



**SB 989 – Real Property – Unauthorized Occupants – Sheriff’s Property Registry and Removal
Hearing before the Senate Judicial Proceedings Committee
Feb. 25, 2025
Position: Unfavorable**

The Pro Bono Resource Center of Maryland (“PBRC”), an independent 501(c)(3) non-profit organization, is the statewide thought leader and clearinghouse for pro bono civil legal services in Maryland. As the designated pro bono arm of the MSBA, PBRC provides training, mentorship, and pro bono service opportunities to members of the private bar and offers direct legal services to over 6,200 clients annually.

In May 2017, with a grant from the Maryland Judiciary’s Access to Justice Department, PBRC launched the **Tenant Volunteer Lawyer of the Day (TVLD) Program** in Baltimore City Rent Court to provide day-of-court legal representation to tenants who appear unrepresented for their proceedings. Since then, this continually expanding Program has allowed PBRC staff and volunteer attorneys to represent thousands of low-income tenants in both Baltimore City and Baltimore County in multiple types of legal actions that could result in eviction.

While we sympathize with the situation that SB 989 is attempting to remedy, PBRC, part of Renters United Maryland, opposes SB 989 because it will deprive some of our most vulnerable clients of constitutional due process prior to eviction. Despite the proposed “Unlawful Occupant Registry,” the expedited procedure for regaining possession in SB 989 will be used to evict low-income individuals from their homes without any judicial oversight, leaving the sheriff to be the judge and jury of whether a lawful tenancy exists.

Under current Maryland law the rightful owner of a residential property can regain possession from an individual who is fraudulently claiming a right to possess the property by filing a “wrongful detainer” action under Real Property Code § 14-132. This law sets forth an expedited process for an owner to regain possession while also providing the individual who is removed with a measure of due process that would be missing in any action brought under SB 989 – **due process that is not only humane but constitutionally required prior to depriving an individual of their home.**

Without judicial oversight, the expedited procedure in SB 989 will result in wrongful evictions. We frequently accept cases that are filed as wrongful detainer actions despite the existence of a landlord/tenant relationship. Most are either dismissed or settled. **Under SB 989, all of them would result in eviction.** Typically, our clients have a lease but need help proving it. Often the relationship with the landlord is strained and they are already trying to leave. In one case, our client had been paying rent to her aunt for four years while caring for her elderly father (her aunt’s brother). Three weeks after her father died, her aunt filed a wrongful detainer. We took the case to trial and won, giving our client time to continue her search for better housing. **Under SB 989, she would have been evicted within a few days, lost her belongings and potentially become homeless.**

Similarly, we represented a tenant who worked in maintenance for his rental property. He was terminated from his job and immediately served with a wrongful detainer action. We resolved this case through a stipulated dismissal that required him to move out within 3 weeks. **Again, under SB 989 he would have been evicted within a few days because his lease, while valid, was not in writing.** Yet another case involved a refugee family with seven children. They too had a lease but would have had a hard time finding it within the few days allotted under SB 989 and would have been rendered homeless. We negotiated a stipulated dismissal that gave them two months to find alternate housing.

The “Unlawful Occupant Registry” contemplated in SB 989 does NOT provide effective notice to anyone that a property is off-limits. The bill does not require the sheriff to make the database publicly accessible or to establish any public education related to the registry. It is not realistic to believe that a tenant would look for a registry prior to renting a home. Nor is it realistic to believe that a one-time posted paper notice on the property would last for up to six months and provide effective notice. **The reality is that this registry will neither keep property safe from unauthorized residents nor protect tenants from scammers intent on fraudulently renting the property. Instead, SB 989 will create an easy and fast way for unscrupulous landlords to avoid constitutionally-required judicial review of their evictions. Worse, the bill will make the sheriff’s office a participant in unconstitutional evictions of the most vulnerable renters in our state.**

SB 989 is similar to model legislation from American Legislative Exchange Council (ALEC), which has passed in states such as Alabama, Tennessee, Florida, Georgia, and West Virginia. In Florida, the new law was used to evict two senior citizens based upon an illegal affidavit.¹ Because the Florida statute required the sheriff to complete the eviction so fast, there was no time for the couple to establish their right to be in the home. They lost everything. Maryland must not join these states in passing legislation that will strip residents of due process and increase homelessness.

While PBRC has numerous examples of clients who were legally living in their home but would have been evicted and potentially rendered homeless by the expedited process envisioned by SB 989, there is no data to support the need for the bill. The General Assembly should conduct a summer study. This Committee is operating in a total absence of data related to the prevalence of “squatting,” the time frames for wrongful detainer actions, or best practices that could be implemented in order address legitimate concerns while preserving due process for unsuspecting residents who believe that they are tenants.

Eviction, while a legitimate means for allowing owners to regain their property, is a serious matter. Families have a due process right to their home and their possessions. We cannot enact legislative schemes that circumvent those rights.

For the above reasons,

PBRC, a member of Renters United Maryland, urges an UNFAVORABLE report on SB 989.

Please contact Katie Davis, Director of PBRC’s Courtroom Advocacy Project, with any questions.

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¹ <https://www.pnj.com/story/news/local/escambia-county/2024/09/03/florida-law-hb-621-makes-it-easy-to-evict-squatters-but-ripe-for-abuse/74994438007/>