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Marylanders Facing Eviction Deserve the Protection of a Fair Hearing Process

Position Statement Opposing Senate Bill 989

Given before the Senate Judicial Proceedings Committee

The Maryland Center on Economic Policy (MDCEP) is dedicated to advancing broad prosperity and equity for all Marylanders through sound budget and policy decisions. Our mission is to promote policies that create thriving communities, with an emphasis on racial equity and economic justice. As a member of Renters United Maryland, we strongly oppose SB 989 because it grants excessive power to property owners and law enforcement, bypassing legal eviction processes that ensure fairness and accountability. **The Maryland Center on Economic Policy opposes Senate Bill 989 because Maryland already has a “wrongful detainer” legal process designed to remove unauthorized occupants. This bill would instead allow individuals to be removed from their homes without judicial oversight, creating dangerous opportunities for abuse and wrongful eviction.**

Real-World Consequences: Lessons from Florida

A similar law recently enacted in Florida has already resulted in serious harm to renters. For example, a Pensacola family was evicted with just 15 minutes' notice after a man falsely claiming ownership of the property submitted an affidavit to law enforcement. The sheriff, acting as judge and jury, forcibly removed senior citizens from their home, and the fraudulent claimant proceeded to sell their belongings—including a wedding ring. SB 989 would allow similar injustices in Maryland, jeopardizing the stability of countless families.

Due Process Protections are Essential

SB 989 strips Maryland residents of their constitutional right to defend themselves in court before losing their home. The bill allows a property owner—or someone merely claiming to be an owner—to request the sheriff remove an alleged unauthorized occupant without judicial review. This opens the door to bad actors exploiting the system to displace tenants, particularly those who speak out against unsafe or discriminatory housing conditions.

Ineffective and Harmful Registry Proposal

The proposed “Unlawful Occupant Registry” fails to provide meaningful notice to renters. The bill does not establish a publicly accessible database and, even if it did, families struggling to find affordable housing would not reasonably know to check a sheriff's website before signing a lease. Moreover, predatory landlords could exploit this process to target renters who assert their rights, increasing evictions and housing instability.

Rental Scams Are a Growing Threat

SB 989 does nothing to protect tenants from rental scams, which are becoming more prevalent. A 2022 survey found that 44% of renters have personally experienced or know someone who has lost money due to rental fraud.

The Better Business Bureau has reported a 45% increase in rental scam complaints over the past two years. Victims of these scams are already among the most vulnerable renters, and SB 989 would only hasten their displacement without providing any recourse or assistance.

Increased Homelessness and Negative Outcomes

Research shows that up to 25% of families who experience eviction become homeless. Forced displacement due to rental scams makes homelessness even more likely. Housing instability leads to increased job loss, worsened health outcomes, and educational disruptions for children. This bill will exacerbate these harms rather than provide solutions.

Public Safety Risks and Racial Disparities

SB 989 will lead to increased confrontations between renters, landlords, and law enforcement. Eviction proceedings exist in part to reduce violent conflicts stemming from unlawful removal attempts. By circumventing legal eviction processes, this bill heightens the risk of dangerous altercations. Furthermore, Maryland's history of housing discrimination means that Black and Brown renters are disproportionately at risk of eviction. During the COVID-19 pandemic, 73% of Maryland households receiving eviction prevention funds identified as Black, and 71% were woman-led households. SB 989 would disproportionately harm these communities, worsening racial disparities in housing security.

Maryland Should Not Follow ALEC's Model Legislation

SB 989 mirrors model legislation promoted by the American Legislative Exchange Council (ALEC), which has passed similar laws in Alabama, Tennessee, Florida, Georgia, and West Virginia. These laws have led to widespread abuses and increased homelessness. Maryland should not align itself with these regressive policies.

Data-Driven Solutions are Needed, Not SB 989

There is no data to support SB 989's necessity. The General Assembly should conduct a summer study to examine wrongful detainer cases, evaluate best practices, and explore improvements to Maryland's existing legal process.

Key questions include:

- How long does it currently take for a wrongful detainer complaint to be resolved in court?
- Can Maryland refine its process to better balance property owner concerns with due process protections for tenants?
- What resources can be provided to victims of rental scams to prevent displacement and homelessness?

SB 989 is a dangerous and unnecessary proposal that undermines constitutional protections, increases homelessness, and disproportionately harms communities of color. Maryland should instead pursue policies that enhance tenant protections, ensure due process, and promote housing stability. We urge an unfavorable report on SB 989. For these reasons, **the Maryland Center on Economic Policy respectfully requests the Environment and Transportation Committee to make a favorable report on Senate Bill 989.**

Equity Impact Analysis: Senate Bill 989

Bill Summary

Authorizing a sheriff of a county to establish an Unauthorized Occupant Registry for residential real property located in the county in order to facilitate the removal of unauthorized occupants from dwellings on residential property in the county.

Background

SB 989 strips Maryland residents of their constitutional right to defend themselves in court before losing their home. The bill allows a property owner—or someone merely claiming to be an owner—to request the sheriff remove an alleged unauthorized occupant without judicial review. This opens the door to bad actors exploiting the system to displace tenants, particularly those who speak out against unsafe or discriminatory housing conditions.

Equity Implications

SB 989 undermines due process protections, increasing housing instability, and disproportionately harming vulnerable communities, particularly Black and Brown households.

Impact

Senate Bill 989 will likely **worsen racial, gender, and economic equity** in Maryland.