

2025 SB 989 - Real Property - Unauthorized Occupant

Uploaded by: Nicholas Blendy

Position: FAV

Baltimore City Sheriff's Office

Samuel Cogen, Sheriff

Main Office
The Clarence Mitchell Courthouse
100 N. Calvert Street
Baltimore, Maryland 21202
Phone: 410-396-1155
Fax: 410-727-3507



District Court Office
111 N. Calvert Street
Baltimore, Maryland 21202
Phone: 410-396-7412
Fax: 410-396-7439

TO: The Honorable Members of the Senate Judicial Proceedings Committee

FROM: Nicholas T.R. Blendy, Esq., Assistant Sheriff, Baltimore City Sheriff's Office

RE: Senate Bill 989 – Real Property – Unauthorized Occupants – Sheriff's Property Registry and Removal

DATE: February 25, 2025

POSITION: SUPPORT

Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee, please be advised that the Baltimore City Sheriff's Office (BCSO) **supports** Senate Bill (SB) 989.

SB 989 is enabling legislation that authorizes the Sheriff of a county to create an Unauthorized Occupant Registry for real property located within their jurisdiction, and to allow property owners to voluntarily pay a reasonable fee to register their property with the Sheriff's registry. The legislation includes language intended to provide safeguards to both property owners and individuals who might find themselves on the premises of a property located on such a registry.

The goal of the bill appears to be responsive to the anecdotal uptick in real property "squatting" cases in the State of Maryland, as has been brought to the attention of the General Assembly through several different legislative vehicles this legislative session. The BCSO finds the approach offered in SB 989 as particularly important—not just because it provides it a new authority to operate a registry, if it were to choose to do so, if the bill were enacted—but also because it authorizes a proactive approach to attempting to reduce the number of "squatting" cases by what the BCSO envisions to be a robust public education and fraud deterrence combination.

The BCSO does acknowledge that the area of law that SB 989 appears to have most in common is the "wrongful detainer" action in Landlord Tenant court, and there is much to consider in determining how SB 989 best provides a compatible tool to that process. But overall, the BCSO believes the proactive approach of this legislation in attempting to use education and deterrence while creating no new crimes or increases in punitive criminal sentences makes this bill a very unique and commendable approach to solving a very real problem.

For the foregoing reasons, the BCSO respectfully requests a **favorable** report on SB 989.

SB989 - FWA.pdf

Uploaded by: Ashley Clark

Position: FWA



Senate Bill 989

Date: February 21, 2025
Committee: Judicial Proceedings
Position: Favorable with Amendment

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose membership consists of owners and managers of more than 207,246 rental housing homes in more than 937 apartment communities. Our members house over 667,000 residents of the State of Maryland throughout the entire State of Maryland. MMHA membership also includes more than 216 associate members that supply goods and services to the multi-housing industry. More information is available at <https://www.mmhaonline.org/>

Senate Bill 989 (“SB 989”) authorizes a Sheriff of a county to establish an Unauthorized Occupant Registry for residential real property. This allows an owner of residential real property, at their option, to enroll their property in this registry which would expedite the removal of unauthorized occupant(s) from their dwelling. A registered owner must submit a request to the Sheriff for the removal of the unauthorized occupant. The Sheriff will then serve a notice to vacate within one week of receipt of the notice and put the registered owner in possession of their property at that time. The Sheriff may charge a fee for the initial enrollment and any subsequent re-enrollment that occurs at least one year after the immediately preceding enrollment or re-enrollment of the property.

This legislation addresses a growing concern in Maryland’s real estate market, namely that an owner’s rights are at risk, and they become entangled with an individual with whom there is no contractual relationship. We would ask to amend the bill to remove language on page 3, lines 18-20 and page 4, lines 22-24 which limits an owner’s ability to use this registry if there is pending litigation related to the property between the registered owner and the unauthorized occupant(s). As an example, this would preclude an owner from seeking a wrongful detainer action if there is an unexpected delay in executing the removal. The intent of the bill is to provide owners with an additional tool to expedite the return of their property and this language may inadvertently remove access to a viable tool.

MMHA stands ready to work with the Sponsors and stakeholders alike and respectfully requests a favorable report with the aforementioned amendments on SB 989. Please contact Matthew Pipkin, Jr. at mpipkin@mmhaonline.org or Ashley Clark at ashley.clark@mdlobbyist.com with any questions or concerns. Thank you.

SB 989 - Property Registry - FWA - REALTORS.pdf

Uploaded by: Lisa May

Position: FWA



Senate Bill 989 – Real Property - Unauthorized Occupants - Sheriff's Property Registry and Removal

Position: Support with Amendments

Maryland REALTORS® supports efforts to reduce incidences of “squatting” and to return property to the rightful owners as quickly as possible. To that end, we support SB 989 as part of a solution to this issue, with a few clarifications.

Within the past year, REALTORS® have reported increased incidents of squatting in residential properties, typically those that are vacant or listed for sale or rent, but also those where an owner is temporarily away. Scammers that have no legal rights to the property illegally occupy these residences, often with forged lease documents, which tie the hands of law enforcement in determining who has rightful occupancy of the property. SB 989 would provide an opportunity for a property owner to register their property before squatting occurs and have it restored to them immediately.

However, we do have some concerns that should be addressed for this framework to be successful. First, with regard to posting a notice on the property, there should be clarity on whether law enforcement can act if a property is registered but the notice is not posted at the time they appear at the property. Someone engaging in squatting would likely remove this notice once they gain access to the dwelling. There is also some concern among our members that such a notice might stigmatize a property offered for sale to potential buyers, or inadvertently advertise that a property is currently vacant, making it an even larger target for illegal activity.

In addition, consideration should be given as to what happens to a registered property during a home sale. If the property registration is tied to the property owner rather than the property address, the registration would appear to terminate once the property is transferred to a new owner (property purchaser). Property transfers are a particularly vulnerable time for owners to experience squatters occupying the property, and we would not want this to be a loophole that could be exploited by trespassers, all because the new property owner was not able to re-register an existing dwelling after the sale was completed.

While a property registry will only help in certain cases of residential squatting, it is an improvement upon the current, lengthy process for removing illegal occupants. We are

happy to continue discussions with the sponsors and other stakeholders on SB 989 to assist current and future homeowners who have been victims of squatters.

**For more information contact lisa.may@mdrealtor.org or
christa.mcgee@mdrealtor.org**

200 Harry S Truman Parkway – Suite 200 • Annapolis, Maryland 21401-7348
800-638-6425 • Fax: 443-716-3510 • www.mdrealtor.org

CLS FWA for SB0989 - Eviction wo Court Order.pdf

Uploaded by: Lisa Sarro

Position: FWA



Jessica A. Quincosa, Esq.
Executive Director

Kayla Williams-Campbell, Esq.
Deputy Director

Lisa Sarro, Esq.
**Director of Litigation
and Advocacy**

Jordan Colquitt
Interim Development Director

Ivy Finkenshtadt, Esq.
Managing Attorney

Warren Buff, Esq.
Kathleen Hughes, Esq.
Amy B. Siegel, Esq.
Supervising Attorneys

Attorneys

Adebola Adedoyin, Esq.
Vanessa Agbar, Esq.
Golnaz Alemousavi, Esq.
Jennifer Clark, Esq.
Katherine Cooke-Caraway, Esq.
Sheree Hughes, Esq.
Lekwon Imoke, Esq.
Deborah Kadiri, Esq.
John Kowalko, Esq.
Eric Orr, Esq.
Hina Rodriguez, Esq.
Peter Spann, Esq.
Jawaid Stationwala, Esq.
Tangi Turner, Esq.
Riana Yaman, Esq.

