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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)

Beyond the Boundaries is an Archdiocesan program that is devoted to educate and advocate for affordable housing and inclusionary housing in Baltimore City and the surrounding Counties. We are also a member of advocacy groups in Maryland who presses legislation to benefit tenants and homeowners. Consequently, Beyond the Boundaries has a position on those bills, including SB 989.

Beyond the Boundaries is a member 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 has a “wrongful detainer” court process already 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 residents of their constitutional right to have any eviction defense heard 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.

The so-called “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 even if it did, what renting family desperate for affordable housing is going to know to look on a local sheriff’s website when seeking to rent?

It is pure fiction to think that placing a property in a registry maintained by a county sheriff and posting a notice on the door that anyone could take down somehow provides effective notice to anyone.

Predatory landlords will abuse this process to evict tenants who complain about unsafe conditions. And landlords who threaten to report tenants as squatters will prompt plenty of tenants to vacate – even if that means homelessness – for fear of having the police called to their residences.

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.

Up to 25% of families who are evicted become homeless. Becoming homeless is even more likely for residents evicted after a rental scam because those residents are often the most desperate for affordable housing. Homelessness has a devastating impact, leading to [negative education outcomes for children, increased foster care, job loss, and poor health outcomes.](#)

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 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.

Owners must adopt new processes and technologies to secure their units. Rental scammers are becoming more sophisticated, and [property owners of vacant units must keep up by using smart locks, security cameras, video doorbells, motion sensors, and smart lighting,](#) which allow for remote monitoring and access control, providing real-time alerts about potential security threats.

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. How long does it take for a wrongful detainer complaint to be heard in court? How long from judgment to eviction? 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?

Beyond the Boundaries is a member of Renters United Maryland, which strongly opposes SB 989 and urges as **unfavorable report.**

Thank you.

Charles Michaels, Esq.
Program Manager
Beyond the Boundaries