

MMHA - 2026 - SB 82 - counterfeit leases.pdf

Uploaded by: Aaron Greenfield

Position: FAV



Bill Title: Senate Bill 82, Criminal Law – Counterfeiting and Possession of Counterfeit Lease – Penalty

Committee: Judiciary Proceedings

Date: January 27, 2026

Position: Favorable

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose members consist of owners and managers of more than 214,000 rental housing homes in over 1015 apartment communities. Our members house over 571,000 residents of the State of Maryland. MMHA also represents over 270 associate member companies who supply goods and services to the multi-housing industry.

Senate Bill 82 would enhance Maryland’s ability to protect renters, property owners, and housing markets by making it a crime for any person to knowingly create, assist in creating, or possess a counterfeit lease or rental agreement with intent to defraud another. This fills a critical gap in existing criminal law by directly addressing fraudulent lease documents — a tactic increasingly used in rental scams that harm individuals and destabilize communities.

The Issue of Rental Fraud: Rental fraud is widespread and growing. Since 2020, the Federal Trade Commission (FTC) has received reports of nearly 65,000 rental scams with about \$65 million in reported losses, and this likely represents only a fraction of actual harm because most scams go unreported¹. National surveys have found that more than 5 million renters have lost money to rental fraud, with median losses around \$400 and one in three victims losing more than \$1,000.² Bad actors often use fake listings and fraudulent lease documents to elicit deposits and first month’s rent for properties that either do not exist or which they have no authority to rent.

Industry surveys show that 93.3% of property managers have experienced rental fraud, including falsified documentation such as income, identity, or lease terms. In many cases, fraudulent leases are paired with falsified supporting documents so fraudsters can appear legitimate during initial tenant screenings.³

Impact on Residents: Victims of rental fraud often suffer significant economic harm, loss of security deposits, and may be left without housing — particularly harmful in tight

¹ Federal Trade Commission, Rental scams hit home with \$65 million in reported losses, December 22, 2025

² Better Business Bureau, Is That Rental Listing Real?, December 2019

³ NMHC Pulse Survey: Analyzing the Operational Impact of Rental Application Fraud and Bad Debt, January 24, 2024



housing markets. Without explicit criminal penalties, perpetrators can exploit legal ambiguity to evade accountability.

Current Law Does Not Adequately Address Counterfeit Lease Documents: Under existing Maryland law, general fraud statutes may cover misrepresentation and theft, but there is no standalone criminal prohibition tied specifically to the creation, dissemination, or possession of fraudulent lease or rental agreements intended to defraud. SB 82 fills this gap by creating a clear statutory offense focused on this behavior.

By criminalizing counterfeit leases with intent to defraud, Senate Bill 82 gives prosecutors a specific tool to pursue fraudsters leveraging false documents in rental schemes. Criminal penalties act as a deterrent, signaling that fraudulent misrepresentation of lease agreements is a serious offense with real consequences.

For these reasons, we respectfully request a favorable report on Senate Bill 82.

Aaron J. Greenfield, MMHA Director of Government Affairs, 410.446.1992

SB 82 - Counterfeit Lease - FAV - REALTORS.pdf

Uploaded by: Lisa May

Position: FAV



**Senate Bill 82 – Criminal Law - Counterfeiting and Possession of Counterfeit Lease
- Penalty**

Position: Support

Maryland REALTORS® supports SB 82, which addresses the production of fraudulent leases, which are often used in the practice of “squatting.”

Recognizing the increased incidents of squatting in residential properties, the General Assembly passed legislation in 2025 to expedite the court process for property owners to remove squatters. REALTORS® are appreciative of those efforts but believe that additional steps can and should be taken against those who facilitate this illegal activity.

Often, squatting involves the use of forged leases or other documents which on initial review might indicate individuals have a right to occupy the residence when they do not. These documents could be produced by the squatters themselves, or in some instances, can be used to deceive tenants into thinking they are entering into a legitimate rental agreement.

In fact, scammers are currently using AI-powered lease generation sites and apps to forge leases, even offering “move-in packages” to potential property occupants in exchange for cash payments. Those occupants may have full knowledge that the lease is counterfeit, or they may have none. That is where SB 82’s adherence to a knowing and willful intent to defraud can be used to target the networks of criminal actors, while protecting those who were unwilling victims of leasing fraud.

For these reasons, Maryland REALTORS® asks for your favorable report on SB 82.