Staff

Claudia V. Aguirre
Ashley Cartagena
Franklin Escobar
Elmer Espinoza
Stephanie Espinoza
Anna Goldfaden
Maria Teresa Herren
Flor Lemus
Allison Nardick
Stacey Palmer
Micaela Ramos
Abel Reyes
Glenda Soto
Alejandra Sorto
Samir Vasquez Romero
Karen Zayas

SB0989

Real Property - Unauthorized Occupants - Sheriff's Property Registry and Removal

Judicial Proceedings Committee Hearing February 25, 2025

Position: Favorable With Amendments

To the Honorable Members of the Judicial Proceedings Committee:

Community Legal Services (CLS) is a nonprofit legal services provider dedicated to ensuring equitable access to justice and due process of law for Maryland's most under-represented populations. Before issuing a favorable report on this bill, we urge the Committee to adopt the amendments proposed below to address serious constitutional due process issues raised by the bill in its current iteration.

The Need for Judicial Oversight

Under existing Maryland law, property owners may seek relief through the wrongful detainer process to remove individuals from their properties under certain circumstances. This provides a judicial mechanism for determining if removal is proper under the circumstances presented. However, SB 0989, as currently drafted, removes judicial oversight from the process entirely and places the Sheriff in the position of factfinder and evaluator of the legal rights of both the property owner and the occupant of the property in question. Not only does the process dispense with due process, but it also places the Sheriff in an untenable position and risks inadvertent evictions of occupants who have a legal right to occupy the property despite not being on title.

Particular Risk to Domestic Violence Survivors and Family Law Litigants

We are particularly concerned about victims of domestic violence and litigants in contentious family law matters who occupy properties pursuant to court orders allowing them use and occupancy of the home. Domestic violence survivors frequently remain in the home they shared with their abuser as part of a protective order or a family court order awarding them use and possession of the home, even when they are not on the title or lease. These court orders are lifesaving for survivors who need stability to rebuild their lives, keep their children safe, and avoid further harm from an abuser. However, the eviction-by-affidavit-only process contemplated by this bill could easily allow abusers or disgruntled family law litigants to circumvent the court process where their efforts would be caught and stopped.

This is not hyperbole. Community Legal Services has a high-volume, busy housing practice. We have lawyers in courts daily providing same day and extended representation for tenants in eviction actions, including wrongful detainers. **We have seen many more instances than one might expect where wrongful detainer actions were filed by owners on title to property hoping to circumvent ongoing protective and family law orders in an effort to evict their now-former spouse or intimate partner.** In those cases, the current court process mandates court oversight, so judges can assess the situation and the parties' legal rights to ensure wrongful evictions do not occur. Without court intervention, however, the damage will have been done before the occupant has a chance to challenge their displacement.

Real Risk of Inadvertent Use of the Eviction-By-Affidavit-Only Process

We also see this occur more innocently, where landlords file wrongful detainer actions instead of properly filing tenant holding over, failure to pay rent, or breach of lease cases. When tenants stay after being told to leave, some landlords wrongly assume the tenants become "squatters," although the law says otherwise. Judicial oversight in the process of removing them would prevent the process contemplated by this bill from resulting in wrongful evictions as well.

Recommended Amendments

To ensure that tenants and occupants are afforded basic procedural protections while still allowing property owners to reclaim their properties efficiently, we propose amendments that maintain judicial oversight in an expedited manner in instances where speed is warranted, such as instances of true "squatters" in vacant properties. The bill could retain its affidavit-based approach but include judicial process with an opportunity for expedited hearing.

1. Property owners shall be permitted to file a motion for an expedited hearing along with their complaint for wrongful detainer.
2. The affidavit contemplated in the bill shall be completed in full and attached as an exhibit to the motion for expedited hearing.
3. The court shall be required to rule on the request for an expedited hearing within a short, defined period. [It is important to note that the court and court clerks have access to protective order filings to which the public does not have access, and they also are in a position to evaluate whether there is other litigation involving the property owner that may have bearing on the property.]
4. If the court concludes that the motion to expedite has merit, the court shall grant the motion for expedited hearing, and a hearing on the wrongful detainer action shall be scheduled within a specific timeframe after service of the complaint for wrongful detainer on the occupants.

5. If the court denies the request for an expedited hearing, the case shall proceed and be scheduled for hearing on the wrongful detainer action in the ordinary course, without requiring an additional filing from the property owner.

Balanced Approach to Removing Unauthorized Occupants While Protecting the Due Process Rights of Occupants and Tenants

These proposed amendments balance the legitimate rights of property owners with the fundamental due process rights of individuals who may be affected by an eviction. Reducing the notice period, and therefore limiting due process protections, should only occur in cases where a court has determined that expedited displacement from the property is the appropriate legal course of action. Our proposed amendments ensure that Maryland law continues to provide a fair and just process for all parties involved while still addressing the concerns that SB 0989 seeks to resolve.

Conclusion

Community Legal Services urges the Committee to adopt these amendments to SB 0989 to maintain judicial oversight and due process protections while expediting relief for property owners. By incorporating these safeguards, the bill will better serve the interests of justice and fairness for all Maryland residents.

Community Legal Services stands ready to work with the sponsor on these proposed amendments and others if requested. Please feel free to reach out to Jessica Quincosa, Executive Director, and Lisa Sarro, Director of Litigation & Advocacy, with any questions at quincosa@clspgc.org, and sarro@clspgc.org, respectively.

Testimony SB 989 Shore Legal Testimony 2 21 25.pdf

Uploaded by: Anthony Rodriguez

Position: UNF

**SB 989 - Real Property – Unauthorized Occupants –
Sheriff's Property Registry and Removal
Hearing before the Senate Judicial Proceedings Committee,
February 25, 2025**



Position: UNFAFORABLE

Shore Legal Access (formerly Mid-Shore Pro Bono) strongly opposes SB 989 because it will remove existing tenant protections, empower predatory property owners to ***evict residents without court oversight and constitutionally mandated due process***, and will ***make the Sheriff the judge and jury*** in certain cases. SB 989 will also increase homelessness and raise the potential for violent encounters with law enforcement in our communities. We have seen too many tenants and other residents victimized by scams and predatory practices by landlords and we strongly oppose this assault constitutional due process rights.

Shore Legal Access (SLA) connects people on the Eastern Shore with limited financial means to legal representation and essential community resources. Each year, SLS helps over 3,800 people in our communities access the legal system when they would otherwise be shut out. Our small legal team and network of volunteer lawyers provide free legal services for eviction prevention, criminal record expungement, life and estate planning, family law, foreclosure, and consumer debt. These services help families gain financial and housing stability and create safe, secure homes for children.

SLA is a provider of legal services under the Access to Counsel in Evictions (ACE) program in 8 Eastern Shore counties (Caroline, Dorchester, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester). Tenants on the Eastern Shore have embraced the opportunity to obtain legal representation through the ACE program since the program began in 2022. Since July 1, 2022, SLA's staff and volunteers have represented over 1,660 Eastern Shore tenants with mover favorable outcomes in nearly every case. These services collectively helped tenants reduce their financial burden by over \$368,000. When given the chance to have representation, tenants are taking advantage of that option, and as a result, getting better outcomes.

