



HB 560 - Criminal Law – Fraud – Possession of Residential Real Property
Hearing before the House Judiciary Committee
Feb. 11, 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 HB 560 is attempting to remedy, PBRC opposes HB 560 based upon its potential impact on some of our most vulnerable clients. We are concerned that the expedited procedure for regaining possession and potential criminal charges contained in HB 560 could be used to evict low-income individuals from their homes without any judicial oversight and will further the criminalization of poverty by subjecting Maryland’s most vulnerable individuals to criminal charges against which they have no means to defend themselves.

Under current Maryland law the rightful owner of a 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 a residential property 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 HB 560 – **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 HB 560 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 HB 560, 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 rough 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 HB 560, she would have been evicted within a few days, lost her belongings and potentially been homeless.**

Similarly, we represented a tenant who worked as the maintenance man 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 HB 560 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 HB 560 and would

have been rendered homeless. We negotiated a stipulated dismissal that gave them two months to find alternate housing.

HB 560 is part of a national movement to strip residents of constitutional rights and embolden property owners at all costs. It mirrors model legislation from American Legislative Exchange Council (ALEC), which has successfully passed in states such as Alabama, Tennessee, and West Virginia. Maryland should not join these states in passing legislation that will increase homelessness and the potential for violent law enforcement encounters.

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 urges an UNFAVORABLE report on HB 560.

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

kdavis@probonomd.org • 443-703-3049