

HB0560_Fraud_Possession_of_Residential_Real_Proper

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR HB0560

Criminal Law – Fraud – Possession of Residential Real Property

Bill Sponsor: Delegate Holmes

Committee: Judiciary

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: **FAVORABLE**

I am submitting this testimony in favor of HB0560 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

Can you imagine being evicted from your own home? Home title theft is on the rise. What happens is that the thief forges phony documents to record a transfer of property ownership. Then, they often re-sell the home or rent it to other people. Trying to unravel this scheme and get your house back, and evict people who are now squatting in your home, is very difficult and time-consuming.

This bill would apply penalties to the perpetrator based on the number of violations, starting at a \$500 fine and 90 days in jail to a \$2,500 fine and up to 1 year in jail. It also allows the true owner of the property to submit an affidavit of stating that the thief is fraudulently in possession of the property and ensures that the true will not be evicted from their own property.

We support this bill and recommend a **FAVORABLE** report in committee

Late testimony

Uploaded by: Dawne Lindsey

Position: FWA

HB0560 Criminal Law – Fraud – Possession of Residential Real Property
Judiciary Committee – February 11, 2025
Sponsor: Delegate Marvin Holmes
Position: Favorable with Amendments

Testimony of Dawne Lindsey, Clerk of the Circuit Court, Allegany County

Thank you, Chair Clippinger, Vice Chair Bartlett, and members of the committee, for this opportunity to testify in support of House Bill 560. For the record, my name is Dawn Lindsey, Clerk of the Circuit Court for Allegany County. I am also here on behalf of the Maryland Circuit Court Clerks Association, which represents the 24 elected Clerks of the Circuit Court in Maryland.

The Clerks support HB 560 because it addresses criminal laws against fraud involving real property. The Clerks of the Circuit Court are responsible for recording all land records transactions in Maryland, and we have seen a concerning increase in incidences of property fraud. It is a statewide as well as a national problem. That is why we support efforts like HB 560 to help address the problem.

The Clerks would like to offer just one friendly amendment to the bill for consideration. Currently the bill specifies that it only affects residential real property. While that is a step in the right direction, the clerks have seen instances of fraud involving all forms of real property, not just residential properties. This includes the most recent case in Worcester County that involved a vacant lot. That is why we recommend amending the bill to delete the word “residential” so that all forms of real property are covered by the bill.

We ask for a favorable report, with amendments for this bill and I am available to answer any questions you may have.

Testimony SB 560 2 7 25.pdf

Uploaded by: Anthony Rodriguez

Position: UNF

SB 560 – Criminal Law – Possession of Residential Real Property

Feb. 11 2025

Position: OPPOSED

Shore Legal Access (formerly Mid-Shore Pro Bono) strongly opposes SB 560 because it will increase homelessness and raises the potential for violent encounters with law enforcement in our communities. We have seen too many tenants and other residents victimized by scams and predatory practices by landlords. SB 560 will remove existing tenant protections, empower predatory property owners to **evict residents merely by affidavit, and without court oversight and due process**. *This proposed legislation will also make the Sheriff the judge and jury* in certain cases. We strongly oppose this assault on our communities and on the due process rights of tenants on the Eastern Shore.

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 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.



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EXECUTIVE DIRECTOR

Meredith L. Girard, Esq.

MAIN OFFICE | EASTON

499 Idlewild Avenue
Suite 102
Easton, MD 21601

SALISBURY OFFICE

4601-B E. Naylor Mill Road
Salisbury, MD 21804

p 410.690.8128

f 443.385.0210

shorelegal.org

We oppose SB560 because this legislation is unnecessary and it undercuts existing protections for tenants under Maryland's Wrongful Detainer law. SB560 also burdens local sheriff's offices with administrative and adjudicative responsibilities by injecting sheriff offices into the process of deciding legal rights of citizens regarding the possession of real property. This is a role currently carried out by local District Court judges and there is no reason or data that supports changing the existing process.

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 Wrongful Detainer against our client and we were able to assist our client and resolve the case. If the actual owner did not have to file a Wrongful Detainer action in District Court, we may not have been contacted and our client's due process rights would have been denied to our client.

