

# SENATE BILL 556

N1, E1

51r0932

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By: **Senator Ready**

Introduced and read first time: January 23, 2025

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Fraudulent Possession and Unauthorized Lease or Listing**  
3 **– Prohibition and Removal**

4 FOR the purpose of prohibiting the knowing and willful presentation of certain false  
5 documents in order to possess real property; prohibiting a person from leasing to  
6 another real property the person does not own or is not authorized to lease and from  
7 listing or advertising for sale real property if the person knows the purported seller  
8 is not the owner of the property; authorizing the owner of residential property or an  
9 agent of the owner to request that a sheriff return possession of residential property  
10 to the owner under certain circumstances; requiring a sheriff to serve notice to  
11 immediately vacate a property to an unlawful occupant and return possession of the  
12 property to the owner under certain circumstances and subject to certain  
13 requirements; authorizing a sheriff to arrest certain individuals; establishing that  
14 an individual harmed by wrongful removal from a residential property may recover  
15 certain damages; establishing that an owner is not liable to an unlawful occupant of  
16 residential property for damage to or the destruction or loss of certain personal  
17 property; providing that a sheriff is not liable to any party for damages to property  
18 resulting from the removal of an unlawful occupant from a residential property; and  
19 generally relating to unauthorized possession of residential real property.

20 BY adding to

21 Article – Criminal Law

22 Section 8–906

23 Annotated Code of Maryland

24 (2021 Replacement Volume and 2024 Supplement)

25 BY adding to

26 Article – Real Property

27 Section 14–132.1

28 Annotated Code of Maryland

29 (2023 Replacement Volume and 2024 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
2 That the Laws of Maryland read as follows:

3 **Article – Criminal Law**

4 **8–906.**

5 (A) A PERSON MAY NOT:

6 (1) KNOWINGLY AND WILLFULLY, PRESENT A FALSE DEED, LEASE  
7 AGREEMENT, OR OTHER INSTRUMENT PURPORTING TO CONVEY AN INTEREST IN  
8 REAL PROPERTY IN ORDER TO HOLD POSSESSION OF THE PROPERTY;

9 (2) LEASE TO ANOTHER REAL PROPERTY THE PERSON DOES NOT OWN  
10 OR IS NOT AUTHORIZED TO OFFER FOR LEASE; OR

11 (3) LIST OR ADVERTISE RESIDENTIAL REAL PROPERTY FOR SALE  
12 KNOWING THAT THE PURPORTED SELLER IS NOT THE LAWFUL OWNER OF THE  
13 PROPERTY.

14 (B) (1) A PERSON WHO VIOLATES SUBSECTION (A)(1) OF THIS SECTION IS  
15 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT  
16 NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

17 (2) A PERSON WHO VIOLATES SUBSECTION (A)(2) OR (3) OF THIS  
18 SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO  
19 IMPRISONMENT NOT EXCEEDING 30 YEARS OR A FINE NOT EXCEEDING \$10,000 OR  
20 BOTH.

21 **Article – Real Property**

22 **14–132.1.**

23 (A) PRIOR TO THE FILING OF A COMPLAINT WITH THE COURT UNDER §  
24 14–132 OF THIS SUBTITLE, A PERSON CLAIMING THAT ANOTHER IS IN WRONGFUL  
25 POSSESSION OF RESIDENTIAL REAL PROPERTY MAY REQUEST THE SHERIFF TO  
26 IMMEDIATELY REMOVE THE OTHER PERSON IF:

27 (1) THE PERSON CLAIMING POSSESSION OF THE PROPERTY IS THE  
28 PROPERTY OWNER OR AUTHORIZED AGENT OF THE PROPERTY OWNER;

1           **(2) THE PERSON IN POSSESSION OF THE PROPERTY IS NOT**  
2 **AUTHORIZED TO BE ON THE PROPERTY OR UNLAWFULLY ENTERED AND REMAINED**  
3 **ON OR OCCUPIED THE PROPERTY;**

4           **(3) THE PROPERTY WAS NOT OPEN TO THE PUBLIC AT THE TIME THE**  
5 **UNAUTHORIZED OCCUPATION OF THE PROPERTY BEGAN;**

6           **(4) THE PERSON CLAIMING POSSESSION DIRECTED THE PERSON IN**  
7 **POSSESSION TO VACATE THE PROPERTY;**

8           **(5) THE PERSON IN POSSESSION IS NOT A CURRENT OR FORMER**  
9 **TENANT OF THE PROPERTY UNDER A LEASE AGREEMENT WITH THE PERSON**  
10 **CLAIMING POSSESSION; AND**

