

**SB 989: Real Property – Unauthorized Occupants – Sheriff’s Property Registry and Removal  
Hearing in the Senate Judicial Proceedings Committee, Feb. 25, 2025**

**Position: OPPOSED (UNF)**

Disability Rights Maryland (DRM) is the federally designated Protection & Advocacy agency in Maryland mandated to advance the civil rights of people with disabilities. One of DRM’s goals is to end the unnecessary segregation and institutionalization of Marylanders with disabilities. To achieve this goal, DRM’s Housing Unit works to expand opportunities for Marylanders with disabilities to be part of their communities and to live in affordable and accessible housing. This includes representing persons with disabilities in eviction proceedings to prevent unnecessary homelessness and institutionalization.

DRM is a part of Renters United Maryland, which strongly opposes SB 989 because it robs potentially lawful residents of the right to constitutional due process. We have seen too many tenants and other residents victimized by scams and predatory property owners. SB 989 will empower those predatory property owners to *evict residents without court process* and *make the Sheriff the judge and jury* in every case. Maryland currently has a “wrongful detainer” statute which requires court process to remove unauthorized occupants.

Florida recently passed a law like SB 989 and the result: *Pensacola family evicted from home with 15 minutes notice. Was it legal? New law says so.* A man who claimed to be the owner of the property (but was not the owner) swore an affidavit to the Sheriff to evict senior-citizen renters. Similar to SB 989, the Sheriff became the judge, jury, and executioner and evicted the seniors despite their protests. The fraudulent owner proceeded to sell off the seniors’ belongings including a wedding ring.

**Maryland must not follow Florida’s path: SB 989 strips tenants of their constitutional right to due process before a court.** Instead, someone who claims to be the property owner (but may not actually be the owner) submits a written request to the sheriff for the eviction of someone who they claim is not a tenant, and the sheriff becomes the judge and jury on whether a family becomes homeless.

**Passing SB 989 would create a workaround and completely undermine Maryland’s recent strengthening of tenants’ rights over the past few years and current attempts to enact stronger tenant rights legislation. It is a flawed solution to a problem that does not exist.**

The “Unlawful Occupant Registry” does **NOT** provide effective notice to anyone that a property is off-limits. The bill does **not** require creating a publicly accessible database and it’s unlikely that a family searching for affordable rental housing would know to look for such obscure information – even if it were made public. Furthermore, renters with learning or developmental disabilities may not have the capacity to search for information or to read notices (even if they haven’t been removed from the premises). SB 989 is especially counterintuitive considering Maryland’s housing crisis and that people are desperate to find affordable and, if necessary, accessible housing. This proposal creates additional obstacles to renters seeking housing.

**Moreover, SB 989 implies certain safeguards to “legitimate” tenants.** But, for the safeguards to be meaningful the Sheriff’s departments would be required to increase their workload by reviewing numerous records, such as land records, Md. case search and other databases – an unfunded mandate. Significantly, the

Sheriff's departments would also be responsible for judging the credibility of a lease agreement if presented by the tenant (or "occupant?").

**One of the requirements for the affiant is to affirm that "THE UNAUTHORIZED OCCUPANT IS NOT A CURRENT OR FORMER TENANT OF THE DWELLING UNDER A LEASE AGREEMENT, AND ANY LEASE THAT MAY BE PRODUCED BY THE UNAUTHORIZED OCCUPANT IS FRAUDULENT.** The sheriff rather than a judge would have to determine whether the lease is legitimate or fraudulent.

**SB 989 puts no onus on the affiant** to produce records showing they are the property owner and that there is no current litigation between the parties. Yet, it is more efficient for a property owner to produce such documents rather than placing such burden on Sheriff's departments, funded by taxpayers. Likewise, the onus is on the tenant in the event the affiant lies. The tenant must find an attorney to file an affirmative complaint against the affiant, and SB 989 provides only actual damages but not damages for emotional distress.

**Predatory landlords will abuse this process to evict tenants who complain about unsafe conditions or tenants with disabilities who request reasonable accommodations or modifications to their units.**

**Rental scams are pervasive and increasing. Victims of these scams will quickly be made homeless under SB 989, and this bill does nothing to assist victims of such scams.** A 2022 survey of renters showed that 44% of renters have personally experienced or are aware of someone who has lost money due to rental scams. And the Better Business Bureau reported a 45% increase in rental scam complaints over the past two years. In one 2018 survey, more than 5 million renters reported losing money in such scams.

**SB 989 will increase violent confrontations with law enforcement.** Eviction court processes were created to reduce the violence inherent in self-help evictions. By removing any opportunity for a renter to make a defense in court, this bill will increase potentially violent confrontations among law enforcement, renters, and (purported) property owners.

**SB 989 will have a disparate impact on Black, woman-led households.** Maryland's long history of housing segregation and discriminatory policies mean that Black and Brown Marylanders are much more likely to be renters and at risk of eviction, and therefore more likely to be most in need of affordable housing and victims of rental scams. 73% of MD households that obtained eviction prevention funds in the pandemic's wake identified as Black, and 71% identified as being woman-led.

**SB 989 is similar to model legislation from American Legislative Exchange Council (ALEC),** which has successfully passed in states such as Alabama, Tennessee, Florida, Georgia, and West Virginia. Maryland should not join these states in passing legislation that will strip residents of due process and increase homelessness.

**There is no data to support this bill. The General Assembly should conduct a summer study.** This Committee is operating in a total absence of data related to Wrongful Detainer and the prevalence of squatting. What best practices could sheriffs and courts adopt in wrongful detainer cases? Can Maryland revise the Wrongful Detainer process to address legitimate concerns while preserving due process for unsuspecting residents who believe that they are tenants? How can Maryland better assist victims of rental scams?

**Disability Rights Maryland is a member of Renters United Maryland, which urges you to oppose SB 989 and issue an unfavorable report. Please contact me with any questions regarding this testimony**

Leslie Dickinson

[LeslieD@disabilityrightsmd.org](mailto:LeslieD@disabilityrightsmd.org)