SLA strongly opposes SB 560 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

CASA_OPP_HB 560 FINAL.pdf

Uploaded by: Jake Kmiech

Position: UNF



**HB 560 - Real Property – Criminal Law – Fraud –
Possession of Residential Real Property**

**Hearing before the House Judiciary Committee,
Feb. 11, 2025**

Position: OPPOSED

Dear Honorable Chair Luke Clippinger, Vice Chair J. Sandy Bartlett, and Members of the Committee,

My name is Jacob Kmiech, and I am a Staff Attorney with CASA. CASA is the largest membership-based immigrant rights organization in the mid-Atlantic region, with more than 120,000 members in Maryland.

CASA is a part of Renters United Maryland, which strongly opposes HB 560 because it will increase homelessness and the potential for violent encounters with law enforcement in our communities. We have seen too many tenants and other residents victimized by scams and predatory property owners. HB 560 will empower those predatory property owners to *evict residents without court process* and *make the Sheriff the judge and jury* in every case. We strongly oppose this assault on our communities.

CASA attorneys provide representation and consultations to tenants facing eviction across our state, and regularly prevent unlawful evictions by simply providing candid legal advice. **Our members are generally working-class immigrants, who are often threatened with eviction by unscrupulous landlords when they stand up for their rights to safe housing, legal representation, and a fair day in court.** Taking away the right to a fair hearing, before an impartial judge with knowledge of the often complex nature of housing law, will deprive our members of any sense of safety or fairness in their housing.

Many tenants and residents with the right to reside at the property will be evicted by predatory owners without court process. HB 560 strips residents of their constitutional right to have any eviction defense heard before a court. Instead, someone who claims to be the property owner (but may not actually be the owner) submits a written request to the sheriff for the eviction of someone who they claim is not a tenant, and the sheriff becomes the judge and jury on whether a family becomes homeless.

I have represented many tenants whose landlords have tried to circumvent the law and attempted to evict them without a court hearing, claiming that they were never renters in the first place. In one case, I received a call from a tenant - let's call her Mrs. M. Mrs. M. told me that she, her husband, and her two kids returned home late one evening to discover the door to their apartment locked. She had nowhere to go, and her family was left on the street for a week before getting into contact with me. *They did not even have access to her husband's insulin or her original lease contract*, which were now hidden behind closed doors. Their landlord's reason for eviction was a minor dispute over how much he could charge them for a security deposit - something that could have easily been

resolved in court without upending a family's entire life. **He told them they would need to pay \$1000 before he'd let them back in to access their belongings.** After hearing their story, I was able to get into contact with their landlord and convince him that what he was doing was clearly unlawful, and that it was in his best interest to let Mrs. M and her family back into their unit. He did so, and Mrs. M's right to a fair day in court may have saved her life.

Predatory landlords will abuse this process to evict tenants who complain about unsafe conditions. And landlords who threaten to report tenants as squatters will prompt plenty of tenants to vacate – even if that means homelessness – for fear of having the police called to their residences.

Rental scams are pervasive and increasing. Victims of these scams will quickly be made homeless under HB 560. [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. The financial losses are estimated at a staggering \\$16.1 billion.](#) Such rental scams have spiked in recent years, with [the Better Business Bureau reporting 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.](#)

[Up to 25% of families who are evicted become homeless.](#) Becoming homeless is even more likely for residents evicted after a rental scam because those residents are often the most desperate for affordable housing. [Homelessness has a devastating impact, leading to negative education outcomes for children, increased foster care, job loss, and poor health outcomes.](#)

HB 560 will increase violent confrontations with law enforcement. [Eviction court processes were created to reduce the violence inherent in self-help evictions.](#) By removing any opportunity for a renter to make a defense in court, HB 560 will increase potentially violent confrontations among law enforcement, renters, and property owners.

HB 560 will have a disparate impact on Black, woman-led households. Maryland's long history of housing segregation and discriminatory policies mean that Black and Brown Marylanders are much more likely to be renters and at risk of eviction, and therefore more likely to be most in need of affordable housing and victims of rental scams. [73% of MD households that obtained eviction prevention funds in the pandemic's wake identified as Black, and 71% identified as being woman-led.](#)

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

Owners must adopt new processes and technologies to secure their units. Rental scammers are becoming more sophisticated, and [property owners of vacant units must keep up by using smart locks, security cameras, video doorbells, motion sensors, and](#)

[smart lighting](#), which allow for remote monitoring and access control, providing real-time alerts about potential security threats.