BOARD OF DIRECTORS

Timothy Abeska, Esq.
Tanisha Armstrong
Arlette Bright, Esq.
Holland Brownley, Esq.
Rebecca Burner
Jenifer Goolie, Esq.
Hillary Lindeman
Angel Perez
Dr. Clinton Pettus
Anthony Rodriguez, Esq.
Sean Seldon
Michael Starling
Ruth Thomas
Doncella Wilson

EXECUTIVE DIRECTOR

Meredith L. Girard, Esq.

MAIN OFFICE | EASTON

499 Idlewild Avenue
Suite 102
Easton, MD 21601

SALISBURY OFFICE

4601-B E. Naylor Mill Road
Salisbury, MD 21804

p 410.690.8128

f 443.385.0210

shorelegal.org

We oppose SB 989 because this legislation is unnecessary and it undercuts existing protections for tenants under Maryland's Wrongful Detainer law.¹ SB 989 also burdens local sheriff's offices with administrative and adjudicative responsibilities by injecting sheriff offices into the process of deciding legal rights of citizens regarding the possession of real property. This is a role currently carried out by local District Court judges. Under Maryland law, only the judicial branch has the authority for the resolution of all matters involving civil and criminal law in the State of Maryland. SB 989 undermines this authority and tips the scales of justice against the clients we serve.

SLA also opposes SB 989 because there has been no data or studies demonstrating that there is a systemic or widespread pattern in which landlords are unable to evict unauthorized occupants using the existing Wrongful Detainer process. The proposed public policy change in SB 989 should not be based simply on anecdotal information. Without more evidence showing a widespread problem with the current Wrongful Detainer process there is no reason for the changes proposed in SB 989.

At SLA, we have represented several clients under Maryland's Wrongful Detainer statute and the process works when judges decide whether occupants of real property have a legal right to remain on the property. In one case, our client was scammed when she rented a house for 11 months from a person claiming to be an agent for a property owner who fraudulently signed a lease claiming to be a representative of the actual owner. The actual owner filed a Wrongful Detainer against our client and we were able to assist our client and resolve the case. If the actual owner did not have to file a Wrongful Detainer action in District Court, we may not have been contacted and our client's due process rights would have been denied to our client. We urge the legislature not to disrupt the existing Wrongful Detainer process.

SLA strongly opposes SB 989 and urges the Committee's unfavorable recommendation on this bill. If you have any questions regarding our position on this bill, please contact Anthony Rodriguez, Esq. at tonrod1894@gmail.com or Meredith Girard, Executive Director at 410.690.8128 or e-mail mgirard@shorelegal.org

¹ MD Real Property, Article 14-132.

BEYOND THE BOUNDARIES--2025 TESTIMONY ON SB 989.pdf

Uploaded by: Charles Michaels

Position: UNF

B

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

SB 989 Unauthorized Occupants UNF Testimony.pdf

Uploaded by: Chelsea Ortega

Position: UNF



**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)

Santoni, Vocci & Ortega, LLC is a private tenants’ rights firm, representing tenants living in uninhabitable conditions and tenants who have been the subject of an illegal eviction.

Santoni, Vocci & Ortega, LLC 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 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.

Our firm has represented many tenants who have been illegally locked out of their homes by landlords or been the subject of eviction actions by persons who are not the lawful owners of the property. The tenants would likely not have prevailed if they had not had representation because they did not know the names of the correct owners. Even when not an outright scam, landlords typically hide their true identities or make it extremely difficult to pin down ownership of their properties.

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.

For example, in Baltimore City, a public registry of licensed properties has been available for years, and we have only encountered one or two tenants who are aware of its existence. The result is that many tenants continue to rent unlicensed properties. When these tenants call the sheriff’s office to report the fact that the landlord is violating the law, tenants are consistently told that the issue is a “civil matter,” and no enforcement occurs. SB 989 would allow evictions to proceed even when landlords are violating

existing laws and will provide an incentive for landlords not to repair or maintain their unsafe and uninhabitable properties.

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.

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?

Santoni, Vocci & Ortega, LLC is a member of Renters United Maryland, which strongly opposes SB 989 and urges an **unfavorable report**.

SB989_Jeffrey Rubin_UNFAV.pdf

Uploaded by: Jeffrey Rubin

Position: UNF

February 25, 2025

Jeffrey S. Rubin
Potomac, MD 20854

TESTIMONY ON SB989- POSITION: UNFAVORABLE

SB989: Real Property – Unauthorized Occupants – Sheriff’s Property Registry and Removal

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Jeffrey S. Rubin

My name is Jeffrey Rubin. I am a resident of District 15. I am submitting this testimony in opposition to SB989, Real Property – Unauthorized Occupants – Sheriff’s Property Registry and Removal.

I strongly oppose SB989 because it robs potentially lawful residents of the right to constitutional due process. There are too many examples of tenants and other residents who have been victimized by scams and predatory property owners. SB989 will empower those predatory property owners to **evict residents without court process** and **make the Sheriff the judge and jury** in every case. Maryland already has a “wrongful detainer” court process to remove unauthorized occupants.

SB989 would enable someone who claims to be the property owner (but may not actually be the owner) to submit a written request to the sheriff for the eviction of someone who they claim is not a tenant, and then the sheriff becomes the judge and jury on whether a family becomes homeless and potentially loses its possessions to the scammer.

The so-called “Unlawful Occupant Registry” does NOT provide effective notice to anyone that a property is off-limits. 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 SB989, and this bill does nothing to assist victims of such scams.

Homelessness has a devastating impact on individuals and families (https://mdeconomy.org/wp-content/uploads/MEPFA-EPF-Policy-Analysis_v3.pdf).

There is no data to support this bill. The General Assembly should conduct a summer study. 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?

I respectfully urge an unfavorable report for SB989.

SB 989_MD Center on Economic Policy_UNF.pdf

Uploaded by: Kali Schumitz

Position: UNF

FEBRUARY 25, 2025

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.

SB 989 -PBRC Testimony UNF - SENATE.pdf

Uploaded by: Katherine Davis

Position: UNF



**SB 989 – Real Property – Unauthorized Occupants – Sheriff’s Property Registry and Removal
Hearing before the Senate Judicial Proceedings Committee**

Feb. 25, 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 989 is attempting to remedy, PBRC, part of Renters United Maryland, opposes SB 989 because it will deprive some of our most vulnerable clients of constitutional due process prior to eviction. Despite the proposed “Unlawful Occupant Registry,” the expedited procedure for regaining possession in SB 989 will be used to evict low-income individuals from their homes without any judicial oversight, leaving the sheriff to be the judge and jury of whether a lawful tenancy exists.

Under current Maryland law the rightful owner of a residential 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 § 14-132. This law sets forth an expedited process for an 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 989 – **due process that is not only humane but constitutionally required prior to depriving an individual of their home.**

Without judicial oversight, the expedited procedure in SB 989 will result in wrongful evictions. We frequently accept cases that are filed as wrongful detainer actions despite the existence of a landlord/tenant relationship. Most are either dismissed or settled. **Under SB 989, all of them would result in eviction.** Typically, our clients have a lease but need help proving it. Often the relationship with the landlord is strained and they are already trying to leave. In one case, our client had been paying rent to her aunt for four years while caring for her elderly father (her aunt’s brother). Three weeks after her father died, her aunt filed a wrongful detainer. We took the case to trial and won, giving our client time to continue her search for better housing. **Under SB 989, she would have been evicted within a few days, lost her belongings and potentially become homeless.**

Similarly, we represented a tenant who worked in maintenance for his rental property. He was terminated from his job and immediately served with a wrongful detainer action. We resolved this case through a stipulated dismissal that required him to move out within 3 weeks. **Again, under SB 989 he would have been evicted within a few days because his lease, while valid, was not in writing.** Yet another case involved a refugee family with seven children. They too had a lease but would have had a hard time finding it within the few days allotted under SB 989 and would have been rendered homeless. We negotiated a stipulated dismissal that gave them two months to find alternate housing.

