do a warrant of restitution with the Sheriff, so then they are over 30 days. He said then they file a paper for a warrant of restitution, which is presented to the Sheriff with a \$40 fee, and the Sheriff then schedules the eviction, which, with their busy schedule, normally takes about 30 days down the road, so over 60 days have expired during which time the tenant has been given notice, so they are aware of the situation, and they have not paid. He explained, they can pay right up until the day the Sheriff shows up and redeem the property for the

amount that was determined to be owed, basically two months before, and retain possession. He clarified, they have that right up to three times a year, but the fourth time they do it they forfeit the right to remain even if they pay. He said it is a long process and the tenants are well aware of what they owe and the situation, and have the opportunity to pay if they are able to. He said, if they are not able to, the landlord has no recourse but to take possession of the property and hopefully rent to someone else who is in a position to pay.

Mr. Wiesner said it is a long process, and with this ordinance, as he understands it, the only thing changing is instead of the Sheriff standing by for an hour or two while the staff of the landlord puts the possessions of the tenant on the street, he knocks on the door, and if someone is there they have to leave, and then it is over. He said there is no recourse for the tenant to go back in because then they do not have possession. He clarified, the landlord could choose to give them access in the future, but that is probably not recommended. He said he would think that by that time the tenant does not have to physically run out the door and could grab whatever they feel they want at the last minute if they felt there were some things that were meaningful, but they have already had at least 60 days' notice that this was liable to happen if they could not pay. He said this only changes what happens at the last step; it does not change the timelines, it does not change the notice, so it does not change anything other than the fact that, rather than the stuff going on the street, it stays in the property and is deemed abandoned. He said, at that point the landlord at their leisure would clear the stuff out, either take it to the dump, Goodwill, or dispose of it in any way the landlord felt appropriate.

Mr. Wiesner said really this is a benefit for the landlord because they do not have to have their staff there, and it is a benefit for the tenant because their stuff is not on the street and they have had plenty of notice anyway, and they could still get the few personal items they want out at that time. He said it is a benefit for the community because otherwise they would have trash all over the street for at least 48 hours, so he thinks it is a win all the way around.

Mr. Wiesner said he recalls a couple of years ago when the Wicomico County Sheriff was asked if he was in favor of this ordinance because it freed up his time; it was quick, it was easy, it was clean, and it was over, and they could schedule a lot of evictions without a lot of manpower. He clarified, if they go to a property and maybe the Sheriff has several evictions in one day, they do not know how long it is going to last. He said, if there is a four bedroom house and it is full of stuff and nobody has done anything, even though there may be nothing of value of the material items in the house, the Deputy still has to supervise all of it going out. He said it has to go out on the street and he has to stay there until that is done, which delays the other evictions they have that day, whereas with this it probably takes ten minutes. He said, with this they show up and knock on the door, and if somebody is there they are asked to leave, and if nobody is there they just change the locks and it is history, so it is a cleaner process. He said, as a landlord, one thing he hates the most is doing an eviction, and it is rare that he does one because he works as best he can with the tenant as long as he can, but, when it is inevitable, he has to have a process to get people out because some people will just not leave under any circumstance other than by a Sheriff being there. He said he does not think he has had any evictions in the last year and a half since COVID, but he thinks this is a good ordinance. He said this has been through the mill before and it almost made it to the finish line a couple of times, and he hopes the County will endorse it.

Mr. Dodd said he has been waiting to speak and he kind of forgot what he was going to ask, but he thinks he still remembers. He said he wants to commend Mr. Wiesner. He said he used to do a lot of

property inspections for the City, and Mr. Wiesner had nice properties. He said he knows the properties that are usually nice and he remembers going to some of his properties and they were nice, so he commends him for that.