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?

CASA is a member of Renters United Maryland, which strongly opposes HB 560 and urges an unfavorable report.

2025-02-07 HB 560 SVO Wrongful Detainer Testimony

Uploaded by: Jane Santoni

Position: UNF

Jane Santoni
Matthew Thomas Vocci
Chelsea Ortega



Vaughn Stewart^T
Eliza R. McDermott

^TMaryland, DC, TN Bar

February 7, 2025

**HB 560 - Criminal Law – Fraud – Possession of Residential Real Property
Hearing before the House Judiciary Committee,
Feb. 11, 2025**

Position: OPPOSED (UNF)

Dear Honorable Chair Clippinger and Members of Committee,

I am writing you as a citizen of this state and as a partner in the law firm of Santoni, Vocci & Ortega, LLC. Our firm exclusively represents tenants who have been harmed by illegal acts, and sadly, we see on a daily basis the devastating effect of evictions.

Santoni, Vocci & Ortega, LLC is a part of Renters United Maryland, which strongly opposes HB 560 because it will increase homelessness and the potential for violent encounters with law enforcement in our communities. We have seen too many tenants and other residents victimized by scams and predatory property owners. HB560 will empower those predatory property owners to *evict residents without court process* and *make the Sheriff the judge and jury* in every case. We strongly oppose this assault on our communities.

Many tenants and residents with the right to reside at the property will be evicted by predatory owners without court process. HB 560 strips residents of their constitutional right to have any eviction defense heard before a court. Instead, someone who claims to be the property owner (but may not actually be the owner) submits a written request to the sheriff for the eviction of someone who they claim is not a tenant, and the sheriff becomes the judge and jury on whether a family becomes homeless.

My firm has seen its share of horrific evictions, including a military member who came home from boot camp to find herself locked out illegally, a young mother and daughter who found their items destroyed and the locks changed and their voucher gone, despite that the landlord had no right to do so, and an elderly and sickly couple who were wrongfully thrown out and their life savings stolen.

Predatory landlords will abuse this process to evict tenants who complain about unsafe conditions. And landlords who threaten to report tenants as squatters will prompt plenty of tenants to vacate – even if that means homelessness – for fear of having the police called to their residences.

Rental scams are pervasive and increasing. Victims of these scams will quickly be made homeless under HB 560. 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. The financial losses are estimated at a staggering \\$16.1 billion.](#) Such rental scams have spiked in recent years, with [the Better Business Bureau reporting 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.](#)

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HB 560 will increase violent confrontations with law enforcement. [Eviction court processes were created to reduce the violence inherent in self-help evictions.](#) By removing any opportunity for a renter to make a defense in court, SB 556 will increase potentially violent confrontations among law enforcement, renters, and property owners.

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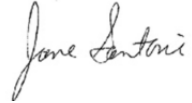
HB 560 is part of a national, right-wing movement to strip residents of constitutional rights and embolden property owners at all costs. [HB 560 mirrors model legislation from American Legislative Exchange Council \(ALEC\), which has successfully passed in states such as Alabama, Tennessee, Florida,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

Owners must adopt new processes and technologies to secure their units. Rental scammers are becoming more sophisticated, and [property owners of vacant units must keep up by using smart locks, security cameras, video doorbells, motion sensors, and smart lighting,](#) which allow for remote monitoring and access control, providing real-time alerts about potential security threats.

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?

Santoni, Vocci & Ortega, LLC is a member of Renters United Maryland, which strongly opposes HB 560 and urges as unfavorable report.

Sincerely,

A handwritten signature in cursive script that reads "Jane Santoni".

Jane Santoni

HB 560-PBRC Testimony UNF - HOUSE.pdf

Uploaded by: Katherine Davis

Position: UNF



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

HB 560_Consumer Protection Division_Unfavorable_FI

Uploaded by: Kira Wilpone-Welborn

Position: UNF

CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement



**STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL**

ANTHONY G. BROWN
Attorney General

WILLIAM D. GRUHN
Division Chief

PETER V. BERNIS
General Counsel

CHRISTIAN E. BARRERA
Chief Operating Officer

KIRA WILPONE-WELBORN
Assistant Attorney General

February 7, 2025

To: The Honorable Luke Clippinger
Chair, Judiciary Committee

From: Kira Wilpone-Welborn, Assistant Attorney General
Consumer Protection Division

Re: House Bill 560 – Criminal Law - Fraud - Possession of Residential Real Property
(OPPOSE)

The Consumer Protection Division of the Office of the Attorney General (the “Division”) opposes House Bill 560 sponsored by Delegate Marvin E. Holmes, Jr. While couched as a criminal law bill to address squatting, House Bill 560 would create an extra-judicial eviction process that could unconstitutionally deprive occupants of their property without the due process protections guaranteed by the 14th Amendment. For the following reasons, the Division opposes House Bill 560 and requests the Judiciary Committee issue an unfavorable report.

