

# SENATE BILL 989

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5lr3470

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By: **Senators Charles and Watson**

Introduced and read first time: January 28, 2025

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Unauthorized Occupants – Sheriff’s Property Registry and**  
3 **Removal**

4 FOR the purpose of authorizing a sheriff of a county to establish an Unauthorized Occupant  
5 Registry for residential real property located in the county for a certain purpose;  
6 authorizing a residential property owner to enroll the property in a registry  
7 established in accordance with this Act and to request the removal of an  
8 unauthorized occupant from the property by a sheriff, subject to certain  
9 requirements; authorizing an individual removed from a property in bad faith to  
10 bring a certain civil action; and generally relating to removal of unauthorized  
11 occupants from residential real property.

12 BY adding to  
13 Article – Real Property  
14 Section 14–132.1  
15 Annotated Code of Maryland  
16 (2023 Replacement Volume and 2024 Supplement)

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

19 **Article – Real Property**

20 **14–132.1.**

21 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
22 **INDICATED.**

23 **(2) “REGISTERED OWNER” MEANS AN OWNER OF RESIDENTIAL REAL**  
24 **PROPERTY ENROLLED IN AN UNAUTHORIZED OCCUPANT REGISTRY.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(3) "REGISTRY" MEANS AN UNLAWFUL OCCUPANT REGISTRY**  
2 **ESTABLISHED BY THE SHERIFF OF A COUNTY.**

3           **(B) THE SHERIFF OF A COUNTY MAY ESTABLISH AN UNAUTHORIZED**  
4 **OCCUPANT REGISTRY IN ORDER TO FACILITATE THE REMOVAL OF UNAUTHORIZED**  
5 **OCCUPANTS FROM DWELLINGS ON RESIDENTIAL PROPERTY IN THE COUNTY.**

6           **(C) (1) AN OWNER OF RESIDENTIAL REAL PROPERTY THAT INCLUDES A**  
7 **DWELLING MAY ENROLL THE PROPERTY IN A REGISTRY ESTABLISHED UNDER**  
8 **SUBSECTION (B) OF THIS SECTION FOR THE COUNTY WHERE THE PROPERTY IS**  
9 **LOCATED.**

10           **(2) (I) ENROLLMENT OF A PROPERTY IN A REGISTRY UNDER**  
11 **PARAGRAPH (1) OF THIS SUBSECTION SHALL EXPIRE AFTER 6 MONTHS.**

12           **(II) A PROPERTY OWNER MAY RE-ENROLL A PROPERTY IN THE**  
13 **REGISTRY ON EXPIRATION OF A 6-MONTH ENROLLMENT PERIOD.**

14           **(3) A SHERIFF MAY CHARGE A FEE FOR:**

15           **(I) THE INITIAL ENROLLMENT OF A PROPERTY IN A REGISTRY**  
16 **ESTABLISHED UNDER THIS SECTION; AND**

17           **(II) ANY SUBSEQUENT RE-ENROLLMENT OF THE PROPERTY**  
18 **THAT OCCURS AT LEAST 1 YEAR AFTER THE IMMEDIATELY PRECEDING**  
19 **ENROLLMENT OR RE-ENROLLMENT OF THE PROPERTY.**

20           **(D) (1) A SHERIFF SHALL POST NOTICE ON EACH PROPERTY ENROLLED**  
21 **IN A REGISTRY.**

22           **(2) NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:**

23           **(I) BE POSTED IN A CONSPICUOUS PLACE ON THE PROPERTY;**  
24 **AND**

25           **(II) PROVIDE INFORMATION ON THE REMOVAL PROCESS FOR**  
26 **ANY UNAUTHORIZED OCCUPANTS ON THE PROPERTY.**

27           **(E) THE OWNER OF RESIDENTIAL PROPERTY ENROLLED IN A REGISTRY, OR**  
28 **THE OWNER'S AUTHORIZED AGENT, MAY REQUEST THE IMMEDIATE REMOVAL BY**  
29 **THE SHERIFF OF ANY INDIVIDUAL OCCUPYING A DWELLING ON THE PROPERTY**  
30 **WITHOUT AUTHORIZATION IF:**



1     **THE REGISTERED OWNER PURCHASED THE PROPERTY ON \_\_\_\_\_**  
2 **(DATE).**

3     **THE PROPERTY INCLUDES A RESIDENTIAL DWELLING.**

4     **THE UNAUTHORIZED OCCUPANT UNLAWFULLY ENTERED THE DWELLING AND IS**  
5 **RESIDING OR OTHERWISE REMAINS IN THE DWELLING.**

