



Senate Bill 564 – Landlord and Tenant and Wrongful Detainer Actions – Eviction Prevention Services

Position: Unfavorable

The Maryland REALTORS® opposes SB 564 which would delay wrongful detainer actions. Wrongful detainer actions are filed against persons holding possession of property for which they have no legal claim. In the rental of property, a wrongful detainer action can be used against a squatter who claims a forged lease as evidence of their right to occupy the property or it may be used against a guest of a tenant who refuses to leave.

SB 564 would allow a court to grant a continuance of up to 5 days for a wrongful detainer action when requested by a party. Last year, the Legislature granted an additional 5 days to a tenant before a landlord could file for eviction when the tenant failed to pay. This is a very different situation than a wrongful detainer case. In a normal eviction case, the tenant had -- at one time -- an actual legal right to occupy that property. That is not true in wrongful detainer actions.

In the case of single-family properties which most of our members manage, wrongful detainer actions are often taken against squatters. These are individuals who illegally entered onto property, often breaking into a locked house. When the police are ultimately called, the squatter produces a fake lease. At that point, the police typically inform the owner that the illegal occupation is now a matter for the court to decide. Now, an owner must hire an attorney to reclaim control of their own property. SB 564 would make this situation even worse by providing further delay and possible legal help to the squatter.

For these reasons, the REALTORS® recommend an unfavorable report.

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