Mr. Dodd said he is looking at a picture of trash and Delegate Anderton said when he was on the Town Council he was glad he did not have to deal with it. He then asked what he was talking about, to which Delegate Anderton responded, he said he would have been glad. He clarified, then they would not have had to send Public Works out afterwards to clean up whatever was left behind. He said he used to do evictions for GNI right out of high school, so he has seen how it goes and it is not the best scenario for anyone. He said he has never been in a situation where he had his belongings and his entire world set outside for people to pick through and for the rain to destroy. He said he is not a landlord, but he looks at this from the view of the person who has had their life turned upside down, whether of their own volition or not, to find some way to have some semblance of self-pride so that their belongings are not being picked through. He said they used to do evictions and they would ride back through an hour later and it had been picked through by the entire neighborhood and that, to him, is just shameful, and they should be better than that. Mr. Dodd said anybody with a heart should be empathetic to that.

Mr. Dodd said it boggles his mind trying to figure out who has to pay for the cleanup because there have to be fees involved. He said he would not want to be the landlord and have to go back numerous times because that could be a big issue, but eventually somebody is going to have to clean this up. Delegate Anderton said the Governing Body should bill the landlord for having to go there and pick everything up. Mr. Dodd asked if the landlord is billed for cleanup now, to which Mr. Hopkins responded, they send them a letter. Mr. Wiesner clarified, the law says that they have to leave the possessions out there for 48 hours, and as soon as that happens, at least with the City of Salisbury, they are right on top of it. He said he gets a letter immediately giving 48 hours to remove the stuff. He said, if it is not cleared out within 48 hours, they fine the homeowner and pay for somebody to do it and add that to their tax bill if they do not pay it. He said he has always had a policy after 48 hours to have his staff go and clean it up.

Mr. Dodd asked what the benefit is for the Council sending this letter for this recommendation to get the General Assembly to pass this, to which Mr. Wiesner responded, nothing would go out on the street. Mr. Hopkins added, it would be a much more controlled process. Mr. Cannon said it also saves the tenant a lot of humiliation having to stand there for three hours. He said it is also a safety issue where they would not have people around for three hours with the Deputy because some people can get very aggravated by it. He said he thinks Mr. Hopkins made a very good point, which is in the letter; a lot of times when evictions occur, almost every time, there are a lot of drugs in the house from whatever medication they are on, and the only thing the landlord can do is put those drugs in a bag and put it on the front yard, which is another issue that they were concerned about.

Mr. Holloway said he wants to read this draft because it baffles him.

For the purpose of authorizing a landlord in Wicomico County to repossess property for failure to pay rent in a certain manner under certain circumstances; requiring the landlord to provide a certain notice to a certain tenant in a certain manner; establishing a certain rebuttal presumption; requiring the Sheriff to notify District Court if the Sheriff reasonably believes certain notice has not been provided and prohibiting the Sheriff from executing the warrant of resolution under certain circumstances; requiring the District Court to vacate a certain warrant of an execution under certain circumstances; establishing the chattels and personal property remaining at the time a certain warrant of restitution is executed and

deemed abandoned; establishing that the landlord or a person acting on the landlord's behalf may not be liable for loss or damage to certain abandoned property; authorizing a landlord to dispose of certain abandoned property in a certain manner; prohibiting certain abandoned property from being placed in a public right-of-way or on any public property; establishing that this Act does not restrict the authority of Wicomico County to enact certain legislation; providing for the application of this Act and generally relating to repossession in Wicomico County.

Senator Addie Eckardt clarified, that is just the Legislative language that is used in the purpose paragraph for the Bill. Mr. Holloway asked what it all means, to which Senator Eckardt responded, it explains it in the Bill, but that is boilerplate language that comes when they request a Bill.

Mr. Holloway said they put it on the street for 48 hours, so is there any opposition to giving 48 hours after it is locked for the tenant to come back at the landlord's convenience, to which Mr. Wiesner responded, he would be opposed to that. He explained, he thinks once the tenant has had up to 60 days to make a decision what they are going to do, they do not need more time because it is inevitable – the more time they give them, in some cases, especially the cases that are the problem, they will drag it out as long as they can, and at this point they just need to have it finalized. He said they would have to have the Sheriff come back a second time to finalize it because he would not want to be there a second time with a tenant who is possibly irate. He said then they are just dragging it out and it is complicating the issue. He said, when the stuff goes on the street it is over, and when they lock the door it is over, so it should be over either way at that time the Sheriff is there and not have further recourse down the road.

