



SB 46 - Real Property – Wrongful Detainer
Hearing before the House Judiciary Committee
March 25, 2025
Position: FAVORABLE

03/20/2025

The Honorable Chair Clippinger

House Judiciary Committee

cc: Members, House Judiciary Committee

Honorable Chair Clippinger and Members of the Committee:

Economic Action Maryland Fund (formerly the Maryland Consumer Rights Coalition) is a statewide coalition of individuals and organizations that advances economic rights and equity for Maryland families through research, education, direct service, and advocacy. Our 12,500 supporters include consumer advocates, practitioners, and low-income and working families throughout Maryland.

Economic Action is a part of Renters United Maryland, which strongly opposes SB 46 and urges an unfavorable report. SB 46 would deny residents of their constitutional rights in a “wrongful detainer” eviction process – and could result in an eviction mere days after filing a complaint. 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 means more homelessness for survivors of domestic violence when the abuser files for eviction; more homelessness for lawful tenants subjected to predatory landlords; and more homelessness for families caught in rental scams.

As an organization that works with tenants seeking remediation during times of duress, whether that be due to a landlord or outside circumstances, we have seen a 28% increase in intake forms this year. This bill would only exacerbate the housing crisis and stretch our already thin resources thinner.

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 our constitutional rights are already under attack.

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SB 46: Does not require the Plaintiff to name the Defendant even when known AND allows entry of money judgment even without personal service.
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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. If the complaint is filed on a Monday, trial could occur on a Friday regardless of when the complaint was served. 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.
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). In every other case, a Plaintiff must 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 for an appeal.

When 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. And landlords who threaten to report tenants as squatters will prompt plenty of tenants to vacate – even if that means homelessness – for fear of having the police called to their residences. Wrongful detainer actions are also used and abused by parties involved in domestic disputes. All of these bad actors will be emboldened by a sham process that does not provide the defendant meaningful notice and a meaningful opportunity to be heard prior to terminating their right to possess the 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

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housing. Homelessness has a devastating impact, leading to negative education outcomes for children, increased foster care, job loss, and poor health outcomes.

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.

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