First, the extra-judicial eviction created by House Bill 560 lacks the constitutionally required notice and opportunity to be heard. *See Todman v. Mayor and City Council of Baltimore*, 104 F. 4th 479, 488 (2024)(“The essence of due process is the requirement that ‘a person in jeopardy of serious loss [be given] notice of the case against him and opportunity to meet it.’”). Instead, House Bill 560 creates a process by where the sheriff, after receiving an affidavit from the owner of real property that an unauthorized occupant remains in the property, goes to the property and demands “evidence of lawful possession.” The unexpected and unexplained appearance of the sheriff demanding “evidence of lawful possession” is neither notice nor opportunity to be heard demanded by the Constitution. Indeed, the process created by the bill could ensnarl lawful

occupants including homeowners whose property was sold at tax sale, and legal tenants with an oral lease agreement or with a written agreement withheld by the landlord.¹

Second, House Bill 560's lack of process could promote unfair, abusive, and deceptive trade practices that would substantially harm Maryland consumers. Lawful occupants of property entangled by a false affidavit from a bad faith owner, or another, could find themselves out of their homes without any of their personal possessions or ability to contest the ejectment.² Likewise, the threat of an ejectment under House Bill 560 could be weaponized to retaliate against lawful occupants who submit complaints to the owner about conditions or other violations of the Real Property Article.

Finally, House Bill 560 obscures this extra-judicial eviction process in the Criminal Article instead of within the Real Property Article. Any process by which occupants (lawful or unlawful) of real property are to be removed should be within the Real Property Article, where other rights and protections are provided.

For these reasons, the Division urges the Judiciary Committee to issue an unfavorable report.

Cc: The Honorable Marvin E. Holmes, Jr.
Members, Judiciary Committee

¹ House Bill 560's exemption when a remedy is available under Title 8 of the Real Property Article does little to prevent bad actors from submitting false affidavits to the sheriff seeking an extra-judicial eviction and provides no remedy to the unlawfully ejected lawful residents when such eviction occurs.

² Of note, while House Bill 560 demands the Sheriff examine "evidence of lawful possession" from the occupant, it demands no proof of ownership from the person submitting the affidavit before the removal of occupants in a property. It takes little imagination to conjure a scenario whereby a non-owner submits a false affidavit to seek the ejectment of lawful occupants in a manner similar to swatting.

HB 560_Consumer Protection Division_Unfavorable_FI

Uploaded by: Kira Wilpone-Welborn

Position: UNF

CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement



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Chief Operating Officer

KIRA WILPONE-WELBORN
Assistant Attorney General

February 7, 2025

To: The Honorable Luke Clippinger
Chair, Judiciary Committee

From: Kira Wilpone-Welborn, Assistant Attorney General
Consumer Protection Division

Re: House Bill 560 – Criminal Law - Fraud - Possession of Residential Real Property
(OPPOSE)

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occupants including homeowners whose property was sold at tax sale, and legal tenants with an oral lease agreement or with a written agreement withheld by the landlord.¹

Second, House Bill 560's lack of process could promote unfair, abusive, and deceptive trade practices that would substantially harm Maryland consumers. Lawful occupants of property entangled by a false affidavit from a bad faith owner, or another, could find themselves out of their homes without any of their personal possessions or ability to contest the ejectment.² Likewise, the threat of an ejectment under House Bill 560 could be weaponized to retaliate against lawful occupants who submit complaints to the owner about conditions or other violations of the Real Property Article.

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For these reasons, the Division urges the Judiciary Committee to issue an unfavorable report.