Mr. Cannon clarified, the judiciary and State Legislator have already determined that, and they passed the laws and enacted the laws to say this is how the process will work. He said putting the property on the front yard was never in order to be gracious and allow the tenants more time to take their property, it was a measure that was implemented to make it a finite decision so that it was done and over with, so that has not changed. He said it has been established by State Legislature and the judiciary that there has to be a finite time whereas it ends, and, in order to establish that, they said everything has to be out of that house right now. He clarified, it is not just as a benefit to the tenant, it is to end the process.

Mr. McCain added, that is already decided, and this Bill is not to decide how to end it because that already exists. He said this Bill is simply to keep the property in the premise and they do the knock and lock, but once they get the eviction notice, that is finite.

Senator Eckardt said she brought with her the Bill that passed before, and she thinks there have been Statewide changes on timeline and notification, to which Mr. Cannon responded, the State added ten more days to the process of additional notice. Senator Eckardt said the Bill Mr. Cannon sent her last night was not the Bill that passed in the Senate Committee before, so she got the Bill that passed before because her suggestion was going to be to take that Bill and make sure MML, MACo, the Public Justice Center, the Maryland Judiciary, and the Maryland Legal Aid Bureau were all on board with it and move forward with it. Mr. Cannon said he thinks that is fine, but the purpose of today is that there is a request from SAPOA that the Council say they are on board with this so that the Delegation can continue with their process in making sure that what goes through the State effectively and successfully achieves what this Body would like to see done. Senator Eckardt said finding out where those who opposed it in the past are before they get there would be helpful. Mr. Cannon said it was pretty simple last time, and it was the Public Justice Center, which is a relatively liberal group, but that wanted to extend deadlines, and wanted to add more time to the whole process with more mailings, but they actually achieved that

in this last Session when they added ten more days to the whole process, but that was the only hiccup the last time. He said he talked to Delegate Sample-Hughes and she recognizes that, so she suggested they work with that group again so there are no more hiccups along that line. Senator Eckardt asked if the Maryland Judiciary is on board, to which Mr. Cannon responded, Delegate Sample-Hughes suggested that those conversations have to happen again as soon as possible to move this forward. Delegate Eckardt asked, what about the Maryland Legal Aid Bureau, to which Mr. Cannon responded, certainly.

Mr. Cannon asked if there is anyone on the Zoom call who would like to make any comments. Delegate Mautz said he is listening and has been absorbing, and he does not have any questions at this time.

Mr. Jervey said he did not have any comments at this time.

Mrs. Acle said she appreciates everyone coming in, but, for the sake of public transparency, she just really thinks the public needs to be allowed to first see this before the Council sends the letter of support. She said, again, this was not in their brief book, it was not online, and the citizens of Wicomico County have not looked this over, and she thinks they need a little more time.

Senator Eckardt asked, just for clarification, would this be the fourth time they have reintroduced this Bill, to which Mr. Cannon responded, yes.

Mr. McCain said this has been an annual process, to which Senator Eckardt responded, they skipped 2021. She said, just as a reminder, this will be the third or fourth time.

Mr. Davis said he is fine with locking the door, and he thinks that should be the end of the process, but he still thinks they should be given 24 hours to come back and get their stuff. He clarified, he is not saying they should be able to come back and pay their money and get their property. He said, when the door is locked, it is done, but at least give them 24 hours to come back and get something if they want, and if they do not come in 24 hours, then they do what they have to do with it. He said he is fine with them locking the door and keeping the stuff inside and then it is over with, but he feels they need some time to come and get their stuff.

Mr. Holloway asked what concerns the other Legislators had when this did not pass before, to which Delegate Anderton responded, the issue that Mr. Davis mentioned. Mr. Holloway said that is simple, so they have to compromise sometime if they want it to pass. Mr. Cannon said the Public Justice Center wanted to add 14 more days.

Mr. Davis said he thinks if the holdup is that they need 24 hours, and if they want to get this through, what is the harm in giving that? He said the process is done when they lock that door, so they are not going to go back in.