The “Unlawful Occupant Registry” contemplated in SB 989 does NOT provide effective notice to anyone that a property is off-limits. The bill does not require the sheriff to make the database publicly accessible or to establish any public education related to the registry. It is not realistic to believe that a tenant would look for a registry prior to renting a home. Nor is it realistic to believe that a one-time posted paper notice on the property would last for up to six months and provide effective notice. **The reality is that this registry will neither keep property safe from unauthorized residents nor protect tenants from scammers intent on fraudulently renting the property. Instead, SB 989 will create an easy and fast way for unscrupulous landlords to avoid constitutionally-required judicial review of their evictions. Worse, the bill will make the sheriff’s office a participant in unconstitutional evictions of the most vulnerable renters in our state.**

SB 989 is similar to model legislation from American Legislative Exchange Council (ALEC), which has passed in states such as Alabama, Tennessee, Florida, Georgia, and West Virginia. In Florida, the new law was used to evict two senior citizens based upon an illegal affidavit.¹ Because the Florida statute required the sheriff to complete the eviction so fast, there was no time for the couple to establish their right to be in the home. They lost everything. Maryland must not join these states in passing legislation that will strip residents of due process and increase homelessness.

While PBRC has numerous examples of clients who were legally living in their home but would have been evicted and potentially rendered homeless by the expedited process envisioned by SB 989, there is no data to support the need for the bill. The General Assembly should conduct a summer study. This Committee is operating in a total absence of data related to the prevalence of “squatting,” the time frames for wrongful detainer actions, or best practices that could be implemented in order address legitimate concerns while preserving due process for unsuspecting residents who believe that they are tenants.

Eviction, while a legitimate means for allowing owners to regain their property, is a serious matter. Families have a due process right to their home and their possessions. We cannot enact legislative schemes that circumvent those rights.

For the above reasons,

PBRC, a member of Renters United Maryland, urges an UNFAVORABLE report on SB 989.

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

kdavis@probonomd.org • 443-703-3049

¹ <https://www.pnj.com/story/news/local/escambia-county/2024/09/03/florida-law-hb-621-makes-it-easy-to-evict-squatters-but-ripe-for-abuse/74994438007/>

SB 989_Consumer Protection Division_Unfavorable.pdf

Uploaded by: Kira Wilpone-Welborn

Position: UNF

CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement



**STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL**

ANTHONY G. BROWN
Attorney General

WILLIAM D. GRUHN
Division Chief

PETER V. BERNIS
General Counsel

CHRISTIAN E. BARRERA
Chief Operating Officer

KIRA WILPONE-WELBORN
Assistant Attorney General

February 21, 2025

To: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

From: Kira Wilpone-Welborn, Assistant Attorney General
Consumer Protection Division

Re: Senate Bill 989 – Real Property - Unauthorized Occupants - Sheriff's Property Registry
and Removal (OPPOSE)

The Consumer Protection Division of the Office of the Attorney General (the “Division”) opposes Senate Bill 989 sponsored by Senators Nick Charles and Ron Watson. Senate Bill 989 seeks to address squatting by creating an end-run around the wrongful detainer process already provided in law to remove unlawful occupants. Specifically, Senate Bill 989 would create a voluntary registry that would permit owners to access an extra-judicial eviction process. For the following reasons, the Division opposes Senate Bill 989 and requests the Judicial Proceedings Committee issue an unfavorable report.

First, the extra-judicial eviction created by Senate Bill 989 does not provide meaningful notice or an opportunity to be heard. *See Todman v. Mayor and City Council of Baltimore*, 104 F. 4th 479, 488 (2024)(“The essence of due process is the requirement that ‘a person in jeopardy of serious loss [be given] notice of the case against him and opportunity to meet it.’”). While Senate Bill 989 requires the sheriff to serve a notice to the occupant, the sheriff is then instructed to immediately eject the occupant and return possession to the owner. More troubling, the occupant has no opportunity to be heard. Indeed, the sheriff is under no obligation to assess whether the occupant is in lawful possession or not. The process provided by Senate Bill 989, or lack thereof, could raise a constitutional question that the Committee might raise with Counsel to the General Assembly.

Second, Senate Bill 989’s lack of process could promote unfair, abusive, and deceptive trade practices that would substantially harm Maryland consumers. Indeed, the process created by

the bill could ensnarl lawful occupants including homeowners whose property was sold at tax sale, and legal tenants with an oral lease agreement or with a written agreement withheld by the landlord. Lawful occupants of property entangled by a false request from a bad faith owner could find themselves out of their homes without any of their personal possessions or ability to contest the ejectment. Although Senate Bill 989 provides unlawfully ejected occupants a private right of action against the owner, the remedies are insufficient for the harm caused by the ejectment.

Finally, Senate Bill 989's creation of a voluntary registry that would allow owners to access the unconstitutional extra-judicial eviction would provide no protection for impacted occupants. Because the registry is voluntary and is not required to be publicly available, potential victims of scammers would not necessarily have access to the registry for relevant information. Additionally, to join the registry the property is not required to be vacant. As a result, bad-faith owners could register their property that has a legal occupant and then skirt proper eviction procedures to have the sheriff eject the occupant. Therefore, the voluntary registry envisioned in this bill provides no protection for lawful occupants.

For these reasons, the Division urges the Judicial Proceedings Committee to issue an unfavorable report.

Cc: The Honorable Nick Charles
The Honorable Ron Watson
Members, Judicial Proceedings Committee

DRM Oppose SB 989.pdf

Uploaded by: Leslie Dickinson

Position: UNF

**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

SB 989 Criminal Trespass Public Justice Ctr final

Uploaded by: Matt Hill

Position: UNF



C. Matthew Hill
Public Justice Center
201 North Charles Street, Suite 1200
Baltimore, Maryland 21201
410-625-9409
hillm@publicjustice.org

**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)

Public Justice Center is a part of Renters United Maryland, which strongly opposes SB 989 because it robs 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.

The **Maryland Attorney General’s Office of General Counsel** recently opined in the attached letter that SB 556, which similarly bypasses the court for certain evictions, is constitutionally problematic: “[T]here is a significant risk that a court would find proposed RP § 14-132.1 to violate constitutional due process requirements if it were applied to scenarios where the occupant has a property interest.”

Florida recently passed a law like SB 989 and the result was unconscionable: [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.