Cc: The Honorable Marvin E. Holmes, Jr.
Members, Judiciary Committee

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HB560 Crim Law Fraud possession MOPD Oppose 2-11-2

Uploaded by: Kirsten Downs

Position: UNF



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: House Bill 560 - Criminal Law – Fraud – Possession of Residential Real Property

FROM: Maryland Office of the Public Defender

POSITION: UNFAVORABLE

DATE: February 11, 2025

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on House Bill 560.

Overview of House Bill 560

House Bill 560 aims to criminalize the unauthorized occupation of residential properties in Maryland. The bill allows property owners to submit an affidavit to the Sheriff asserting their legal claim to the property. In response, law enforcement can remove the occupant without a court hearing.

House Bill 560 addresses individuals who unlawfully occupy properties, including rental and housing fraud victims. However, it does not provide legal protections for those who may unknowingly fall victim to such schemes. Furthermore, the bill fails to address the ongoing housing crisis in Maryland, which Governor Wes Moore. This crisis has heightened the risk of exploitation for those in need of immediate and affordable housing.¹ While the bill is intended to speed up the process of reclaiming properties, it raises significant concerns about due process and the potential for unjust outcomes, especially for vulnerable populations.

Overview of Maryland's Housing Crisis

Maryland is grappling with a significant housing shortfall, with over 120,000 units needed, including a deficit of nearly 96,000 affordable units, as highlighted in Governor Moore's 2024 housing assessment.² This crisis is particularly pressing in urban centers like Baltimore and Montgomery County, where demand and rents are soaring. The situation has left more than 50% of renters in the state cost-burdened, meaning they spend over 30% of their income on housing. As a result, many low-income renters find themselves in precarious housing situations, struggling to make ends meet.

¹ Maryland Office of the Governor. "Housing Priorities." Maryland Governor's Office. Accessed January 17, 2025. <https://priorities.maryland.gov/pages/housing>.

² Governor Wes Moore, 2024 Housing Assessment, Annapolis: Maryland Governor's Office, 2024.

Governor Moore has identified the housing shortage as a top priority, emphasizing the need for systemic solutions to increase affordable housing and stabilize the rental market. His administration has proposed investments in housing development and assistance programs, yet legislation like House Bill 560 undermines these goals by disproportionately targeting vulnerable renters instead of addressing root causes.

The Growing Prevalence of Housing Scams and Their Victims.

Recent data indicates a significant rise in housing scams, particularly in the rental market. TransUnion reported a nearly 30% increase in fraud triggers among rental applicants from March to August 2020.³ The Federal Bureau of Investigation (FBI) also warned of a spike in rental and real estate scams, attributing surging rents, home prices, and inflation in a competitive real estate market.⁴ The FBI reported that in 2021, 11,578 people reported losing \$350,328,166 due to these types of scams, a 64% increase from 2020, and more than \$396 million was lost in 2022.⁵ These findings underscore the growing prevalence of housing scams, highlighting the need for increased vigilance among renters and property owners.

The Federal Trade Commission (FTC) and local authorities have reported a significant increase in housing scams, especially in Maryland's competitive rental market. Scammers create fake listings and pose as landlords to collect deposits for properties they do not own. In 2023, the FTC reported over 10,000 new rental scam cases, while the Better Business Bureau noted a 45% rise in rental scam complaints over the last two years.⁶ A survey conducted by Dwellsy in 2022 revealed that 60 percent of renters have faced fraudulent or questionable activities online, while 44 percent have personally experienced or are aware of someone who has lost money due to rental scams. The financial losses are considerable, with 85 percent of victims losing more than \$400 and 19 percent suffering losses exceeding \$5,000. The total possible annual losses are estimated at a staggering \$16.1 billion.⁷

Among the most vulnerable are low-income individuals seeking affordable housing, often enticed by below-market rents.⁸ Recently, the Maryland Department of Housing and Community Development

³ TransUnion. "A Rise in Fraud Indicators Hits the Rental Industry During the Pandemic." TransUnion Newsroom, 2020. <https://newsroom.transunion.com/a-rise-in-fraud-indicators-hits-the-rental-industry-during-the-pandemic/>

⁴ Federal Bureau of Investigation. "FBI Warns of Spike in Rental and Real Estate Scams." FBI Boston Press Releases, July 12, 2022, <https://www.fbi.gov/contact-us/field-offices/boston/news/press-releases/fbi-warns-of-spike-in-rental-and-real-estate-scams>.

