



House Bill 252 – Real Property – Actions for Wrongful Detainer – Required Postings

Position: Unfavorable

Maryland REALTORS® oppose HB 252 which requires property owners to post their property against trespass or loitering to remove a person trespassing on their property.

Under current Maryland law, if a person is unlawfully occupying real property, the property owner may initiate a wrongful detainer action with Maryland courts to remove the trespasser. Wrongful detainer actions are often used for squatters who illegally enter a property and then refuse to leave.

HB 252 creates a huge exception to wrongful detainer actions by prohibiting property owners from initiating such actions if their property did not conspicuously post notices against trespass or loitering. In the case of squatters, most break into a secure residence and would have no hesitation removing any postings on the property. As a result, an owner of property would need to show the court that at the time the squatter broke into the property, the notices were still posted.

Breaking into a property is illegal. And yet, a property owner subject to illegal occupation must go to court in order to regain control of their own property. In some jurisdictions, this process can take months.

The REALTORS® oppose adding additional hurdles in the path of property owners trying to regain control of their property and encourage an unfavorable report.

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