**For more information contact lisa.may@mdrealtor.org or
christa.mcgee@mdrealtor.org**

Testimony in support of SB0082 - Criminal Law - Co

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB0082_RichardKaplowitz_FAV

01/27/2026

Richard Keith Kaplowitz
Frederick, MD 21703

TESTIMONY ON SB#/0082- POSITION: FAVORABLE

Criminal Law - Counterfeiting and Possession of Counterfeit Lease – Penalty

TO: Chair Smith, Jr., Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of SB#/0082, **Criminal Law - Counterfeiting and Possession of Counterfeit Lease**

This bill adds to the list of “A person, with intent to defraud another, may not counterfeit, cause to be 17 counterfeited, or willingly aid or assist in counterfeiting any...” found in current Maryland the term “lease” and renumbers the remainder of the list to include it. The bill will prohibit a person with the intent to defraud another from creating, aiding in the creation of, or possessing a counterfeit lease or rental agreement; etc. This is a consumer protection measure to add lease to the law to provide criminal charges for a person committing this type of fraud.

My Jewish tradition declares in the Tosefta ([Bava Kama 7:8](#)) ...: “There are seven types of thief. First and foremost, among them is one who misrepresents.”. This bill aims to stop the thief who would commit this crime.

I respectfully urge this committee to return an favorable report on SB#/0082.

SB 82 - Counterfeiting and Possession of Counterfe

Uploaded by: Kirsten Downs

Position: UNF



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: Senate Bill 82 – Criminal Law – Counterfeiting and Possession of Counterfeit Lease
FROM: Maryland Office of the Public Defender
POSITION: UNFAVORABLE
DATE: January 27, 2026

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on Senate Bill 82.

Senate Bill 82 makes it a crime to create or possess counterfeit leases and rental agreements with the intent to defraud by adding new language to Section 601 of Title 8 of the Criminal Law Article. Although the bill is intended to combat the fraudulent transfers and possession of rental properties, it overlaps with existing fraud laws, lacks safeguards for victims of housing scams, and may disproportionately harm vulnerable groups, such as low-income renters and older adults.

Overview of Maryland's Housing Crisis

Maryland faces a severe housing crisis, with Governor Moore's 2024 assessment identifying a shortfall of over 120,000 units (including nearly 96,000 affordable units),¹ and DHCD's 2025 projections estimating the need for 465,000 additional single-family homes and 125,000 multifamily units by 2045.² In high-cost jurisdictions such as Baltimore City and Montgomery County, more than half of renter households face unaffordable housing costs, mirroring statewide patterns of severe rent burden. Over 50% of Maryland renters—particularly in high-cost areas like Baltimore City and Montgomery County—are cost-burdened, spending more than 30% of their income on housing. As a result, many low-income renters find themselves in precarious housing situations, struggling to make ends meet. This crisis has increased the risk of exploitation for those seeking immediate and affordable housing.

The Growing Prevalence of Housing Scams and Their Victims

Surveys confirm rampant rental fraud: 70.7% of providers saw increases in fraudulent applications, 93.3% encountered some fraud, 23.8% of evictions were tied to fraudulent rental scams.³

¹ Maryland Office of the Governor. "Housing Priorities." Maryland Governor's Office. Accessed January 17, 2025. <https://priorities.maryland.gov/pages/housing>.

² Maryland Department of Housing and Community Development. 2025 Maryland State Housing Needs Assessment: Executive Summary. Crownsville, MD: Maryland Department of Housing and Community Development, 2025. <https://dhcd.maryland.gov/Documents/Research/Housing-Needs-Assessment/Executive-Summary-v0627-SHNA-2025.pdf>.

³ National Multifamily Housing Council, "Rampant, Increasing Fraud Impacting Rental Housing Costs," January 23, 2024, <https://www.nmhc.org/news/press-release/2024/rampant-increasing-fraud-impacting-rental-housing-costs/>

TransUnion noted a 30% fraud spike in 2020⁴; and 6.4% of U.S. renters (5.2 million) report financial losses.⁵ These findings underscore the growing prevalence of housing scams and highlight the need for increased vigilance by property owners and increased protections for renters.

Among the most vulnerable renters are low-income and elderly individuals seeking affordable housing, often drawn by below-market rents. Recently, the Maryland Department of Housing and Community Development issued a warning about online scams perpetrated by individuals falsely claiming to administer Section 8 Housing Choice vouchers, noting that low-income renters are a primary target.⁶

Additionally, racial minorities, particularly Black and Latinx renters, are overrepresented among victims due to systemic barriers and historical inequities that hinder homeownership. Elderly renters are also frequent targets, as they may be less familiar with the complexities of online rental processes. Furthermore, immigrants face increased vulnerability due to language barriers and a lack of knowledge about local laws, making them prime targets for scammers.