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. **Maryland must not follow Florida’s path: SB 989 strips residents of their constitutional right to have any eviction defense heard before a court.**

A recent Public Justice Center client demonstrates the unconstitutional denial of due process, homelessness, and potential for violence that SB 989 would wreak. A Baltimore Banner article about her case is attached. Our client and 6 other elderly or disabled tenants had been living in a home in Baltimore City for years, paying rent each month. A new owner purchased the property and even

though he knew that there were seven elderly or disabled tenants in the home, he decided that he did not want to maintain the property and filed a complaint for Wrongful Detainer. The new owner thought that since he hadn't signed a lease, the residents were not tenants, which is completely wrong. Our clients never received notice of a court date, and didn't even know about the case until they received an eviction notice. We filed an emergency motion to stay the eviction with the court which was granted on the day that the eviction was supposed to take place. The parties subsequently settled. **If SB 989 were enacted, this new owner would only need to place the property on a "registry" with the Sheriff, claim that the renters were not authorized to live in the home, and then the Sheriff would evict them without court process – as is happening in Florida.**

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.

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](#).

The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.

[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?

Public Justice Center is a member of Renters United Maryland, which strongly opposes SB 989 and urges an **unfavorable report**.

CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement



STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

ANTHONY G. BROWN
Attorney General

SANDRA BENSON BRANTLEY
Principal Counsel
Assistant Attorney General

PETER V. BERNIS
General Counsel

CHRISTIAN E. BARRERA
Chief Operating Officer

NATALIE R. BILBROUGH
Assistant Attorney General

February 13, 2025

The Honorable Sara Love
Maryland Senate
222 James Senate Office Building
Annapolis, Maryland 21401
Via email

RE: Senate Bill 556 — “Real Property – Fraudulent Possession and Unauthorized Lease or Listing – Prohibition and Removal”

Dear Senator Love:

You have asked whether Senate Bill 556 (“Real Property – Fraudulent Possession and Unauthorized Lease or Listing – Prohibition and Removal”) violates constitutional rights, including due process and access to courts, by allowing a sheriff to evict a person in possession of real property at the request of the owner without a judicial process to adjudicate any defense by the person in possession. Because of the many different factual scenarios where this bill may come into effect, it is not entirely clear to me whether Senate Bill 556, as introduced, could deprive occupants of a constitutionally protected property interest of some sort, and thus need to afford due process. To the extent Senate Bill 556 applies on its face *only* to unlawful, unauthorized occupants with no constitutionally protected property interest, it would not be clearly unconstitutional. In my view, however, there is at least a significant risk that a due process violation could occur upon implementation of the bill as currently written. Such a determination would depend on a factual and legal analysis of the particular circumstances.

Senate Bill 556

In addition to prohibiting fraudulent leases and real property conveyances, Senate Bill 556, as introduced, provides an extrajudicial removal process, where property owners can, under certain circumstances, request sheriffs to immediately remove unauthorized and unlawful occupants from residential real property. Proposed Md. Code Ann., Real Prop. (“RP”) § 14-132.1. After verifying the requestor is the lawful property owner or the owner’s authorized agent, the bill would require

the sheriff to, “without delay, serve notice to immediately vacate the property to the occupant of the property and deliver possession of the property to the requester.” The bill also authorizes the sheriff to “if appropriate, arrest any person found occupying the property for trespass, outstanding warrants, or any other legal cause.” After the sheriff serves notice to immediately vacate, the requestor may change the locks and remove any personal property from the premises.

Analysis

The 14th Amendment of the U.S. Constitution and Article 24 of the Maryland Declaration of Rights guarantee due process before the State can deprive a person of a constitutionally protected interest in liberty or property. At its core, due process requires notice and an opportunity to be heard *prior* to the deprivation, unless there are exigent circumstances.¹ However, where a constitutionally protected liberty or property interest is not at stake, then the Constitution does not require due process.

As an initial matter, Senate Bill 556, as introduced, on its face does not *seem* to deprive a person of a constitutionally protected interest in possessing real property. This is because the bill requires that there be no lease agreement or tenancy relationship between the owner and removed occupant, and that the occupant have no authorization to remain on the property or that the occupant unlawfully entered the property to begin with.² Proposed RP § 14-132.1(a). If this is indeed the case, then a court is unlikely to find that the bill is unconstitutional on its face. However, there could be factual scenarios where an occupant may not be authorized to be on the property and have no tenant relationship with the requestor, but still have some type of property interest and thus fall under the scope of the bill. For example, this may arise with tenants of a former owner who sold the property and thus there is no tenant relationship “with the person claiming possession,” (proposed RP § 14-132.1(a)(5)), or residents or former homeowners who may have some equitable rights, or a trespasser who gains a possessory interest via adverse possession. It is also possible that a court could find that the bill would implicate a protected property interest in possessing *personal* property, since the bill allows for the removal of any personal property found on the premises and immunizes the sheriff and requestor against liability for destruction or loss of personal property. Proposed RP § 14-132.1(g), (i). It is not clear to me what the disposition of the removed property would be under the bill, but any deprivation of the personal property, even a temporary one, must also be subject to due process. *Todman v. Mayor & City Council of Baltimore*, 104 F.4th 479, 491, n.1 (4th Cir. 2024). For these reasons, I cannot definitively conclude whether the bill, as currently written, would ever deprive a person of a constitutionally protected property interest.

Regardless, I think there is a significant risk that upon implementation the bill could be mistakenly or maliciously applied against an occupant who *does* have a protected interest in

¹ *Mathews v. Eldridge*, 424 U.S. 319, 348 (1976); *Todman v. Mayor and City Council of Baltimore*, 104 F. 4th 479, 488 (4th Cir. 2024); *United States v. James Daniel Good Real Prop.*, 510 U.S. 43, 53 (1993).

² *See Forcier v. Binette*, No. CV 16-121S, 2017 WL 979028, at *11 (D.R.I. Jan. 18, 2017), *report and recommendation adopted*, No. CV 16-121 S, 2017 WL 963188 (D.R.I. Mar. 13, 2017) (concluding that there was no constitutionally protected property interest where individual was removed from uninhabitable building that she first occupied in good faith under a lease that turned out to be fraudulent).

possessing the property, e.g., against a holdover tenant who had a verbal lease agreement, and that in such a scenario, the bill does not afford adequate procedural due process protections.

First, Senate Bill 556, as introduced, presents a risk of a court finding it calls for inadequate notice. “Notice must be ‘reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.’” *Todman*, 104 F. 4th at 488 (quoting *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950)). The bill contains two types of notice. To be eligible to request removal, a requestor must have previously “directed” the occupant to leave the property, but the bill does not require any certain form, content, or timing for the notice a requestor must give to the occupant before requesting removal. Proposed RP § 14-132.1(a). Next, upon verifying a request, the sheriff must “without delay, serve notice to immediately vacate the property to the occupant” and “deliver possession of the property to the requestor.” Proposed RP § 14-132.1(d). The sheriff’s notice is provided at the same time as the immediate removal of the occupant (unless the occupant is not present at the time of service) and delivery of possession of the premises to the requestor. Providing notice at the time of removal/repossession is not really “pre-deprivation” and does not afford any meaningful opportunity for the occupant to contest it prior to being deprived of the property. In the civil forfeiture context, the U.S. Supreme Court has said that “the Due Process Clause requires the Government to afford notice and a meaningful opportunity to be heard *before* seizing real property,” *James Daniel Good Real Prop.*, 510 U.S. at 62 (emphasis added).³ The Supreme Court has even required prior notice before a person’s household items could be repossessed pursuant to a replevin action. *Fuentes v. Shevin*, 407 U.S. 67, 81 (1972). Thus, it is likely that a court would require prior notice in this situation, assuming the occupant had a possessory property interest.⁴

Second, a court would likely determine that Senate Bill 556, as introduced, does not contain adequate methods for a removed occupant to contest the removal. “[D]ue process requires that a person at risk of deprivation receive a meaningful opportunity to be heard before that deprivation becomes final.” *Todman*, 104 F.4th at 490. An “opportunity to be heard” can take many forms and need not always be a full evidentiary hearing. *Id.* A court analyzing the constitutionality of the occupant removal process described in Senate Bill 556 would apply a flexible balancing test, weighing the (1) the occupant’s interests; (2) the risk of an erroneous deprivation through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and (3) the State’s and public’s interest, including the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. *Mathews*, 424 U.S. at 335.