Mr. Cannon said, if he remembers correctly, the issue from the Public Justice Center was they wanted to add more days of notice, it was not an issue about locking the doors. Delegate Anderton said some of the Delegates from across the Bridge had a question about a buffer time, and one suggested four hours, one suggested six hours, and one suggested twelve hours.

Mrs. Acle asked if local Bills typically get passed or do they have much opposition because it seems like most of them get passed, to which Mr. Cannon responded, this passed unanimously. Senator Eckardt said, if it is a precedent that has not been established elsewhere then there are Statewide implications

because one time one community or County does it, then others may want to do that, so that is where they may get resistance.

Mr. Holloway said Maryland is a pretty big State and he supposes Baltimore City has a lot of rentals, but why is this not prevalent in other Counties in the State of Maryland? He said, no offense to the City of Baltimore, but he does not know that they need to model anything after the City of Baltimore with all the problems they have. He clarified, he is okay with all of this except for that last part, and they might not just be affecting the person who rented this house or apartment, they are affecting somebody who may be living there, such as an elderly relative who may not have known about the eviction, or maybe their roommates were hiding it from them and they did not know this was coming. He said maybe they have been to court and have been evicted, or maybe the person paying half the rent who lives there could show up and the doors are locked, so there are all different factors that can come into this. He said they want him to look at this from the tenant's point of view, and that is where he is looking at it because he has been on both sides of it - he has been a tenant, and he has been a landlord.

Delegate Adams said, as a landlord he thinks they have heard it all, and the reason the Sheriff shows up is because they are enforcing an obligation, not because they are debating whether or not the eviction needs to move forward. He said, furthermore, if they were to create a Bill where after they lock the door and keep the property in the house and grant a 24 hour exemption, first off, why is the Sheriff there to begin with? He said it is because there is a possibility of conflict, so there is a safety aspect to it. He said, if they reopen the door at a future date, what stops that person knowing the law from locking the door and staying in the house and saying to the landlord they are not leaving. He said the only reason why the Sheriff is there is to enforce the court order. He clarified, they are not debating the process, what they are debating is what they want to do with the property that is left behind - do they want it left on the street, or do they want it handled in a more humane fashion, and he thinks that is the sum of the Bill.

Mr. Davis asked what law gives them the right to go in the house and lock themselves in and say they are not leaving, to which Delegate Adams clarified, he is saying the reason why a Sheriff attends these is not merely to enforce a court order, it is, if something goes wrong, the Sheriff is there to protect the parties involved in the eviction. He said this is not a happy-go-lucky process, and if they say after the eviction date that a tenant can come back later and pick up something and they put that in Legislation and there is no Sheriff to come back and join that process, he is suggesting they are creating a situation for a conflict in which a Sheriff shows up to begin with.

Mr. Hastings said he left Talbot County on Sunday and saw a similar situation leaving St. Michaels where there was a home with everything everywhere. He said it is a sad situation, and obviously they need as many people to be homeowners as possible, but that is neither here nor there, this is a tricky situation and tricky business and tough area. He said, out of the conversations they have had over the last couple of years, he thinks this is the best possible solution they could see. He said the only question in his mind was, as far as disclosure, if there is anything ahead of time that needs to be done as far as the property being in the hands of the landowner as opposed to the tenant. He said, otherwise, he thinks it is all good and it saves the County money because the Sheriff does not have to be out there as long. He said he thinks they have put in as many protections as possible to be able to support the tenant, so he is fully on board and he would love to see them advance this because they have talked about it for years. He said he would love to see Wicomico be a leader just like Baltimore City is in this sense.

Delegate Anderton said he wants to follow up with Mrs. Acle when she asked about the letters. He said there were letters dated January 8, 2020 and then February 8, 2019 from the Council. Mrs. Acle asked if the last Session the Council sent a letter was 2020, to which Delegate Anderton responded, there was no request from the Council for 2021, just 2019 and 2020. Mrs. Acle said it was because the Council did not agree to send the letter. Mr. Cannon clarified, it was rejected in 2021 by the Council.

