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**HB 271: Real Property- Expedited Wrongful Detainer Proceedings- Property for Sale or Lease
House Judiciary Committee on March 5, 2025**

Position: OPPOSE (UNFAV)

The Public Justice Center (PJC) is a nonprofit public interest law firm that stands with tenants to protect and expand their rights to safe, habitable, affordable, and non-discriminatory housing and their rights to fair and equal treatment by Maryland's landlord-tenant laws, courts, and agencies. **PJC opposes HB 271 and requests an unfavorable report.**

PJC opposes HB 271 because it deprives lawful residents of constitutional due process. Due process requires *meaningful* notice of any wrongful detainer action filed against a lawful resident, and a *meaningful* opportunity to be heard in any court proceeding before taking away their property right. *See Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950) (Due process means "notice 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.").

First, unlike any other eviction proceeding, HB 271 deletes the constitutionally required mailing of the complaint/summons to the defendant and allows for posting only. Mailing *and* posting is the absolute minimal floor for due process, which HB 271 violates. *See Jones v. Flowers*, 547 U.S. 220, 234 (2006). Service by posting is unreliable in that the posting might not stay up long enough for the occupant to see it. If the property is a multifamily unit, the complaint/summons is often *not* posted to the resident's door, but instead is posted in the common area. In both instances, the resident would not have a meaningful opportunity to receive notice of the scheduled eviction trial that could deprive them of their lawful right to possess the property.

Second, even if service by first-class mail was restored to the process, the mandate of having a trial within 5 days of filing of the complaint – regardless of when the resident is served with a copy of the complaint – makes it entirely impracticable that a lawful resident would receive adequate notice of the hearing so that they could defend any property right. In other words, the Sheriff could "nail and mail" the complaint/summons the day before trial, and such service would comply with HB 271, while being wholly inadequate to provide constitutional due process. While the mail system used to be a vastly dependable and widely used resource, it has subsequently become riddled with challenges that delay the receipt of mail and would not have a reasonable chance to arrive at the property prior to trial. Further if the lawful resident happened to be gone from the property for 1-2 nights prior to trial, they would have no notice that a trial taking away their property right was about to occur. Additionally, lawful residents need time to arrange transportation to court, or take off work or arrange for child care to come to court. None of this is possible in the timeframe provided in HB 271.

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Third, even *if* the tenant does receive notice of the court proceeding two days prior to trial – a best case scenario under HB 271 -- , two days is not nearly adequate time for the tenant to then seek and obtain legal representation in the matter. Maryland law provides renters the right to access legal representation in an eviction case. See Md. Code, Real Prop. § 8-902. Notice of a complaint two days prior to trial provides no adequate time to seek and obtain legal representation from Public Justice Center or any other legal services provider in the state.

Fourth, predatory landlords will abuse this process to evict tenants who complain about unsafe conditions. While wrongful detainer should never be used when the parties have a landlord-tenant relationship, unfortunately many predatory landlords often use and abuse wrongful detainer to evict tenants who organize and assert their right to live in safe, healthy housing. A [Baltimore Banner article](#) about one such PJC client, Christina Cikins, is attached. Ms. Cikins 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. Ms. Cikins and our other 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. Yet, HB 271 would make the wrongful detainer process even less protective of Ms. Cikin's right to rent at the property.

Fifth, the timeframes for noting and hearing an appeal are wholly unrealistic.

Sixth, rental scams are pervasive and increasing. Victims of these scams will quickly be made homeless under HB 271, 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](#).

Seventh, while certain media outlets and the Governor of Florida have pushed a narrative around squatting for political purposes, the [Washington Post reports that actual squatting is rare](#), so much so that there is no reliable data available.¹

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?

As housing advocates, the scenario we frequently see in wrongful detainer actions in are landlords who want to circumvent standard landlord tenant procedures and protocols by filing wrongful detainers against legal tenants in their properties. That is because squatting is an uncommon practice. If HB 271 is enacted, Maryland is guaranteed to see an increase in legal tenants being illegally evicted. Therefore,

¹ Javaid, M. and Paul, M.L. (2024) 'Squatters have become a right-wing talking point. What to know about the rare practice', *Washington Post*, 3 April.

we are respectfully **urging this committee to deliver an unfavorable report on HB 271**. If you have any questions, please contact Elizabeth Ashford, Esq., ashforde@publicjustice.org (410)625-9409 ext. 237.