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## **POSITION ON PROPOSED LEGISLATION**

**BILL: House Bill 271 - Real Property – Expedited Wrongful Detainer Proceedings – Property For Sale or Lease**

**FROM: Maryland Office of the Public Defender**

**POSITION: UNFAVORABLE**

**DATE: March 5, 2025**

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The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on House Bill 271.

### **Overview of House Bill 271**

House Bill 271 proposes to expedite the wrongful detainer process for properties listed for sale or lease; however, it fails to provide adequate notice to occupants and does not consider individuals who may be victims of fraud, scams, or other extenuating circumstances. As currently drafted, the bill raises serious due process concerns and risks unjustly removing individuals from their homes without meaningful legal recourse.

### **Lack of Adequate Notice and Time to Appeal for Occupants**

House Bill 271 requires a hearing within five (5) days of filing a wrongful detainer complaint. This drastically shortens the time occupants must prepare for court, seek legal counsel, and gather evidence to defend themselves. In many cases, five (5) days is not enough time for individuals to respond appropriately, particularly those with work obligations, disabilities, or language barriers. Furthermore, the bill allows notice to be served by posting it conspicuously on the property, which does not guarantee that the occupant receives or understands the legal notice.

Additionally, Maryland law allows individuals time to appeal an unfavorable wrongful detainer ruling before eviction occurs. However, House Bill 271 allows only two (2) days for an appeal to be filed and a hearing scheduled to occur within three (3) days after the appeal is filed. This expedited timeline amounts to a fundamental violation of the due process principle that individuals must be given a meaningful opportunity to challenge a court order before being forcibly removed from their homes.

## No Consideration for Financial Hardship or Vulnerable Occupants

House Bill 271 does not consider the impact on individuals who may be experiencing financial hardship or other vulnerable circumstances, as many wrongful detainer cases involve individuals who are relocating or need a short extension to secure stable housing. By expediting their removal, the bill could lead to increased homelessness and other negative social consequences. Additionally, the bill assumes that all wrongful detainer cases involve deliberate unlawful occupation, ignoring that many individuals may be victims of fraud or deception. Some occupants may have entered into fraudulent lease agreements with scam landlords in good faith, while others might be subtenants unaware of their unlawful status. Moreover, Black and Latinx renters are overrepresented among victims due to systemic barriers and historical inequities that hinder homeownership.<sup>1</sup> Elderly renters are also frequent targets, as they may be less familiar with the complexities of online rental processes. Furthermore, immigrants face increased vulnerability due to language barriers and a lack of knowledge about local laws, making them prime targets for scammers.

## Collateral Consequences of Immediate Removal of Occupants

Removing tenants without providing adequate time to secure alternative housing or manage their belongings can lead to several significant consequences:

- *Increased Risk of Homelessness:* Immediate removal leaves tenants with limited options, often resulting in temporary shelter use or homelessness. This abrupt displacement disrupts lives and can exacerbate existing vulnerabilities
- *Loss of Personal Belongings:* Without sufficient time, tenants may be unable to retrieve or arrange storage for their possessions. This can lead to the loss of essential items, further compounding the trauma of removal.
- *Emotional and Psychological Distress:* The sudden upheaval associated with immediate removal can cause significant stress, anxiety, and other mental health challenges, impacting overall well-being.
- *Negative Impact on Employment and Education:* Displacement can disrupt employment due to relocation challenges and affect children's education, leading to broader socioeconomic instability.
- *Legal and Financial Repercussions:* Criminal charges can appear on a tenant's record, making it difficult to secure future housing and potentially affecting credit scores, which can have long-term financial implications. The ACLU of Maryland has reported that criminal penalties linked to housing laws disproportionately affect Black renters, worsening their economic and housing stability.<sup>2</sup>

Providing tenants with adequate notice and time to secure alternative housing and manage their belongings is crucial to mitigate these adverse outcomes and promote fair housing practices.

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<sup>1</sup> Solomon, Danyelle, Connor Maxwell, and Abril Castro. "Systematic Inequality and Economic Opportunity." Center for American Progress, August 7, 2019. Accessed January 31, 2025.  
<https://www.americanprogress.org/article/systematic-inequality/>.

<sup>2</sup> ACLU Maryland. Criminalizing Poverty: How Evictions and Fines Trap Black Communities. Baltimore, MD: ACLU Maryland, 2023

## **Concerns About Limiting the Expedited Process to Leasing or Selling Property Owners**

House Bill 271 creates an arbitrary distinction by only allowing expedited wrongful detainer proceedings for property owners who are leasing or selling their property. This restriction fails to account for the many ways individuals may find themselves in wrongful detainer situations. This limitation suggests a preference for commercial property transactions over the housing stability of individuals, reinforcing an inequitable system where the rights of some property owners are prioritized over others. More importantly, it does nothing to address the broader issue of housing insecurity and the complex reasons people may find themselves in unlawful possession disputes. Rather than creating a selective remedy, Maryland's eviction and detainer laws should focus on due process and fairness for all parties, regardless of whether a property is on the market.

## **Conclusion**

While recognizing the importance of ensuring that property owners can reclaim possession of their properties promptly, House Bill 271 prioritizes speed over fairness and fails to uphold due process protections. The bill risks unjust removals and potential constitutional challenges by limiting notice periods, accelerating evictions, and ignoring the rights of individuals who may be defrauded, financially struggling, or facing other hardships.

We respectfully urge this committee to issue an unfavorable report on House Bill 271 because it fails to protect due process rights and ensure fairness for all Maryland residents.

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