Mr. Cannon asked for a consensus.

Mr. Davis said he has a problem with this because it is not letting the people come back afterwards. He clarified, he understands, but if the process is done and they lock that door, they have no recourse. He said somebody might be living there who does not know what is going on and their property is in there, so he thinks they should have time to come back. He then suggested at least giving them 24 hours and then he will have no problem with it. Mr. Cannon said he would let any tenant do that, and that way he would not have to pay for it and the tenant can handle it. Mr. Davis said, if they can get something in there giving them 24 hours, he would not have a problem with this.

Mr. Holloway said he is not in favor of this.

Mr. Dodd said he thinks they need a little more time on this. He said he is very sympathetic to the landlords because he has been on judiciary case search and has seen names of landlords and it is page after page, so he is very empathetic of them having to go to court, but he wants to make sure they are doing the right thing.

Mrs. Acle said she thinks for the sake of public transparency they really need to engage citizens and make them aware of this.

Mr. McCain said he is fine with it.

Mr. Cannon said, if there is a request for more time, that is fine because this is a work session and they can discuss it at their first meeting in January. He then asked what will happen with the timeline in Annapolis, to which Delegate Anderton responded, Session starts on January 12, and he would definitely like to have a letter before the end of January. He said they have presented Bill ideas in the past, but that is not something he likes to do. He said they can have it drafted, but then if there is no letter they would just throw it away, so they at least guarantee the Bill is drafted if the Council decides to move forward. He said, if not, it can be thrown away.

Mr. Holloway asked if it is possible to get a consensus on changing this Bill, to which Delegate Anderton responded, yes.

Senator Eckardt said they can put in whatever the Council wants. She said the players have changed a little bit this year, so there is no guarantee that a variation on it will go through as easily as it did before, so it will just be up for grabs.

Mr. Cannon said Delegate Adams made a really good point in reference to what Mr. Davis asked. He then asked what exact process they open up if they say the tenant can come back in to get anything they want, as there is no supervision. He said the Sheriff is there on the day of the eviction, rightfully so because they understand that things could get out of hand. He then asked what will happen if they open that door and create another gray area where they give 24 to 48 more hours for the tenant to come back? He said he does not know how there is some definitive resolution to that.

Mr. Davis said, on the day the Sheriff is there, they put the stuff outside and they are aggravated, but if they give them time to come back and get their personal belongings he does not think they are going to come back and want to fight because their stuff is not being put outside. Mr. Cannon said the law is the law just to ensure some guarantees no matter what the circumstances might be.

Mr. Davis said right now the Sheriff is there is because they are aggravated because they are sitting there watching their stuff be put outside, but once the door is locked with the Sheriff there and they call and come back to get their stuff, they are going to come back and get their stuff. He said they are not going to come back fighting about it because the landlord is not throwing their stuff out. Mr. Cannon responded, he thinks what they would see is that the State of Maryland is not going to play it so fast and loose to pass a law and then let the person come back. He said they are going to want measures in place, which means they will probably try to either obligate the Sheriff's Department or the Township to oversee some of this, and he does not think they want any other interaction to occur unless it is supervised. Mr. Holloway suggested possibly the tenant could pay a fee to get the Sheriff to show up.

Mr. Mitchell said they have to keep in mind that, despite the fact they are talking about the animosity, the legal reason the Sheriff is there is that someone has to have the authority to tell them to get out, which is not the landlord, so it is like serving a warrant. Mr. Cannon said this would be asking for an eviction and then asking for a second eviction, to which Mr. Davis responded, it is not a second eviction because they are coming to get their stuff. Mr. Cannon said they had the opportunity for the last two months to get their stuff.

Delegate Hartman said there could be a liability as far as someone saying in those 24 hours that something was stolen, so there is a whole other issue they are adding to this by adding that additional time, to which Mr. Cannon responded, that is a very good point. He said they could come back a day later and ask where their television is. Delegate Hartman said he thinks the finality is what they are looking for in an eviction, and by extending that language it changes the whole definition of eviction.

Mrs. Acle suggested maybe this is something they need to have their County Attorney look at to see all the unintended consequences and compare them.