Lack of Protections for Low-Income Renters and Housing Scam Victims

Introducing criminal penalties for possession of counterfeited lease or rental agreements, as proposed in Senate Bill 82, can have adverse effects on low-income renters and families.

Criminal liability under this bill turns on whether a person “knowingly” creates or possesses a counterfeit lease “with intent to defraud.” Low-income renters often obtain housing through intermediaries—friends, “agents,” social media contacts, or community members—and are handed documents they did not draft and cannot easily verify. They may pay deposits in cash or via apps without receipts, communicate by text, and never meet the true property owner. When law enforcement later encounters a questionable lease, the only person physically holding the “counterfeit” document is often the tenant, not the individual who created it. In that situation, the State may be tempted to infer knowledge and intent from possession and circumstances alone. For tenants with limited English proficiency, limited literacy, or limited familiarity with formal leasing practices, the risk is that their confusion and poverty are misinterpreted as “suspicious” rather than as evidence of exploitation.

Additionally, Senate Bill 82 does not create any affirmative defenses, diversion, or protections for occupants who unknowingly move into a unit under a counterfeit lease. Hence, victims still risk being treated as trespassers or civil defendants in other proceedings even when they acted in good faith. The bill does not provide restitution procedures, emergency relocation assistance, or a right to delay removal for tenants who learn their lease is counterfeit; therefore, low-income renters who are

⁴ TransUnion. "A Rise in Fraud Indicators Hits the Rental Industry During the Pandemic." TransUnion Newsroom, 2020. <https://newsroom.transunion.com/a-rise-in-fraud-indicators-hits-the-rental-industry-during-the-pandemic/>

⁵ Federal Bureau of Investigation. “FBI Warns of Spike in Rental and Real Estate Scams.” FBI Boston Press Releases, accessed January 17, 2025. <https://www.fbi.gov/contact-us/field-offices/boston/news/press-releases/fbi-warns-of-spike-in-rental-and-real-estate-scams>.

⁶ Maryland Department of Housing and Community Development. “Maryland Department of Housing and Community Development Warns of Housing Scam.” News release, June 21, 2024. <https://news.maryland.gov/dhcd/2024/06/21/maryland-department-of-housing-and-community-development-warns-of-housing-scam/>.

victims of fraudulent leases may still face sudden displacement and financial loss even if the lease creator is prosecuted.

Enforcement Disparities in Low-Income Communities

The impact of housing challenges on racial minorities is both profound and alarming. In Maryland, Black and Latino renters, already grappling with significant income disparities, find themselves more vulnerable to scams as they often rely on informal networks or unverified platforms for housing.⁷ This economic vulnerability is exacerbated by systemic barriers rooted in historical redlining and housing discrimination, which have disproportionately affected these communities, making them heavily reliant on rental housing and more susceptible to fraud and displacement.^{8 9}

Furthermore, data reveal that policies incorporating criminal elements related to housing violations often lead to higher eviction rates among low-income populations.^{10 11} Layering a new counterfeiting offense onto the housing system increases the number of police encounters and the stakes of any dispute over paperwork. In neighborhoods where residents already experience over-policing, officers responding to a housing complaint will now have a new criminal charge available whenever a lease “looks wrong,” further incentivizing quick, on-the-spot judgments about authenticity and intent. Because informal leasing practices are most often concentrated in low-income neighborhoods, those communities will bear a disproportionate share of the arrests, investigations, and criminal records generated under the proposed statute.

Existing Legal Protections for Property Owners

Currently, several provisions in Title 8 of the Criminal Law Article give prosecutors the authority to pursue fraudulent paperwork in housing transactions.¹² Maryland’s theft and fraud statutes prohibit obtaining money or property by deception.¹³ Maryland’s forgery and uttering provisions criminalize the making or use of fraudulent documents, including contracts, assignments, and other legal instruments.¹⁴ In practice, a fabricated lease for a property the “landlord” does not own, a forged signature on a genuine lease form, or materially altered terms used to induce a renter to pay an application fee, security deposit, or rent can all be prosecuted under these existing sections as theft by deception, forgery, or use of a false instrument.¹⁵ Creating or sharing a fake or altered lease for

⁷ Maryland Center on Economic Policy. Racial Disparities in Housing and Wealth in Maryland. Annapolis, MD: Maryland Center on Economic Policy, 2024.

⁸ Urban Institute. The Legacy of Redlining: Housing Discrimination and Systemic Inequities. Washington, D.C.: Urban Institute, 2023.

⁹ National Low Income Housing Coalition. Out of Reach: The High Cost of Housing in America. Washington, D.C.: NLIHC, 2024. <https://nlihc.org>.