³ *Accord Culley v. Marshall*, 601 U.S. 377, 384 (2024) (“Under the Due Process Clause of the Fourteenth Amendment as interpreted by this Court, States ordinarily may not seize real property before providing notice and a hearing.”).

⁴ In addition, Senate Bill 556 does not dictate the contents of the notice, but directs that it may be hand delivered or prominently posted on the front door or other entry to the property. Depending on how implemented by a property owner and sheriff, the content of the two notices could be inadequate if they do not reasonably convey information concerning the removal and how to avoid it. *See Todman*, 104 F.4th at 488 (concluding that a warning about the potential for personal property abandonment located on the back of a mailed warrant of restitution and printed in small print two-thirds of the way down was inadequate notice).

Personal interests: Here, an occupant could possibly be deprived of a possessory interest in residential real property, which is a very weighty interest. Sheriff removal under the bill could also carry serious collateral consequences that also affect protected interests, such as the loss of liberty via arrest (proposed RP § 14-132.1(f)) or the loss of or damage to personal property (proposed RP § 14-132.1(i)).

Risk of erroneous deprivation: To evaluate the risk of erroneous deprivation, a court would look at the processes required by the bill and whether any additional procedures could mitigate the risks of erroneous deprivation. In *Fuentes v. Shevin*, the U.S. Supreme Court analyzed two states' prejudgment replevin statutes, which authorized the seizure of consumer goods if a seller filed an ex parte complaint with the court, posted a bond, alleged entitlement to the specific goods, and opened himself to possible liability in damages if he is wrong. 407 U.S. 67, 83 (1972). The statutes provided notice at the time of the seizure and no pre-deprivation hearing. The Court determined those procedures were inadequate and "hardly a substitute for a prior hearing, for they test no more than the strength of the applicant's own belief in his rights." *Id.*

Here, Senate Bill 556, as introduced, calls for the following procedures:

- the requestor must provide a copy of government identification, evidence that they own the property, and evidence of agency where applicable;
- the request must be signed under penalty of perjury;
- the sheriff is required to verify the requestor is the property owner or the owner's authorized agent; and
- after removal, an occupant can bring a suit for wrongful removal, and if successful, can be restored to possession and receive damages.

Proposed RP § 14-132.1(b), (c).

The occupant gets no opportunity for a pre-removal hearing of any sort, or even a chance to explain to the sheriff why he or she may be lawfully on the property before removal. Nor are there any other procedures to ensure that the occupancy is indeed unlawful. Even though the bill, as introduced, contains certain criteria a requestor must meet before making a removal request, such as absence of a tenancy relationship and no pending litigation over the property (proposed RP § 14-132.1(a)), the bill does not require that the requestor provide evidence that they meet the criteria or require the sheriff to verify the criteria are met. Thus, as in *Fuentes*, there is a risk that request is improper and/or that a person who is entitled to be on the premises will be unlawfully removed. For example, this situation could arise when legal tenants with an oral lease agreement or with a written agreement withheld by the landlord are victims to bad faith requests from an owner. See Letter of Opposition to Senate Bill 556 to the Honorable William C. Smith, Jr. from Assistant Attorney General Kira Wilpone-Welborn, Consumer Protection Division (February 4, 2025), at 2. In addition, a post-deprivation wrongful removal lawsuit is available only if the occupant initiates it, and a timely remedy is not guaranteed. In cases involving towing or seizure of vehicles, which, though an important property interest, is less serious than a person's residence, courts have held that the vehicle owner is entitled to post-deprivation hearings within one to two days of making a request, and hearings after five days or more have been found to be

unconstitutional.⁵ No such expedited hearing, either pre- or post-removal, is available under Senate Bill 556.

Of course, providing a hearing after notice and before removal could mitigate risks of wrongful removal, but there could potentially be other types of procedures or requirements short of a hearing that would also mitigate the risk by allowing the occupant to be heard.

The State's interests: Last, a court would examine the State's and the public's interests in efficiently and safely removing unlawful occupants, including trespassers and squatters, and protecting the rights of property owners, as well as the burdens entailed by including any additional procedures. Protecting property rights, removing unlawful occupants, and providing efficient removal processes that do not burden the judiciary are legitimate and serious government interests. But in view of the very weighty liberty and property interests of a lawful occupant who risks becoming homeless without notice, the requestor's property interests would likely not tip the scales. Especially when the burden of added procedures do not, at least in my view, seem too onerous. Of course, whether such procedures could be implemented by law enforcement and the judiciary under existing resources is a factual question and a policy matter.

Accordingly, it is my view that there is a significant risk that a court would find proposed RP § 14-132.1 to violate constitutional due process requirements if it were applied to scenarios where the occupant has a property interest. Of course, a reviewing court would have the benefit of a full record, including actual evidence of the burdens and costs involved and the strength of the State's interest, including the severity of the problem being addressed. So, it is possible that when balancing all of the relevant factors, a court could reach a different conclusion.

I hope this letter is responsive. Please let me know if you have further questions.

Sincerely,



Natalie R. Bilbrough
Assistant Attorney General

⁵ See *Towers v. City of Chicago*, 979 F. Supp. 708, 715, n.13 (N.D. Ill. 1997), *aff'd*, 173 F.3d 619 (7th Cir. 1999) (collecting cases); see also *Huemmer v. Mayor & City Council of Ocean City*, 474 F. Supp. 704, 711 (D. Md. 1979), *aff'd in part, rev'd in part*, 632 F.2d 371 (4th Cir. 1980) (noting that "failure to provide an opportunity to be heard at some meaningful time before the injury occasioned by the taking becomes final" is constitutionally deficient).

How bad is Maryland's housing affordability crisis? Ask this Baltimore couple.

Hallie Miller

2/11/2025 5:30 a.m. EST

[Comments](#)



Christina Cikins and her fiancé, David Edge, at their home in Baltimore. They are facing homelessness after receiving an unexpected eviction notice. (KT Kanazawich for The Baltimore Banner)

On a Wednesday afternoon, around 3 p.m., Christina Cikins hangs up her phone. Another marathon call with social services.

Every benefits check for food stamps and cash assistance is more precious than the last. It's the steadiest cash flow for her and her fiancé, David Edge. Stretching each payment is more challenging lately: [heat](#), fuel, [eggs](#). Everything costs more.

For this couple, it's about to get harder. They soon must leave the three-story East Baltimore rowhouse where they share the \$1,500 rent with five roommates. And they haven't been able to find a place to live.

They've run smack into the region's — the nation's — housing affordability crisis.

Advertisement



[Learn More](#)

The Baltimore Banner thanks its sponsors. [Become one.](#)

The U.S. lacks about 7.3 million homes for renters with extremely low incomes, according to estimates from [the National Low Income Housing Coalition](#). No state has enough homes to bridge this gap. Maryland pegs its overall shortfall at around 96,000 houses, with about one-third missing in the Baltimore area.

