

**Department of Legislative Services**  
Maryland General Assembly  
2025 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 989

(Senators Charles and Watson)

Judicial Proceedings

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**Real Property - Unauthorized Occupants - Sheriff's Property Registry and  
Removal**

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This bill authorizes county sheriffs to establish an unauthorized occupant registry to facilitate the removal of unauthorized occupants from dwellings on residential property within the county. Property owners may enroll their properties in the registry; registrations are valid for six months with the option to re-enroll. The owner of a residential property enrolled in a registry (or an authorized agent) may request the immediate removal by the sheriff of any individual occupying a dwelling on the property without authorization if specified circumstances are applicable. The bill establishes related procedural requirements for sheriffs and authorizes the imposition of a fee to enroll (or re-enroll, as specified) in the registry. An individual removed from a dwelling under the bill may bring a civil action against the registered owner if the removal was made in bad faith; the bill specifies damages that may be awarded to a prevailing plaintiff.

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**Fiscal Summary**

**State Effect:** The bill is not anticipated to materially affect State finances or operations.

**Local Effect:** Potential increase in expenditures for local sheriffs' offices, as discussed below, to the extent a registry is established as authorized in the bill. Potential increase in fee revenues.

**Small Business Effect:** Minimal.

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**Analysis**

**Bill Summary:** Sheriffs may establish unauthorized occupant registries to facilitate the removal of unauthorized occupants from dwellings on residential property. Owners of

residential property that includes a dwelling may enroll their property in the registry for a six-month period, with the option to re-enroll after expiration. Sheriffs may charge fees for initial enrollment and any subsequent re-enrollment occurring at least one year after the immediately preceding enrollment (or re-enrollment). Sheriffs must conspicuously post notice on each property enrolled in a registry that provides information on the removal process for any unauthorized occupants.

The owner of a property enrolled in the registry, or the owner's authorized agent, may request immediate removal of any individual occupying a dwelling on the property without authorization if:

- the owner has the right to occupy the dwelling;
- the unauthorized occupant unlawfully entered and is residing or otherwise remaining in the dwelling;
- the dwelling was not open to the public at the time of entry;
- the owner (or agent) directed the occupant to leave;
- the occupant is not a current or former tenant of the dwelling under a lease agreement authorized by the registered owner;
- the occupant is not a current or former lawfully recorded owner with any interest in the property or the dwelling and is not listed on the title;
- the occupant is not an immediate family member of the owner or any co-owner; and
- there is no pending litigation related to the property or the dwelling between the occupant and the owner or any co-owner.

A request for immediate removal must be submitted to the sheriff in a form substantially similar to that specified within the bill. Upon receiving a removal request, the sheriff must verify the requester's identity, as specified. If verified, the sheriff must, without delay, serve a notice to vacate on each unauthorized occupant and put the registered owner in possession of the property within one week.

The notice posted on the property creates a rebuttable presumption that the occupant, unless specifically authorized by the property owner or authorized agent, entered unlawfully and is not authorized to be on the property.

An individual removed from a dwelling under the bill may bring a civil action against the registered owner if the removal was made in bad faith. The court may award a prevailing plaintiff court costs, reasonable attorney's fees, return of possession (if appropriate), and actual damages for the loss of or damage to personal property incurred during the improper removal.

## **Current Law:**

### *Wrongful Detainer Actions*

Wrongful detainer means to hold possession of real property without the right to do so. A wrongful detainer action is not available if (1) the person in actual possession of the property has been granted possession under a court order; (2) a remedy is available under general landlord/tenant law; or (3) any other exclusive means to recover possession is provided by statute or rule. Generally, if a person holds possession of a property to which the person is not entitled, a person claiming possession (complainant) may file a complaint, in writing, with the District Court. Once the court receives a complaint, the court must immediately summon the person in possession of the property to appear before the court on the day specified in the summons to show why the court should not restore possession of the property to the complainant. If the court determines the complainant is legally entitled to possession, the court must give judgment for restitution of the property to the complainant and direct the sheriff to deliver possession of the property to the complainant.

### *Landlord-tenant Actions*

In general, a landlord seeking to evict a tenant must file the appropriate action (*e.g.*, failure to pay rent, tenant holding over, etc.) in the District Court. If awarded a judgment by the court, the landlord files a warrant of restitution, which, once reviewed and signed by the court, authorizes an eviction. The warrants of restitution are forwarded to the local sheriff's office who is then authorized to carry out the evictions. Statute sets forth numerous specific requirements for such actions, including those related to written notice prior to filing certain actions.

**Local Fiscal Effect:** Counties are not required under the bill to establish a registry. Local sheriffs' offices that elect to establish a registry may incur increased administrative costs. The magnitude of any impact depends on (1) the number of enrollments in the registry; (2) the number of requests for removal received from property owners enrolled in the registry; (3) the level of effort required to restore possession of property to owners; (4) the amount of any enrollment fees charged and the extent to which such fees may offset some costs; and (5) whether the establishment of a registry provides a more efficient process of removal than current practice.

For example, Prince George's County estimates that costs associated with establishing a registry exceed \$2.0 million annually; the county did not anticipate a revenue impact.

## **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Prince George's County; Judiciary (Administrative Office of the Courts); Department of Legislative Services

**Fiscal Note History:** First Reader - February 24, 2025  
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