



**SB 556 - Real Property – Fraudulent Possession and Unauthorized Lease or Listing – Prohibition and Removal
Hearing before the Senate Judicial Proceedings Committee**

Feb. 6, 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 556 is attempting to remedy, PBRC strongly opposes SB 556. It is unnecessary and will negatively impact our most vulnerable clients. The expedited procedure for regaining possession and potential criminal charges contained in SB 556 could be used to evict individuals from their homes without any judicial oversight and will further the criminalization of poverty by subjecting Maryland’s most vulnerable individuals to criminal charges against which they have no means to defend themselves.

Under Maryland law the rightful owner of a 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 § 41-132. This law sets forth an expedited process for a residential property 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 556 – due process that is not only humane but constitutionally required prior to depriving an individual of their home.

SB 556 is part of a national, right-wing movement to strip residents of constitutional rights and embolden property owners at all costs. It mirrors model legislation from American Legislative Exchange Council (ALEC), which has successfully passed in states such as Alabama, Tennessee, and West Virginia. Maryland should not join these states in passing legislation that will increase homelessness and the potential for violent law enforcement encounters.

PBRC attorneys have encountered numerous individuals who believed in good faith that they were renting from a legitimate landlord, only to find that they have been victimized by a scammer. The scam involves someone posing as the owner of a property, drafting a lease and collecting rent as a legitimate landlord would. Once the scam is discovered, the “renter” in this situation typically has no legal defense allowing them to remain in the property and cannot recover any “rent” paid. Under the procedure set forth in SB 556, they would also be in danger of being confronted by a law enforcement officer with no prior notice and required to produce evidence of a legitimate lease or be evicted immediately. **Eviction is a very serious matter, and our laws must provide for due process when it is a possibility.**

For the above reasons,

PBRC urges an UNFAVORABLE report on SB 554.

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

kdavis@probonomd.org • 443-703-3049

