



Senate Bill 989 – Real Property - Unauthorized Occupants - Sheriff's Property Registry and Removal

Position: Support with Amendments

Maryland REALTORS® supports efforts to reduce incidences of “squatting” and to return property to the rightful owners as quickly as possible. To that end, we support SB 989 as part of a solution to this issue, with a few clarifications.

Within the past year, REALTORS® have reported increased incidents of squatting in residential properties, typically those that are vacant or listed for sale or rent, but also those where an owner is temporarily away. Scammers that have no legal rights to the property illegally occupy these residences, often with forged lease documents, which tie the hands of law enforcement in determining who has rightful occupancy of the property. SB 989 would provide an opportunity for a property owner to register their property before squatting occurs and have it restored to them immediately.

However, we do have some concerns that should be addressed for this framework to be successful. First, with regard to posting a notice on the property, there should be clarity on whether law enforcement can act if a property is registered but the notice is not posted at the time they appear at the property. Someone engaging in squatting would likely remove this notice once they gain access to the dwelling. There is also some concern among our members that such a notice might stigmatize a property offered for sale to potential buyers, or inadvertently advertise that a property is currently vacant, making it an even larger target for illegal activity.

In addition, consideration should be given as to what happens to a registered property during a home sale. If the property registration is tied to the property owner rather than the property address, the registration would appear to terminate once the property is transferred to a new owner (property purchaser). Property transfers are a particularly vulnerable time for owners to experience squatters occupying the property, and we would not want this to be a loophole that could be exploited by trespassers, all because the new property owner was not able to re-register an existing dwelling after the sale was completed.

While a property registry will only help in certain cases of residential squatting, it is an improvement upon the current, lengthy process for removing illegal occupants. We are

happy to continue discussions with the sponsors and other stakeholders on SB 989 to assist current and future homeowners who have been victims of squatters.

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