6     **THE DWELLING WAS NOT OPEN TO MEMBERS OF THE PUBLIC AT THE TIME THE**  
7 **UNAUTHORIZED OCCUPANT ENTERED.**

8     **I HAVE DIRECTED THE UNAUTHORIZED OCCUPANT, EITHER PERSONALLY OR**  
9 **THROUGH AN AUTHORIZED AGENT, TO LEAVE THE DWELLING AND THE**  
10 **UNAUTHORIZED OCCUPANT HAS NOT DONE SO.**

11     **THE UNAUTHORIZED OCCUPANT IS NOT A CURRENT OR FORMER TENANT OF THE**  
12 **DWELLING UNDER A LEASE AGREEMENT, AND ANY LEASE THAT MAY BE PRODUCED**  
13 **BY THE UNAUTHORIZED OCCUPANT IS FRAUDULENT.**

14     **THE UNAUTHORIZED OCCUPANT IS NOT AN OWNER OR CO-OWNER OF THE**  
15 **PROPERTY OR THE DWELLING AND HAS NOT BEEN LISTED ON THE TITLE TO THE**  
16 **PROPERTY, AND ANY TITLE OR OTHER ALLEGEDLY OFFICIAL COPY OF A PROPERLY**  
17 **RECORDED INSTRUMENT IS THE RESULT OF TITLE FRAUD OR OTHER FRAUDULENT**  
18 **ACTIVITY.**

19     **THE UNAUTHORIZED OCCUPANT IS NOT A MEMBER OF THE IMMEDIATE FAMILY**  
20 **OF THE REGISTERED OWNER OR ANY CO-OWNER OF THE PROPERTY OR THE**  
21 **DWELLING.**

22     **THERE IS NO PENDING LITIGATION RELATED TO THE PROPERTY OR THE**  
23 **DWELLING BETWEEN THE UNAUTHORIZED OCCUPANT AND THE REGISTERED**  
24 **OWNER OR ANY CO-OWNER OF THE PROPERTY OR THE DWELLING.”.**

25 **(G) (1) ON RECEIPT OF A REQUEST TO REMOVE AN UNAUTHORIZED**  
26 **OCCUPANT, A SHERIFF SHALL VERIFY THAT THE PERSON MAKING THE REQUEST IS**  
27 **REGISTERED AS THE RECORD OWNER OF THE PROPERTY THAT IS THE SUBJECT OF**  
28 **THE COMPLAINT, OR THE AUTHORIZED AGENT OF THE RECORD OWNER AND**  
29 **APPEARS TO BE ENTITLED TO RELIEF UNDER THIS SECTION.**

30 **(2) IF VERIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE**  
31 **SHERIFF SHALL, WITHOUT DELAY, SERVE NOTICE TO VACATE THE PROPERTY**  
32 **WITHIN 1 WEEK AFTER RECEIPT OF THE NOTICE ON EACH UNAUTHORIZED**

1 OCCUPANT AND SHALL PUT THE REGISTERED OWNER IN POSSESSION OF THE  
2 PROPERTY AT THAT TIME.

3 (3) NOTICE POSTED ON THE PROPERTY UNDER SUBSECTION (D)(2)  
4 OF THIS SECTION CREATES A REBUTTABLE PRESUMPTION THAT THE OCCUPANT,  
5 UNLESS SPECIFICALLY AUTHORIZED BY THE PROPERTY OWNER OR THE OWNER'S  
6 AUTHORIZED AGENT, ENTERED THE DWELLING UNLAWFULLY AND IS NOT  
7 AUTHORIZED TO BE ON THE PROPERTY.

8 (H) (1) AN INDIVIDUAL REMOVED FROM A DWELLING UNDER THIS  
9 SECTION MAY BRING AN ACTION AGAINST A REGISTERED OWNER IF THE REMOVAL  
10 WAS MADE IN BAD FAITH.

11 (2) A COURT MAY AWARD A PREVAILING PLAINTIFF IN A CASE  
12 BROUGHT UNDER PARAGRAPH (1) OF THIS SUBSECTION:

13 (I) COURT COSTS;

14 (II) REASONABLE ATTORNEY'S FEES;

15 (III) RETURN OF POSSESSION OF THE DWELLING, IF  
16 APPROPRIATE; AND

17 (IV) ACTUAL DAMAGES FOR THE LOSS OF OR DAMAGE TO  
18 FURNITURE, IMPLEMENTS, TOOLS, GOODS, EFFECTS, OR OTHER PERSONAL  
19 PROPERTY INCURRED DURING THE IMPROPER REMOVAL OF THE PLAINTIFF FROM  
20 THE PROPERTY, IF ANY.

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