

**SB 989 - Real Property – Unauthorized Occupants –
Sheriff's Property Registry and Removal
Hearing before the Senate Judicial Proceedings Committee,
February 25, 2025**



Position: UNFAFORABLE

Shore Legal Access (formerly Mid-Shore Pro Bono) strongly opposes SB 989 because it will remove existing tenant protections, empower predatory property owners to ***evict residents without court oversight and constitutionally mandated due process***, and will ***make the Sheriff the judge and jury*** in certain cases. SB 989 will also increase homelessness and raise the potential for violent encounters with law enforcement in our communities. We have seen too many tenants and other residents victimized by scams and predatory practices by landlords and we strongly oppose this assault constitutional due process rights.

Shore Legal Access (SLA) connects people on the Eastern Shore with limited financial means to legal representation and essential community resources. Each year, SLS helps over 3,800 people in our communities access the legal system when they would otherwise be shut out. Our small legal team and network of volunteer lawyers provide free legal services for eviction prevention, criminal record expungement, life and estate planning, family law, foreclosure, and consumer debt. These services help families gain financial and housing stability and create safe, secure homes for children.

SLA is a provider of legal services under the Access to Counsel in Evictions (ACE) program in 8 Eastern Shore counties (Caroline, Dorchester, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester). Tenants on the Eastern Shore have embraced the opportunity to obtain legal representation through the ACE program since the program began in 2022. Since July 1, 2022, SLA's staff and volunteers have represented over 1,660 Eastern Shore tenants with mover favorable outcomes in nearly every case. These services collectively helped tenants reduce their financial burden by over \$368,000. When given the chance to have representation, tenants are taking advantage of that option, and as a result, getting better outcomes.

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We oppose SB 989 because this legislation is unnecessary and it undercuts existing protections for tenants under Maryland's Wrongful Detainer law.¹ SB 989 also burdens local sheriff's offices with administrative and adjudicative responsibilities by injecting sheriff offices into the process of deciding legal rights of citizens regarding the possession of real property. This is a role currently carried out by local District Court judges. Under Maryland law, only the judicial branch has the authority for the resolution of all matters involving civil and criminal law in the State of Maryland. SB 989 undermines this authority and tips the scales of justice against the clients we serve.

SLA also opposes SB 989 because there has been no data or studies demonstrating that there is a systemic or widespread pattern in which landlords are unable to evict unauthorized occupants using the existing Wrongful Detainer process. The proposed public policy change in SB 989 should not be based simply on anecdotal information. Without more evidence showing a widespread problem with the current Wrongful Detainer process there is no reason for the changes proposed in SB 989.

At SLA, we have represented several clients under Maryland's Wrongful Detainer statute and the process works when judges decide whether occupants of real property have a legal right to remain on the property. In one case, our client was scammed when she rented a house for 11 months from a person claiming to be an agent for a property owner who fraudulently signed a lease claiming to be a representative of the actual owner. The actual owner filed a Wrongful Detainer against our client and we were able to assist our client and resolve the case. If the actual owner did not have to file a Wrongful Detainer action in District Court, we may not have been contacted and our client's due process rights would have been denied to our client. We urge the legislature not to disrupt the existing Wrongful Detainer process.

SLA strongly opposes SB 989 and urges the Committee's unfavorable recommendation on this bill. If you have any questions regarding our position on this bill, please contact Anthony Rodriguez, Esq. at tonrod1894@gmail.com or Meredith Girard, Executive Director at 410.690.8128 or e-mail mgirard@shorelegal.org

¹ MD Real Property, Article 14-132.