



SB 046 – Real Property – Wrongful Detainer Actions
Hearing before the House Judiciary Committee
March 25, 2025, 1:00 PM
Position: Unfavorable

The Pro Bono Resource Center of Maryland (“PBRC”), an independent 501(c)(3) non-profit organization, is the statewide thought leader and clearinghouse for pro bono civil legal services in Maryland. As the designated pro bono arm of the MSBA, PBRC provides training, mentorship, and pro bono service opportunities to members of the private bar and offers direct legal services to over 5,600 clients annually.

In May 2017, with a grant from the Maryland Judiciary’s Access to Justice Department, PBRC launched the **Tenant Volunteer Lawyer of the Day (TVLD) Program** in Baltimore City Rent Court to provide day-of-court legal representation to tenants who appear unrepresented for their proceedings. Since then, this continually expanding Program has allowed PBRC staff and volunteer attorneys to represent thousands of low-income tenants in both Baltimore City and Baltimore County in multiple types of legal actions that could result in eviction.

While we sympathize with the situation that SB 46 is attempting to remedy, PBRC urges an unfavorable report based upon the impact it will have on some of our most vulnerable clients. SB 46 would deny lawful residents their constitutional rights in a wrongful detainer eviction action. **This bill doesn’t 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 includes survivors of domestic violence whose abusers file for eviction, lawful tenants subjected to predatory landlords, and families caught in rental scams.

Specifically, SB 46:

1. Does not require the Plaintiff to name the Defendant even when known (in violation of Maryland Rule 1-301) and is unique in Maryland law for allowing the entry of a money judgment without personal service,
2. Is unique in Maryland law for not requiring the Plaintiff to prove their claim if the Defendant does not appear for trial,
3. Requires the court to hold a trial only four (4) to seven (7) days after *filing (not service)* of the complaint, depriving a resident of time to get a lawyer, take time off work, arrange for childcare or gather evidence to support their defense, and
4. Allows a shortened appeal period of only four (4) days while also allowing for an eviction before the expiration of the appeal period.

PBRC frequently accept cases that are filed as wrongful detainer actions despite the existence of a landlord/tenant relationship. Many of these arise when an owner decides to sell the property and wants to remove the tenant quickly. These provisions in SB 46 will be weaponized against low-income individuals in particular – many of whom work hourly jobs, lack transportation or are single mothers caring for young children and require more than a few days to make the arrangements necessary to come to court and mount a defense.

Typically, our wrongful detainer clients have a lease but need help proving it. Often the relationship with the landlord is strained and they are already trying to leave. In one case, our client had been paying rent to her aunt for four years while caring for her elderly father (her aunt's brother). Three weeks after her father died, her aunt filed a wrongful detainer action. We took the case to trial and won, giving our client time to continue her search for better housing and providing a solid timeline for the aunt to list the property for sale. Under SB 46, our client may not have had the time to find an attorney or gather proof of rental payments. She would have been evicted, lost her belongings and potentially become homeless. Another case involved a refugee family with seven children. They too had a lease but would have had difficulty finding it within the few days allotted under SB 46 and would have been rendered homeless. We negotiated a stipulated dismissal that gave them two months to find alternate housing.

Maryland's Wrongful Detainer statute, Real Property Code § 14-132, already creates an expedited process for a residential property owner to regain possession while also providing the individual who is removed with a measure of due process that would be missing in any action brought under SB 46 – due process that is not only humane but constitutionally required prior to depriving an individual of their home. **Eviction is a very serious matter. We must be careful about the unintended consequences of legislation that could open the door to unconstitutional processes.**

This legislation 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 and 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.

For the above reasons,

PBRC urges an UNFAVORABLE report on SB 046.

Please contact Katie Davis, Director of PBRC's Courtroom Advocacy Project, with any questions.

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