Senator Carozza said she understands all the concerns that are being raised, but, to Senator Eckard's point, when they can show a Bill that has already passed the Senate 44 to 1 that improves the process for tenants overall, that is significant. She said, if they go in and start making some of these changes, and she understands the changes, but there are some unintended consequences where maybe they lose the Sheriff's support for the Bill because they do not want to send a Deputy out twice under this process. She said she also does not know if they would lose the City of Salisbury's support if they start to open up the process.

Senator Carozza said Mrs. Acle made a point that part of this is education. She said, during this time they have discussed this today and when it is brought before the Council again, they might be able to put the word out about the education process in that they have come up with proposed Legislation that has already passed both Houses in different Sessions and different years that is better for the tenants, especially the humiliation factor that she thinks they are all sensitive about. She suggested putting the word out between now and then that there is a local Bill under consideration that has been considered in the past, but changes have been made, and improvements have been made in the Bill, and that can get out to the public. She said then every Councilmember would feel that they are more knowledgeable

about the process and the changes that have been made to the Bill since when it was first introduced. She said she thinks at that point, when they can show the support of the different groups, and they can show the support of the Sheriff's Department, the County, the City, the landlords, and any pro-tenant groups, when they build that consensus, then there is deference to a local courtesy Bill and it moves forward. She said they have time to do that, but she thinks they just have to also be candid that, if they start raising issues, that really opens up an evictions process that is more at the State level, and they are not going to be able to open that up. She clarified, they should keep this to the issues that have been raised, educate on the changes that have already been made in the 2020 Bill, and then do the education piece so that the residents of Wicomico County are up to speed on this issue.

Mr. Cannon said last year they passed a law saying that the landlords now have to give ten days to let them know that they are even going to be served. He then asked if they could try to put an amendment in this Bill that would say that on the ten-day notice the landlord will also be required to let them know that there is a new locking the door Legislation in place. He clarified, part of this Legislation would require that in the ten-day notice given by the landlord they must notify the tenant that the process has changed and it will now be locking the door as opposed to throwing it in the front yard. He then asked if that would be feasible, to which Senator Eckardt responded, that would open up that other timeline. She said the timeline is not in the draft Bill, to which Mr. Cannon responded, he is suggesting they add that to it. He clarified, the ten-day notice is in a completely different piece of Legislation that went through last year. Senator Eckardt clarified, she is just saying that if they started to modify that ten-day notice and what happens on that tenth day, does that then change from what they had agreed to in the past, to which Mr. Cannon responded, it would just simply say that the landlord would be required when they issue the ten-day notice to state that there is a new Bill that has established that there will be a locking the door policy in Wicomico County.

Mr. Mitchell suggested they put a requirement in the local Legislation that ten days prior they get the notice of how the procedure works, and the landlords are going to put it in the other notice. He said they are already sending out a ten-day notice, so instead of requiring that the local notice be in that, they just say that ten days before they have to give notice, but then they will just add it to that first notice. He clarified, not change the existing State Legislation that says ten days, just give the ten days and not be required to do that so it would not affect the State Legislation that exists now Statewide.

Mr. Cannon said he is just trying to see if that is an option. Delegate Anderton said simple is better. Senator Eckardt said, if it is something that can be handled under local regulation or law, that is one issue they would have to clarify whether it needs to be addressed Statewide.

Mr. Mitchell said maybe he did not make himself clear. He explained, the State now requires Statewide that a notice is given saying they will be served in ten days. He said, if they put in just the one that affects Wicomico County saying that ten days before they are actually evicted they have to get this notice of how the procedure will work, then the easiest thing for the landlord to do when they send out the original statement requiring a ten-day notice would be to just stick another paragraph in there, but not require that it be on that first notice because that is a State requirement. Mr. Cannon said this is a State Bill, to which Mr. Mitchell responded, but the ten-day notice affects everybody, so they could just take the option on their own to make that same envelope have a notice.