11           **(6) THERE IS NO PENDING LITIGATION RELATING TO THE PROPERTY**  
12 **BETWEEN THE PERSON CLAIMING POSSESSION AND THE PERSON IN POSSESSION.**

13           **(B) A REQUEST MADE UNDER THIS SECTION SHALL:**

14           **(1) INCLUDE:**

15                   **(I) A COPY OF THE REQUESTER'S GOVERNMENT**  
16 **IDENTIFICATION;**

17                   **(II) EVIDENCE OF OWNERSHIP OF THE PROPERTY; AND**

18                   **(III) IF THE PERSON MAKING THE REQUEST IS ACTING AS AN**  
19 **AGENT OF THE OWNER, EVIDENCE OF AGENCY; AND**

20           **(2) BE SIGNED BY THE REQUESTER UNDER PENALTY OF PERJURY.**

21           **(C) ON RECEIPT OF A REQUEST UNDER SUBSECTION (A) OF THIS SECTION,**  
22 **THE SHERIFF SHALL VERIFY THAT THE PERSON SUBMITTING THE REQUEST IS THE**  
23 **OWNER OF THE PROPERTY OR AN AUTHORIZED AGENT OF THE OWNER.**

24           **(D) IF THE SHERIFF VERIFIES A REQUEST UNDER SUBSECTION (C) OF THIS**  
25 **SECTION, THE SHERIFF SHALL, WITHOUT DELAY, SERVE NOTICE TO IMMEDIATELY**  
26 **VACATE THE PROPERTY TO THE OCCUPANT OF THE PROPERTY AND DELIVER**  
27 **POSSESSION OF THE PROPERTY TO THE REQUESTER.**

28           **(E) SERVICE OF NOTICE TO IMMEDIATELY VACATE UNDER SUBSECTION (D)**  
29 **OF THIS SECTION MAY BE MADE BY HAND DELIVERY OR BY PROMINENTLY POSTING**  
30 **THE NOTICE ON THE FRONT DOOR OR OTHER ENTRY TO THE PROPERTY.**

1           **(F) THE SHERIFF SHALL ATTEMPT TO VERIFY THE IDENTITY OF ANY**  
2 **PERSON OCCUPYING THE PROPERTY AT THE TIME OF SERVICE OF NOTICE TO**  
3 **IMMEDIATELY VACATE AND MAY, IF APPROPRIATE, ARREST ANY PERSON FOUND**  
4 **OCCUPYING THE PROPERTY FOR TRESPASS, OUTSTANDING WARRANTS, OR ANY**  
5 **OTHER LEGAL CAUSE.**

6           **(G) AFTER NOTICE TO IMMEDIATELY VACATE HAS BEEN DELIVERED, THE**  
7 **REQUESTOR MAY REQUEST THAT THE SHERIFF STAND BY TO KEEP THE PEACE**  
8 **WHILE THE REQUESTOR CHANGES THE LOCKS AND REMOVES ANY PERSONAL**  
9 **PROPERTY FROM THE PREMISES.**

10           **(H) (1) A PERSON MAY BRING SUIT FOR WRONGFUL REMOVAL UNDER**  
11 **THIS SECTION.**

12                   **(2) A PERSON HARMED BY WRONGFUL REMOVAL MAY BE RESTORED**  
13 **TO POSSESSION OF THE PROPERTY AND MAY RECOVER:**

14                           **(i) ACTUAL DAMAGES;**

15                           **(ii) THREE TIMES THE AMOUNT OF THE FAIR MARKET VALUE OF**  
16 **RENT OF THE PROPERTY; AND**

17                           **(iii) REASONABLE ATTORNEY'S FEES AND COURT COSTS.**

18           **(I) (1) A SHERIFF IS NOT LIABLE TO ANY PARTY FOR DAMAGES TO OR THE**  
19 **LOSS OR DESTRUCTION OF PROPERTY INCURRED IN PERFORMING THE SHERIFF'S**  
20 **DUTIES UNDER THIS SECTION.**

21                   **(2) AN OWNER OR AUTHORIZED AGENT OF AN OWNER IS NOT LIABLE**  
22 **TO AN OCCUPANT OR ANY OTHER PARTY FOR DAMAGE TO OR THE LOSS OR**  
23 **DESTRUCTION OF PERSONAL PROPERTY REMOVED UNDER THIS SECTION UNLESS**  
24 **THE REMOVAL WAS UNLAWFUL.**

25           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2025.