

CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement



**STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL**

ANTHONY G. BROWN
Attorney General

WILLIAM D. GRUHN
Division Chief

PETER V. BERNIS
General Counsel

CHRISTIAN E. BARRERA
Chief Operating Officer

KIRA WILPONE-WELBORN
Assistant Attorney General

February 4, 2025

To: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

From: Kira Wilpone-Welborn, Assistant Attorney General
Consumer Protection Division

Re: Senate Bill 556 – Real Property - Fraudulent Possession and Unauthorized Lease or
Listing - Prohibition and Removal (OPPOSE)

The Consumer Protection Division of the Office of the Attorney General (the “Division”) opposes Senate Bill 556 sponsored by Senator Justin Ready. Senate Bill 556 seeks to address squatting by creating an end-run around the wrongful detainer process already provided in law to remove unlawful occupants. Specifically, Senate Bill 556 would create an extra-judicial eviction process that could unconstitutionally deprive occupants of their property without the due process protections guaranteed by the 14th Amendment. For the following reasons, the Division opposes Senate Bill 556 and requests the Judicial Proceedings Committee issue an unfavorable report.

First, the extra-judicial eviction created by Senate Bill 556 lacks the constitutionally required notice and opportunity to be heard. *See Todman v. Mayor and City Council of Baltimore*, 104 F. 4th 479, 488 (2024)(“The essence of due process is the requirement that ‘a person in jeopardy of serious loss [be given] notice of the case against him and opportunity to meet it.’”). While Senate Bill 556 requires the sheriff to serve a notice to the occupant, the sheriff is then instructed to immediately eject the occupant and return possession to the owner. An occupant being handed a notice, then being escorted from the home, is not receiving notice but simply the illusion of notice. *See id.* (“Notice must be reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.”). More troubling, the occupant has no opportunity to be heard. Indeed, the sheriff is under no obligation to assess whether the occupant is in lawful possession or not; and is instead provided full immunity from any harm that comes to the unlawfully displaced occupants and their

property. The unexpected and unexplained appearance of the sheriff foisting a notice to immediately vacate is neither notice nor opportunity to be heard demanded by the Constitution.

Second, Senate Bill 556's lack of process could promote unfair, abusive, and deceptive trade practices that would substantially harm Maryland consumers. Indeed, the process created by the bill could ensnarl lawful occupants including homeowners whose property was sold at tax sale, and legal tenants with an oral lease agreement or with a written agreement withheld by the landlord. Lawful occupants of property entangled by a false request from a bad faith owner could find themselves out of their homes without any of their personal possessions or ability to contest the ejectment. Although Senate Bill 556 provides unlawfully ejected occupants a private right of action against the owner, the remedies are insufficient for the harm caused by the unconstitutional ejectment.

For these reasons, the Division urges the Judicial Proceedings Committee to issue an unfavorable report.

Cc: The Honorable Justin Ready
Members, Judicial Proceedings Committee