Delegate Adams said it is important to note that when they passed the Bill a few years ago it was before the State added the ten-day requirement. He said they are saying that if they are going to pass the Bill as

they did a few years ago they are taking ten days and adding another ten days, and that is the untenable part from their perspective. He said the negotiation that seems to be happening here is how they give additional notification to the tenant without necessarily going way off the deep end since they already created this new requirement last year, to which Mr. Cannon responded, this is just saying that the informational piece would need to be included in that ten day notice.

Mr. Dodd asked what they can do to educate the public because that seems to be an issue, to which Mrs. Acle responded, she would be happy to host townhalls and host virtual events to educate them. Mr. Dodd said maybe everyone who has concerns or talking points can submit them to Mrs. Hurley and then by the first or second meeting in December they can be done with this.

Mr. Holloway asked if there is anything like a Tenant's Bill of Rights, to which Mr. Wiesner responded, the City of Salisbury has a Tenants Bill of Rights, but it does not address this issue. He said it tells them that if there is a problem with a landlord they can contact the State Attorney General's office or the local Legal Aid Bureau for advice, so it is a notification that there are other resources that they can use if they have a question or dispute with their landlord. Mrs. Acle asked if that is Countywide, to which Mr. Wiesner responded, no, it is just the City of Salisbury. Mrs. Acle said that is something to think about for the entire County to educate citizens. Mr. Dodd suggested, the County can do their own version.

Senator Eckardt said she thinks it would be good if they figure out whether they are going to do townhalls virtually or in person and then do an outline in plain language of what it is and what it does and get folks to take a look at it and give her some feedback. She said they should make sure they cover all the folks who would most likely be impacted by this as well.

Mr. Cannon suggested they could put it in a public notice for the January 4th meeting and have a public hearing, which is a little irregular for a letter of support.

Senator Carozza said she thinks the communication will be very important because, if the general public just sees something with a townhall on evictions, there is sometimes a jump to conclusions of what that might be. She said, given the fact that they have now spent 45 minutes discussing this and they have had this Bill for a couple of Sessions now, she would suggest that any communication is very clear and simple that really all this Bill does is no longer put tenant's property out on the street, and that they will have up until that point to take their property. She said that needs to be very clear because she thinks they want to avoid a townhall where people come and have suggestions for opening up an evictions process that has Statewide ramifications when all they are trying to do is make one simple change in Wicomico County. She said she just encourages the Council that any communication is very simplified and keep it very local because she does not want to mislead her constituents to think they are opening up the entire evictions law in the State of Maryland when that is not the purpose of this Legislation.

Delegate Anderton said they will meet again on January 4, so he will see the Council then, and the Council has time to work out what they want to do. He said they go to Session on January 12 and the Council meets again after that, so they have two meetings to decide if they want to send the letter to move forward or not. He said he thinks that is all they can do at this point.

Mrs. Acle said they already have a letter of support from the Mayor, the Sheriff, and the County Executive, so do they really need one from the Council, to which Senator Eckardt responded, they do not usually get those letters until there is a Bill that has been introduced. She said, once the request comes

in from whoever is initiating that, they are going to say they support this initiative. She clarified, once they get the Bill back after it has been drafted to make sure it is what has been requested, then the letters of support are solicited to make sure they have them on record when they go to the hearing.

Mr. Cannon suggested having a public hearing on January 4 and publishing some portion of this Bill in the newspaper so the public is made aware of it, to which Mrs. Hurley responded, she definitely thinks a public hearing notice should be posted in the local newspaper as well as on the County website, and any townhall meetings are fine as well. Mr. Cannon said townhall meetings could be tough. Mr. McCain said a townhall sounds good, but in reality, they might get five people there, to which Mrs. Aclé responded, she gets a ton of people at her townhall meetings. Mrs. Hurley said she can work on creating a summary of what can be in the public hearing notice and then they can schedule a public hearing for January 4.

There was no further discussion.



John T. Cannon, President, At-Large



Ernest F. Davis, Vice President, District 1



William R. McCain, At-Large

Nicole Aclé, District 2



Larry Dodd, District 3



Josh Hastings, District 4

Joe Holloway, District 5



Laura Hurley, Council Administrator