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TESTIMONY ON SB989- POSITION: UNFAVORABLE

SB989: Real Property – Unauthorized Occupants – Sheriff’s Property Registry and Removal

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Jeffrey S. Rubin

My name is Jeffrey Rubin. I am a resident of District 15. I am submitting this testimony in opposition to SB989, Real Property – Unauthorized Occupants – Sheriff’s Property Registry and Removal.

I strongly oppose SB989 because it robs potentially lawful residents of the right to constitutional due process. There are too many examples of tenants and other residents who have been victimized by scams and predatory property owners. SB989 will empower those predatory property owners to **evict residents without court process** and **make the Sheriff the judge and jury** in every case. Maryland already has a “wrongful detainer” court process to remove unauthorized occupants.

SB989 would enable someone who claims to be the property owner (but may not actually be the owner) to submit a written request to the sheriff for the eviction of someone who they claim is not a tenant, and then the sheriff becomes the judge and jury on whether a family becomes homeless and potentially loses its possessions to the scammer.

The so-called “Unlawful Occupant Registry” does NOT provide effective notice to anyone that a property is off-limits. It is pure fiction to think that placing a property in a registry maintained by a county sheriff and posting a notice on the door that anyone could take down somehow provides effective notice to anyone.

Predatory landlords will abuse this process to evict tenants who complain about unsafe conditions. And landlords who threaten to report tenants as squatters will prompt plenty of tenants to vacate – even if that means homelessness – for fear of having the police called to their residences.

Rental scams are pervasive and increasing. Victims of these scams will quickly be made homeless under SB989, and this bill does nothing to assist victims of such scams.

Homelessness has a devastating impact on individuals and families (https://mdeconomy.org/wp-content/uploads/MEPFA-EPF-Policy-Analysis_v3.pdf).

There is no data to support this bill. The General Assembly should conduct a summer study. How long does it take for a wrongful detainer complaint to be heard in court? How long from judgment to eviction? What best practices could sheriffs and courts adopt in wrongful detainer cases? Can Maryland revise the Wrongful Detainer process to address legitimate concerns while preserving due process for unsuspecting residents who believe that they are tenants? How can Maryland better assist victims of rental scams?

I respectfully urge an unfavorable report for SB989.