⁵ ABC Action News. "Rental Rip-Offs Spike in 2022: FBI Reports Over \$396 Million Lost." ABC Action News, February 2, 2023. Accessed January 31, 2025. https://www.abcactionnews.com/money/consumer/taking-action-for-you/rental-rip-offs-spike-in-2022-fbi-reports-over-396-million-lost?utm_source=chatgpt.com.

⁶ Rently. "Rental Fraudsters Prey on Desperation in Tight Housing Market." December 9, 2024. <https://use.rently.com/blog/rental-fraudsters-prey-on-desperation-in-tight-housing-market/>.

⁷ Ziprent. "Rental Scams: A Crisis Demanding Tech-Driven Solutions." *Ziprent Blog*, n.d. Accessed January 31, 2025. <https://www.ziprent.com/blog/articles/rental-scams-a-crisis-demanding-tech-driven-solutions>.

⁸ National Low Income Housing Coalition. "State Housing Agencies Warn of Social Media Scam Involving HCV Waitlist Openings." National Low Income Housing Coalition, 2024. Accessed January 31, 2025. <https://nlihc.org/resource/state-housing-agencies-warn-social-media-scam-involving-hcv-waitlist-openings>.

warned about online scams by individuals falsely claiming to administer Section 8 Housing Choice vouchers. The warning indicated that low-income renters are a primary target for these scams.⁹

Black and Latinx renters are overrepresented among victims due to systemic barriers and historical inequities that hinder homeownership.¹⁰ 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.

The Lack of Judicial Oversight Before Occupant Removal

House Bill 560 mandates that the sheriff's office or law enforcement makes legal determinations regarding the legality of occupancy without judicial oversight which raises significant concerns about due process and fair enforcement.¹¹ Under the provisions of the bill, the sheriff's office must determine:

1. the validity of the property owner's affidavit,
2. whether the occupants possessed or claimed a right of possession "with intent to defraud",
3. whether the occupants have evidence of lawful possession; and
4. whether there is an available remedy under Title 8 of the Real Property Article (Landlord and Tenant)

Law enforcement officers lack the training to evaluate the validity of complex legal claims, such as the authenticity of leases or the intricacies of property law, which are usually resolved in court.^{12 13}

This practice poses a serious risk of wrongful removals, disproportionately impacting vulnerable populations - many of whom may face significant challenges in proving lawful possession. By circumventing judicial oversight, these actions erode the fairness of the legal process and bypass the essential checks and balances that courts provide to safeguard the rights of all parties. Additionally, residents subjected to unjust or unlawful removals are left without access to legal remedies, leaving them defenseless against wrongful removal.

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:

⁹ Maryland Department of Housing and Community Development. "Maryland Department of Housing and Community Development Warns of Housing Scam." Maryland.gov, June 21, 2024. Accessed January 31, 2025. <https://news.maryland.gov/dhcd/2024/06/21/maryland-department-of-housing-and-community-development-warns-of-housing-scam/>.

¹⁰ 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/>.

¹¹ Urban Institute. The Risks of Eviction Without Judicial Oversight. Washington, D.C.: Urban Institute, 2023.

¹² People's Law Library of Maryland. "Evictions and the Role of Law Enforcement." Accessed January 17, 2025. <https://peoples-law.org>

¹³ American Bar Association. Judicial Oversight and Due Process in Eviction Cases. Washington, D.C.: ABA Publishing, 2023

- *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.¹⁴

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.

Collateral Racial Disparities Created by House Bill 560

The impact of housing challenges on Black and Latinx communities is both profound and alarming. In Maryland, Black and Latino renters, already grappling with significant income disparities, find themselves more vulnerable to scams as they often rely on informal networks or unverified platforms for housing.¹⁵ This economic vulnerability is exacerbated by systemic barriers rooted in historical redlining and housing discrimination, which have disproportionately affected these communities, making them heavily reliant on rental housing and more susceptible to fraud and displacement.^{16 17} Compounding this crisis, immigrant communities often steer clear of law enforcement and legal processes out of mistrust, leaving them defenseless against wrongful removals and further trapping them in a cycle of instability.¹⁸

Furthermore, data reveals that policies incorporating criminal elements related to housing violations often lead to higher removal rates among Black people and low-income populations. This is exacerbated by the economic disparities faced by Black families, who are more vulnerable to the

¹⁴ ACLU Maryland. