

HB271 - Real Property Expedited Wrongful Detainer Proceedings Property for Sale or Lease

Hearing before the House Judiciary Committee
March 5, 2025

Position: UNFAFORABLE

Shore Legal Access (formerly Mid-Shore Pro Bono) strongly opposes HB 271 because it will limit existing tenant protections, and empower predatory and unscrupulous property owners to *evict residents without constitutionally mandated due process*. We have seen too many tenants and other residents victimized by scams and predatory practices by landlords and we strongly oppose this effort to trim away long-standing due process right to adequate notice and a meaningful opportunity to be heard before terminating property interests. HB 271 eliminates the requirement for the mailing of a complaint to the resident and it also requires a trial within only five (5) days of the filing by the landlord, regardless of when the resident is served with the complaint. HB 271 also requires an expedited appeal process that is not practical and will result in residents and tenants with no real opportunity to be heard and present their defense. We also oppose HB 271 because there is no data or other evidence to support such a significant reduction in 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



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volunteers have represented over 1,660 Eastern Shore tenants with more 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.

We oppose HB 271 because this legislation is unnecessary and it undercuts existing protections for residents and tenants under Maryland's Wrongful Detainer law.¹ HB 271 undermines the existing Wrongful Detainer process for certain types of evictions and it tips the scales of justice against the clients we serve.

SLA also opposes HB 271 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 HB 271 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 HB 271.

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 complaint under the requirements of HB 271 and did not mail a complaint to our client, we may not have been able to assist our client and resolve the case. The time limits in HB 271 are too limited and likely will result in residents losing their opportunity to seek Counsel and present their defenses in court. We urge the legislature not to disrupt the existing Wrongful Detainer process and chip away at existing rights of residents and tenants.

SLA strongly opposes HB 271 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.