In the last year, affordable housing and taxes have overtaken crime as Marylanders' top problems, according to a [January Washington Post-University of Maryland poll](#).

READ MORE



Baltimore pitched as affordable answer in costly housing region

Jan 29, 2025



Low housing supply is often cited as the culprit behind the affordability crisis, but other factors also play in. Last month, Maryland Attorney General Anthony Brown and the U.S. Department of Justice filed lawsuits alleging that large rental companies have colluded to keep prices high. (KT Kanazawich for The Baltimore Banner)

For about two years, Cikins, 45, and Edge, 55, could make it work in the East Baltimore rowhouse. Then last year it changed hands, and in an eviction filing the new owner accused the tenants of “squatting” illegally, a description they strongly disagreed with. A pro bono attorney helped Cikins and Edge negotiate an extended move-out.

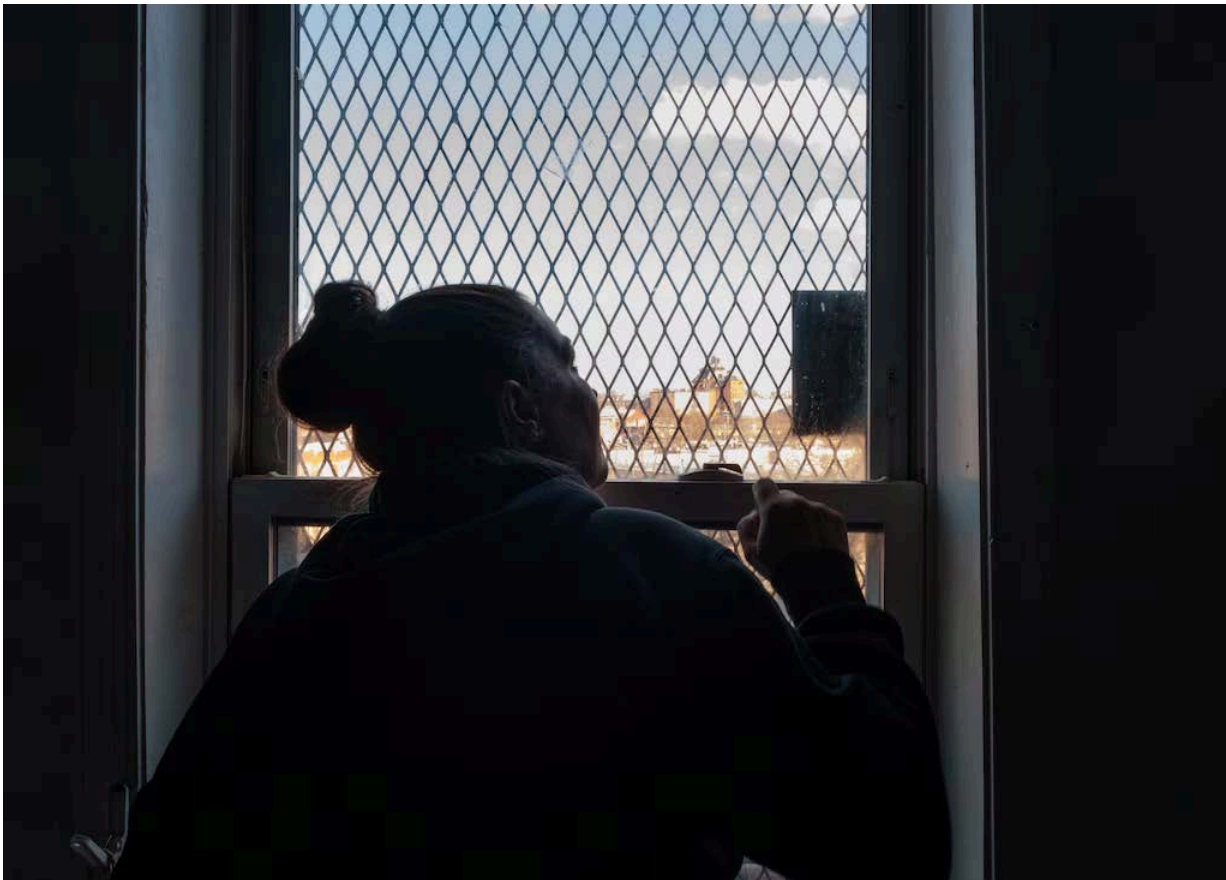
But time is ticking. Another rental? They can’t find one they can afford or that will take them both.

Some landlords want tenants who earn three times the rent. Cikins shakes her head; she receives about \$1,000 a month in benefits. Her disabilities keep her from employment, and Edge’s work as a landscaper is slow in the winter. He’s struck out finding other jobs. Other landlords have rejected them based on their credit scores (“It’s not that we have low scores,” she said. “We have no scores.”)

Buy a place? Fat chance. The median price for a home in Baltimore [has reached a high of \\$220,000](#). Property taxes [have only gone one way](#), up, in a decade. Forget about the surrounding counties.

The couple got together later in life, after the death of Cikins' longtime partner and in Edge's newfound sobriety. Both have fallen on hard times, clawed themselves out of the depths. They found love on the other side.

But an unforgiving economy keeps creeping in on their happy ending. Medical bills from Cikins' health conditions, including lupus, pile up. A bout of COVID-19 left them both on shakier footing.



Christina Cikins' disabilities keep her from employment, and Edge's work as a landscaper is slow in the winter, making it difficult for the couple to find alternative housing. (KT Kanazawich for The Baltimore Banner)

They survived being hit by a car in 2023 while out walking, holding hands, on Broadway and Lanvale Street. Cikins went by ambulance to the Maryland Shock Trauma Center, lost bits of her teeth and endured months of physical therapy.

Now their one constant, a place to live that they can afford, is evaporating.

More than half of Maryland renters are “cost burdened,” paying more than 30% of their incomes on rent, according to state estimates. In Baltimore, the waitlist for public housing vouchers had swelled to [nearly 40,000 people as of fall 2023](#). Property conditions in such a tight market can [fall by the wayside](#).

Low housing supply is often cited as the culprit behind the affordability crisis — or, not enough homes, especially in the areas people want. But there are other factors. Last month [Maryland Attorney General Anthony Brown](#) and [the U.S. Department of Justice](#) filed lawsuits alleging that large rental companies have colluded to keep prices high.

Cikins wonders if nearby development got her landlord thinking about whether he could make some money. In October, he paid twice the home’s assessed value, Maryland records show.



A hole in the roof is causing leaks in Christina Cikins’ rental, which she says led to water damage and mold. (KT Kanazawich for The Baltimore Banner)

Maryland installed [a host of new tenant protections](#) last year, imposing strict limits on security deposits, for example, and raising the eviction filing fee.

This year, some state lawmakers seem to be rowing in a different direction. They’ve filed several bills that would hasten evictions for the so-called “squatters,” allowing sheriffs to immediately remove some tenants without a judge’s sign-off. Opponents called such proposals “constitutionally insufficient” at a January bill hearing and said the state could be liable for any due process violations.

The Baltimore Banner thanks its sponsors. [Become one.](#)

Soon after he bought the home, Cikins' landlord replaced the tenants' refrigerator, she said, and collected their money. She wishes she had held onto that cash. The landlord filed eviction papers in November, a move the tenants learned about later.

