

SB 46 - Real Property – Wrongful Detainer**Hearing in the Senate Judicial Proceedings Committee, Feb. 25, 2025****Position: OPPOSED (UNF)**

Disability Rights Maryland (DRM) is the federally designated Protection & Advocacy agency in Maryland mandated to advance the civil rights of people with disabilities. One of DRM's goals is to end the unnecessary segregation and institutionalization of Marylanders with disabilities. To achieve this goal, DRM's Housing Team works to prevent eviction from housing and to expand opportunities for Marylanders with disabilities to be part of their communities and to live in affordable and accessible housing to prevent unnecessary homelessness and institutionalization.

DRM is a part of Renters United Maryland, which strongly opposes SB 46 and urges an unfavorable report. SB 46 would deny lawful residents of their constitutional rights in a "wrongful detainer" eviction process – which could result in an eviction within days of a complaint being filed. This bill does not just apply to squatters. SB 46 would have the unintended consequence of evicting lawful residents who would not have a meaningful chance to challenge the eviction. **This means more homelessness and instability for survivors of domestic violence when the abuser files for eviction and for lawful tenants subjected to predatory landlords; it means increased homelessness and institutionalization for people with disabilities and more homelessness for families caught in rental scams.**

SB 46 falls in line with the agenda of the American Legislative Exchange Council – ALEC – a corporate-funded think tank that works on legislation to undermine our civil liberties and directly benefit their corporate members. Such legislation has been championed by Florida Governor Ron DeSantis – which led to an eviction within days for senior-citizen renters who had paid rent and lived in their homes for years.

Without notice and an opportunity to be heard, our legal system becomes about the rule of the powerful instead of the rule of law. SB 46 sets a dangerous precedent that would erode due process for all Maryland residents when constitutional rights in this country are already under attack.

SB 46:

1. **Does not require the Plaintiff to name the Defendant even when known AND allows entry of money judgment even without personal service.** SB 46 does not require the Plaintiff to name the Defendant even when they know the resident's name (p.3, line 31) (violating Rule 1-301), yet allows the Plaintiff to obtain a money judgment against the Defendant even if the Defendant never received personal service of the complaint (p. 4, deleting (g)(2)(ii)). **No other case allows for entry of a money judgment unless the Defendant has been personally served.**
2. **No adequate notice of trial date.** Provides for trial only 4 days after filing of the complaint (p.4 adding (d)(6)) –before service by posting and first-class mailing by the Sheriff can even be completed. Residents need to be notified of the trial date with time to get a lawyer, take off work, and prepare their defense. First-class mail alone can take more than one week to arrive. This will create further turmoil when we're already in a housing crisis, especially for lower-income Marylanders.

3. **Eviction before appeal period expires** (p.4 in (g)(1)(ii)). SB 46 commands the Sheriff to evict the tenant immediately upon judgment before the appeal period has expired. SB 46 allows eviction before the tenant can file an appeal.
4. **Plaintiff does not have to prove their case if Defendant does not appear** (p.5, line 6). Despite that the expedited timelines will decrease the likelihood that a Defendant will be served and know to appear in court, this bill would eliminate the requirement that a Plaintiff prove their claim.
5. **Shortening appeal period to 4 days.** (p.4, (j)(3)). This does not provide either party enough time to seek legal counsel or to prepare for an appeal.

When the executive branch of the federal government is taking away constitutional rights from residents every day, Maryland should be protecting due process for all residents!

Predatory landlords will abuse the expedited nature of this process to evict tenants that they know are not squatters. Certain landlords will use SB 46 as a workaround to avoid complying with tenant protections in Landlord-tenant law. Tenants may vacate for fear of having the police called to their residences. Wrongful detainer actions may be used and abused by parties involved in domestic disputes. These bad actors will be emboldened by a sham process that does not provide the tenant meaningful notice and an opportunity to be heard prior to terminating their right to possess their home.

[Up to 25% of families who are evicted become homeless.](#) Becoming homeless is even more likely for residents evicted after a rental scam because those residents are often the most desperate for affordable housing. Homelessness has a devastating impact, leading to [negative education outcomes for children, increased foster care, job loss, poor health outcomes](#) and institutionalization for persons with disabilities.

SB 46 will have a disparate impact on Black, woman-led households. Maryland's long history of housing segregation and discriminatory policies mean that Black and Brown Marylanders are much more likely to be renters and at risk of eviction, and therefore more likely to be most in need of affordable housing and victims of rental scams. [73% of MD households that obtained eviction prevention funds in the pandemic's wake identified as Black, and 71% identified as being woman-led.](#)

There is no data to support this bill. The General Assembly should conduct a summer study. This Committee is operating in a total absence of data related to Wrongful Detainer and the prevalence of squatting. How long does it take for a wrongful detainer complaint to be heard in court? How long from judgment to eviction? What best practices could sheriffs and courts adopt in wrongful detainer cases? How can Maryland better assist victims of rental scams?

We strongly oppose SB 46 and urge an **unfavorable report**.

Please contact me with any questions regarding this testimony

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