



## **Senate Bill 489**

**Committee: Judicial Proceedings**

**Bill: Senate Bill 489 Criminal Law - Fraud - Possession of Residential Real Property**

**Date: 2/6/25**

**Position: Favorable with Amendments**

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The Maryland Multi-Housing Association (MMHA) is a professional trade association established in 1996, whose members house more than 538,000 residents of the State of Maryland. MMHA's membership consists of owners and managers of more than 210,000 rental housing homes in over 958 apartment communities and more than 250 associate member companies who supply goods and services to the multi-housing industry.

Senate Bill 489 ("SB 489") prohibits a person from possessing or claiming a right to possess residential real property the person does not lawfully possess or own, with the intent to defraud another; authorizing the owner of certain residential real property to file a certain sworn affidavit and requiring a sheriff to remove a certain person from residential real property under certain circumstances; and providing that the Act does not prohibit the owner of property from filing a wrongful detainer action.

This legislation works to address a growing concern in Maryland's real estate market, namely that an owner's rights are at risk as to whom or what entity they would like to sell, convey, or lease their property. Instead, owners become entangled with an individual with whom there is no contractual relationship.

**With this said, MMHA would respectfully request friendly amendments utilizing Senate Bill 489's 8-906 sections and adding it to Senate Bill 556. Additionally, we would suggest the following for 8-906 (c):**

- (C) (1) THIS SUBSECTION DOES NOT APPLY IF:
  - (I) THE PERSON IN ACTUAL POSSESSION OF THE RESIDENTIAL REAL PROPERTY HAS BEEN GRANTED POSSESSION UNDER A COURT ORDER; OR
  - (II) THE PERSON IN ACTUAL POSSESSION OF THE RESIDENTIAL REAL PROPERTY PRODUCES EVIDENCE OF LAWFUL POSSESSION OF THE PROPERTY TO A LAW ENFORCEMENT OFFICER; OR
  - (III) A REMEDY IS AVAILABLE UNDER TITLE 8 OF THE REAL PROPERTY ARTICLE.

These amendments would clear the intent of the legislation and match language from other bills, bringing a more comprehensive legislation together to combat these concerns. MMHA stands ready to work with sponsors and stakeholders alike to get a comprehensive bill over the finish line.

Please contact Matthew Pipkin, Jr. at [mpipkin@mmhaonline.org](mailto:mpipkin@mmhaonline.org) or Ashley Clark, Esq. at [ashley.clark@mdlobbyist.com](mailto:ashley.clark@mdlobbyist.com) with any questions.