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SB0556 – Real Property – Fraudulent Possession and Unauthorized Lease or Listing – Prohibition and Removal

Hearing Before the Judicial Proceedings Committee February 6, 2025

Position: OPPOSED/UNFAVORABLE

To the Honorable Members of the Judicial Proceedings Committee:

Community Legal Services (CLS) appreciates the opportunity to share the reasons for our strong opposition to Senate Bill 0556. CLS provides free legal services to support and advocate for the rights and well-being of Maryland's most under-served communities. Our practice includes representation of victims of domestic violence and parties to contentious family law matters, often where there is an extreme power and financial imbalance.

SB 556 eliminates critical court oversight in eviction proceedings. This could easily result in the perpetuation of domestic abuse and circumvention of the family law process to evict households *lawfully* in possession of properties that are not titled in their names under court orders, such as protective orders or family law rulings granting use and possession of a home.

SB0556 Endangers Domestic Violence Survivors and Family Law Litigants

Domestic violence survivors frequently remain in the home they shared with their abuser as part of a protective order or a family court order awarding them use and possession of the home, even when they are not on the title or lease. These legal protections are lifesaving for survivors who need stability to rebuild their lives, keep their children safe, and avoid further harm from an abuser.

This is not hyperbole. Our office has a large and busy housing practice. We have lawyers in courts daily providing same day and extended representation for tenants in eviction actions, including unlawful detainers. We have experienced many more instances than one might expect where unlawful detainer actions were filed by owners on title to property hoping to circumvent ongoing protective and family law orders in an effort to evict their now-former spouse or intimate partner. In those cases, the current court process mandates court oversight, so judges can assess the situation and the parties' legal rights to ensure wrongful evictions do not occur. Under this bill, no such protection is provided.

By removing judicial oversight from the eviction process, SB 556 allows landlords, property owners, and even abusers or their family members to bypass the legal system and forcibly remove survivors from their homes. Because there is no requirement for actual notice of eviction dates in Maryland, survivors who have fought for and obtained a court order ensuring their safety could find themselves locked out, their belongings discarded, and their abuser reclaiming the home, all without any opportunity to assert their legal rights before a judge.

Law Enforcement Officers Are Not Equipped to Determine Lawful Possession, Nor Should They Be Required to Do So.

Without significant and ongoing training, law enforcement officers will not have the legal expertise necessary to determine whether an eviction is lawful, leading to wrongful evictions, including evictions that violate existing court orders. If deputies and constables are to be the final arbiters of whether an eviction is lawful, they must be extensively trained on:

- How to determine legal title to property versus lawful possession under court orders;
- How to determine in advance if there is a protective order or family law order in place related to the subject property;
- How to interpret protective orders and family law rulings that grant someone the right to remain in a home even if they are not on the title;
- How to assess valid claims of domestic violence and coercion to ensure that survivors are not being unlawfully removed from their homes by abusive partners or landlords acting in concert with abusers.

SB 556 Puts the Most Vulnerable at Risk of Losing Everything

A significant number of evictions occur when the person in possession is not home. If the only mechanism to prevent an illegal eviction under SB 556 is for the resident to be physically present to object and provide proof of their right to remain, then countless

individuals - especially working parents with children at daycare or in school and domestic violence survivors fearing for their safety if made to physically be present to object to their removal - will lose their homes without ever having a chance to defend themselves and their right to remain in the property.

This means that survivors who have finally secured stability and safety after escaping abuse could return home to find their locks changed and their belongings thrown to the curb. The irreparable harm caused by such wrongful evictions cannot be overstated. Survivors will be left homeless, lose irreplaceable personal property, and, in many cases, be forced back into dangerous situations with their abuser.

Conclusion

SB 556 is deeply flawed and dangerous for Maryland's most vulnerable residents. Eliminating judicial oversight in evictions will expose domestic violence survivors and family law litigants and their children to wrongful eviction, homelessness, and further violence.

For these reasons and more, **we urge the Committee to reject SB 556** and ensure that Maryland's eviction process remains fair, just, and protective of those who rely on the law for safety and stability. Please feel free to reach out to Jessica Quincosa, Executive Director, or Lisa Sarro, Community Legal Services Director of Litigation and Advocacy, with any questions at quincosa@clspgc.org and sarro@clspgc.org, respectively.