

HB 1308 - JPR - MBA - FAV - GR 24.pdf

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**HB 1308 - Real Property - Recordation of Instrument With False Information -
Penalties and Actions to Quiet Title**

Committee: Senate Judicial Proceedings Committee

Date: March 27, 2024

Position: Favorable

The Maryland Bankers Association (MBA) **SUPPORTS** HB 1308. This legislation prohibits someone from filing a recorded deed if the filer knows that the deed contains false information. Someone who violates the prohibition will be guilty of a misdemeanor and is subject to a fine not exceeding \$500.

The filing of a false deed creates severe problems for Maryland homeowners. A homeowner who has had their deed transferred without their knowledge can be subject to legal challenges, decreased access to credit, and the potential loss of property. It is essential that prosecutors have the clarity provided in HB 1308 to go after bad actors filing fraudulent deeds.

HB 1308 is a re-introduction of HB 845 from the 2023 Legislative Session. MBA appreciates the sponsor's willingness to remove the language "or has reason to know" from the legislation this year, as it eliminates liability for those involved in property transactions who make mistakes unintentionally.

Accordingly, the MBA urges issuance of a **FAVORABLE** report on HB 1308.

The Maryland Bankers Association (MBA) represents FDIC-insured community, regional, and national banks, employing more than 26,000 Marylanders and holding more than \$209 billion in deposits in over 1,200 branches across our State. The Maryland banking industry serves customers across the State and provides an array of financial services including residential mortgage lending, business banking, estates and trust services, consumer banking, and more.

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Position: FAV



House Bill 1308 – Real Property – Recordation of Instrument with False Information – Penalties and Actions to Quiet Title

Position: Favorable

The Maryland REALTORS® support HB 1308 which strengthens the penalties for a person who knowingly includes false information when filing a deed.

Deed fraud is a problem in Maryland and across the country. Although much of the fraud is focused on unimproved land, there are also cases of fraudulent sales of improved property too. The persons committing fraud will often misrepresent themselves as the title holder of the property or state they are representing the title holder of the property through a power of attorney.

HB 1308 clarifies that prosecution of this fraud may be instituted within 3 years after the offense was committed and authorizes a fine of at least \$500. For these reasons, the REALTORS® recommend a favorable report.

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