She and her fiancé have until the end of April to solve their housing puzzle.

"We have nowhere to go," she said. "Absolutely nowhere."



The U.S. lacks about 7.3 million homes for renters with extremely low incomes, according to estimates from the National Low Income Housing Coalition. Maryland pegs its overall shortfall at around 96,000 houses, with about one-third missing in the Baltimore area. (KT Kanazawich for The Baltimore Banner)

No family members can take them in. Cikins has considered the shelters, but most are single-sex. They'd both rather live on the street than be apart.

The two live modestly. They don't party, they keep their space clean, and they rarely have guests.

The Baltimore Banner thanks its sponsors. [Become one.](#)

They had hoped to get married this past October in Ocean City, at a Tyler Childers concert. All that is on hold now. In their room, sealed off from the rest of the world, his music plays on an endless loop.

They've sacrificed quality for affordability in this rooming house. What will the next place look like?

They're together, and they're on their own.

Hallie Miller

hallie.miller@thebaltimorebanner.com



Hallie Miller covers housing in the Baltimore region and beyond for The Baltimore Banner. She previously reported on city and regional services for The Banner's Better Baltimore series.



MORE FROM HALLIE MILLER

Retired veteran journalist Tim Tooten has died, WBAL confirms

Feb 10, 2025

Annapolis housing authority to receive \$3 million bailout to confront 'financial crisis'

Feb 10, 2025

Comments

Welcome to The Banner's subscriber-only commenting community. Please review our [community guidelines](#).



To join the conversation, please [become a subscriber](#) or [log in](#).

ALL COMMENTS

No comments yet.

RECOMMENDED FOR YOU



Baltimore pitched as affordable answer in costly housing region



Parking enforcement in Baltimore fell off a cliff



This Baltimore manufacturer can't wait for Trump's tariffs



City Council to investigate BGE rate increases

MORE FROM THE BANNER



Didn't like Kendrick Lamar's halftime show? Not everything is for you.



5 spots to play pool in Baltimore



Flats or drums? These 4 Howard County spots will satisfy your chicken wing craving.



Forecast snow causes school closings, early dismissals Tuesday

COMMUNITY ISSUES

- Criminal justice
- Housing
- Health
- Environment

SECTIONS

POLITICS

SPORTS

REGIONS

ARTS & CULTURE

BUSINESS

CLIMATE & ENVIRONMENT

CRIMINAL JUSTICE

EDUCATION HUB

FOOD & DRINK

HEALTH

HOUSING

JOB BOARD

LOCAL GUIDES

OBITUARIES

OPINION

TRANSPORTATION

CONTACT US

GROUP & ENTERPRISE SALES

CUSTOMER CARE

CONTACT THE NEWSROOM

SUBMIT A TIP

ADVERTISE WITH US

FEEDBACK

THE BANNER

- ABOUT US
- PRESS ROOM
- OUR IMPACT
- IMPACT MARYLAND
- CULTURE & CAREERS
- NEWSROOM POLICIES & CODE OF ETHICS
- DONATE
- SPONSORED CONTENT
- CREATIVES IN RESIDENCE



© 2025 The Baltimore Banner. All Rights Reserved.

Use of this site constitutes acceptance of our [Terms of Service](#) and [Privacy Policies](#).

The Baltimore Banner may receive compensation for some links to products and services on this website. Offers may be subject to change without notice. See our [Cookie Policy](#), [RSS Terms of Service](#), [Submissions Policy](#), [Ad Choices](#), [Do Not Sell My Personal Information](#), and [CA Notice at Collection at Privacy Notice](#).

[Click here to view our Terms of Sale.](#)

The Baltimore Banner is a trademark registered in the U.S. for The Venetoulis Institute for Local Journalism, a 501(c)(3) nonprofit organization. [Click here to learn more about supporting local journalism.](#)

SB 989 UNF Testimony.pdf

Uploaded by: Michael Lent

Position: UNF

**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)

My name is Michael Lent and I am a Parkville, MD resident and constituent of District 08. I strongly oppose SB 989 because it robs potentially lawful residents of the right to constitutional due process. Many tenants and other residents are victimized by scams and predatory property owners. SB 989 will empower those predatory property owners to *evict residents without a 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?

I respectfully urge this committee for an unfavorable report on SB0989.

SB 989 -Testimony UNF - SENATE - Prakash Raghubar.

Uploaded by: Prakash Raghubar

Position: UNF

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

My name is Prakash Raghubar, and I am submitting this testimony in opposition to SB 989 and similar bills because they would have caused me to be evicted despite my valid lease. Because the option of an immediate, extra-judicial eviction was not available to my landlord, he filed a wrongful detainer action against me when he decided that he wanted to sell the house. Under this action, I had time to retain an attorney through the Pro Bono Resource Center of Maryland. This attorney helped me gather evidence of my oral lease and regular rent payments, which were sufficient to get the wrongful detainer case dismissed. Without the time and judicial review built into the process, I would have been evicted quickly without any place to go.

I had been renting a room from my landlord for one year, paying \$800 each month and doing repairs to the building when needed. I repeatedly asked my landlord for a written lease, but he never provided one. In November, 2024, my landlord began refusing my Zelle rental payments and insisting on cash. Around that time, he also refused to make necessary repairs and illegally changed the locks in an effort to get me to move out. Finally he filed a wrongful detainer action against me, alleging that I had no right to be in my home. With the assistance of my pro bono attorney, I collected evidence of my periodic rent payments and text messages demonstrating that I was a rightful tenant. My case was resolved through a stipulated dismissal, which is allowing me time to find another place to live.

If a sheriff has been required to evict me within one week of the landlord’s request, as provided in SB 989, I would not have been able to defend myself. I did not have a written lease, and it took me some time to gather the text messages and payment receipts demonstrating my right to be in the home and my consistent rent payments. I would have been forced to sleep in my car.

I believe that there are many other renters living in situations similar to my own. **I am asking for an unfavorable report on SB 989 to keep the courts involved in the eviction process and protect tenants like myself from immediate and unlawful evictions.**

Thank you for accepting my testimony. If you would like further information, I can be reached at 443-447-2841.

sb989.pdf

Uploaded by: Will Vormelker

Position: UNF

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



KELLEY O'CONNOR
ASSISTANT STATE COURT
ADMINISTRATOR
GOVERNMENT RELATIONS
AND PUBLIC AFFAIRS
P: (410) 260-1560

SUZANNE PELZ, ESQ.
SNR. GOVT. RELATIONS AND
PUBLIC AFFAIRS OFFICER
P: (410) 260-1523

MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 989
Real Property – Unauthorized Occupants – Sheriff's Property
Registry and Removal
DATE: February 20, 2025
(2/25)
POSITION: Oppose

Although the Judiciary has no position on the policy aims of this legislation or the creation of the unauthorized occupant registry, the Judiciary has constitutional concerns with the provisions which allow removal of unauthorized occupants without due process. The Judiciary understands fraudulent leases and wrongful detainers are a growing problem in many jurisdictions. As such, the Judiciary has been working with legislators regarding the possibility of expediting wrongful detainer proceedings and having cases brought before the court within 4 to 7 days of a filing. This would provide a quicker resolution to these cases without sacrificing due process for those who may be lawfully on the premises. The Judiciary is happy to continue to work with Sponsors to address this significant issue.

cc. Hon. Nick Charles
Judicial Council
Legislative Committee
Kelley O'Connor