¹⁰ Legal Aid Bureau of Maryland. The Racial Impact of Evictions in Maryland. Baltimore, MD: Maryland Legal Aid, 2024.

¹¹ Maryland Center on Economic Policy. Racial Disparities in Housing and Wealth in Maryland. Annapolis, MD: Maryland Center on Economic Policy, 2024

¹² Md. Code Ann., Crim. Law §§ 8-301 et seq. (2024).

¹³ Md. Code Ann., Crim. Law § 8-301 (theft by deception)

¹⁴ Md. Code Ann., Crim. Law §§ 8-601–602 (counterfeiting/false instruments); § 8-607 (uttering).

¹⁵ See, e.g., Md. Code Ann., Crim. Law § 8-402 (issuing false documents)

financial gain falls under Maryland’s existing fraud and forgery laws; a specific lease reference in the counterfeiting statute is unnecessary.¹⁶

Additionally, Maryland provides property owners with a targeted civil remedy to address unauthorized occupancy through wrongful detainer actions. Under Maryland Real Property Article § 14-132, “wrongful detainer” is defined as a person in actual possession of property who does not have a legal right to possession and whose possession is not covered by other, more specific statutory provisions (such as landlord–tenant actions under Title 8 or situations governed by other exclusive remedies).¹⁷ Property owners may file a wrongful detainer complaint in the District Court for the county where the property is located, after which the court must promptly issue a summons directing the occupant to appear and show cause why possession of the premises should not be awarded to the owner.¹⁸ If the court finds that the complainant is entitled to possession, it enters judgment for restitution and issues a warrant authorizing the sheriff or constable to deliver possession to the owner; in appropriate cases, the court may also award damages, court costs, and attorney’s fees when proper service and jurisdictional requirements are met. This process—coupled with the ability to request a jury trial and to appeal—ensures a civil, judicial mechanism that balances the rights of property owners to reclaim possession with notice and an opportunity to be heard for occupants, providing an effective means of resolving wrongful occupancy without resorting to additional criminal penalties.¹⁹

While expanding Maryland’s counterfeiting statute to cover leases and rental agreements is framed as a tool to prevent rental fraud, it neither guarantees swift relief for property owners nor ensures that the true counterfeiters are prosecuted. The criminal process does not replace or expedite the civil mechanisms already in place to restore possession. Owners must still navigate investigations, charging decisions, and court dockets before any criminal case is resolved—often long after the immediate occupancy issue needs to be addressed. At the same time, enforcement of the proposed statute will start with whoever is in possession of the questionable lease, which is frequently the tenant, not the individual who drafted it. Tenants who relied in good faith on counterfeit paperwork—especially low-income renters who use informal channels to find housing—risk being treated as suspects or leverageable witnesses simply for holding the document.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on Senate Bill 82.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

Authored by: Kirsten Gettys Downs
Director of Systemic Reform, Maryland Office of the Public Defender
Kirsten.Downs@maryland.gov

¹⁶ Md. Code Ann., Crim. Law tit. 8, Subtit. 6 (covering broad categories of counterfeit instruments and forgery)

¹⁷ Md. Code Ann., Real Prop. § 14-132 (2025),
<https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=RP§ion=14-132>.

¹⁸ Maryland District Court. Landlord and Tenant Cases: A Procedural Guide for Property Owners. Annapolis, MD: Maryland Judiciary, 2024.

¹⁹ Maryland Legal Aid. Tenant Rights and Responsibilities in Maryland. Baltimore, MD: Legal Aid Bureau of Maryland, 2024.

SB 82 PJC UNF.pdf

Uploaded by: Matt Hill

Position: UNF



C. Matthew Hill
Attorney
Public Justice Center
201 North Charles Street, Suite 1200
Baltimore, Maryland 21201
410-625-9409, ext. 229
hillm@publicjustice.org

SB82: Criminal Law - Counterfeiting and Possession of Counterfeit Lease – Penalty

Hearing before the Senate Judicial Proceedings Committee on Jan. 27, 2026

Position: Unfavorable

Chairman Smith, Vice-Chair Waldstreicher and Committee Members:

Thank you for the opportunity to submit testimony. Public Justice Center respectfully urges an unfavorable report on SB 82.

The Public Justice Center (PJC) is a nonprofit public interest law firm that stands with tenants to protect and expand their rights to safe, habitable, affordable, and non-discriminatory housing. We represent or advise over 800 renter households each year, and we advocate to change laws that further a human right to housing.

We appreciate the intent in SB 82 to [hold accountable the “scamlords” who advertise properties online](#), accept thousands of dollars from families desperate for housing, sign leases with those families, and then disappear after they receive the money. We agree that the General Assembly should take further action to hold scamlords and the social media companies that enable this fraud accountable, and we have specific proposals to do so.

We are concerned, however, that SB 82 is both too broad and vague. First, it criminalizes the “possession” of a fraudulent lease or rental agreement, which could include the occupant-victim of a scamlord operation. Unlicensed landlords and property flippers already abuse the Wrongful Detainer court process to effect a quick eviction of renting families who they don’t want in the property. These same unscrupulous actors will now have a new tool at their disposal: Accuse the renters of possessing a fraudulent lease and swear out charges with the District Court Commissioner to have the renters arrested – thereby accomplishing a *de facto* eviction. SB 82 could be more narrowly tailored to criminalize the act of offering a fraudulent lease only, but this kind of action is likely already covered by existing fraud provisions.

SB 82 is also overly broad because it does not define the terms “lease” or “rental agreement” and could be interpreted to cover any rental of any consumer good including a car rental or movie rental. Given our nation’s long history of over-criminalizing certain behavior in a way that has a disparate impact on Black and brown communities, we urge the Committee to reconsider further expanding the criminal code with

undefined terms. Most of the other items in the list of documents in this provisions of the criminal code are negotiable instruments or recorded deeds. A lease or rental agreement is neither and should be analyzed more thoroughly before criminalizing possession of such a document.

Public Justice Center asks that the Committee **issue a UNFAVORABLE report on SB 82.**

SB82_EconAction_LOI.pdf

Uploaded by: Jennifer Bevan-Dangel

Position: INFO



SB82: Criminal Law - Counterfeiting and Possession of Counterfeit Lease – Penalty

Letter of Information

January 27, 2026

The Honorable William Smith, Chair
Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, MD 21401
Cc: Members of the Judicial Proceedings Committee

Chair Smith and members of the Judicial Proceedings Committee,

Economic Action Maryland Fund respectfully submits the following informational testimony on SB82, which would prohibit the counterfeiting or possession of a counterfeit lease.

We appreciate the intent behind this legislation. Our tenant advocacy team serves clients who have been presented with a counterfeit lease, signed it in good faith, and then find themselves losing their first months rent, downpayment, and associated fees, as well as facing eviction. There are predatory scammers that are defrauding tenants and homeowners alike, and we are happy to work with this committee on solutions to addressing counterfeit leases. We are also happy to work with the committee to hold these rip-off artists that trick individuals into signing these leases accountable.

However, we are deeply concerned by the legislative construction of this bill. As drafted, the bill exposes innocent tenants (and small landlords) to criminal action, because it criminalizes the possession of a counterfeit lease. Under this section of the code, it would be incredibly difficult to prove whether the tenant had knowledge that the lease was counterfeit. This section deals with formal, recordable, negotiable instruments – which leases are not. There is no legal recordation process for leases as exists for property titles. Moreover, leases are not even public facing.

In addition, the language around lease and “rental agreement” is overly broad. As drafted, this would potentially include care leases and rental agreements, and we are not certain if that is the sponsor’s intent. Rental agreement is not defined in this statute, which is particularly troubling as it could potentially include other rental agreements including equipment or appliances.

Economic Action (formerly the Maryland Consumer Rights Coalition) champions economic rights and housing justice through advocacy, research, consumer education, and direct service. Our 12,500 supporters include consumer advocates, practitioners, and low-income and working families throughout Maryland.

2209 Maryland Ave · Baltimore, MD 21218 | www.econaction.org
Marceline White · Marceline@EconAction.org | Jennifer Bevan-Dangel · Jennifer@EconAction.org



Because of the vagueness of the language, and the lack of evidentiary standards for a non-negotiable instrument like a lease, it is unclear how an individual would prove they had “fraudulent intent”. The selective, discretionary enforcement of this puts tenants, as well as small landlords, most at risk by criminalizing what should be a civil dispute.

This bill may be more appropriate in the forgery statute. There is also legislation drafted in the House that deals would address the distribution of fraudulent leases through online tools.

For these reasons, while we applaud the attention to the issue of counterfeit leases, we urge the committee to spend the time developing a robust solution to that problem that addresses the limitations of the approach taken in SB82.

Sincerely,
Jennifer Bevan-Dangel, Deputy Director

Economic Action (formerly the Maryland Consumer Rights Coalition) champions economic rights and housing justice through advocacy, research, consumer education, and direct service. Our 12,500 supporters include consumer advocates, practitioners, and low-income and working families throughout Maryland.

2209 Maryland Ave · Baltimore, MD 21218 | www.econaction.org
Marceline White · Marceline@EconAction.org | Jennifer Bevan-Dangel · Jennifer@EconAction.org