

CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement



**STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL**

ANTHONY G. BROWN
Attorney General

WILLIAM D. GRUHN
Division Chief

PETER V. BERNIS
General Counsel

CHRISTIAN E. BARRERA
Chief Operating Officer

KIRA WILPONE-WELBORN
Assistant Attorney General

March 21, 2025

To: The Honorable Luke Clippinger
Chair, Judiciary Committee

From: Kira Wilpone-Welborn, Assistant Attorney General
Consumer Protection Division

Re: Senate Bill 46 – Real Property - Wrongful Detainer Actions (OPPOSE)

The Consumer Protection Division of the Office of the Attorney General (the “Division”) opposes Senate Bill 46 sponsored by Senators Watson, Charles, Folden, James, Jennings, Lewis Young, McKay, Ready, Salling, A. Washington, West, Attar, and C. Jackson. Senate Bill 46 seeks to address concerns with individuals unlawfully occupying a property (*i.e.* squatters) by expediting wrongful detainer proceedings. However, there is no evidence or data that suggests such an expedited process is necessary to restore possession. Instead, Senate Bill 46 proposes a solution to an unquantified “problem” and unnecessarily sweeps lawful occupants into eviction proceedings without adequate notice and opportunity to prepare and present a defense.

Landlord-tenant complaints are consistently among the top complaints received each year by the Division. Although this bill seeks to remedy squatting and would appear to fall outside the landlord-tenant context, the Division is concerned that the bill could have the unintended consequence of subjecting lawful tenants to a denial of due process by unscrupulous owners and denying unauthorized occupants victimized by scammers necessary time to seek legal assistance and alternative housing. A legal tenant with an oral lease agreement, or with a written agreement withheld by the landlord, could be subject to trial in as little as four (4) calendar days and eviction “immediately” before the appeals window has closed. An eviction within as little as five (5) calendar days, with notice only by posting¹, is not sufficient time to allow a lawful tenant to seek

¹ Although Senate Bill 46 also provides for mailing of the complaint, the mailed complaint is unlikely to arrive to the premises before the hearing. USPS reports the average time for delivery of mail nation-wide is 2.8 business days. See <https://about.usps.com/newsroom/national-releases/2024/0205-average-delivery-time-across-postal-service-network-remains-stable.htm>. Based on USPS’s own data, a wrongful detainer complaint filed and mailed on Thursday, with a hearing four calendar days later on Monday, would be

counsel and prepare a defense. Likewise, an unauthorized occupant victimized by an unscrupulous owner would not have sufficient time to seek counsel and investigate any true ownership interest within the four calendar days before trial. Finally, contrary to Md. Rule 1-301, Senate Bill 46 permits the complaint to name anonymized “occupants” as defendants even when the occupants’ identities are known. While wrongful detainer proceedings are meant to restore possession to the owner, equity interests for lawful tenants and occupants victimized by fraudsters should be balanced with the swift restoration of possession.

Without evidence of any widespread problem, Senate Bill 46 unnecessarily expedites wrongful detainer proceedings and could impinge on the rights of occupants in these properties. Accordingly, the Division requests that the Judiciary Committee give Senate Bill 46 an unfavorable report.

cc: The Honorable Ron Watson, *et al.*
Members, Judiciary Committee

expected to arrive the day of the hearing likely after the hearing has already occurred. This likely scenario created by Senate Bill 46 is not adequate notice.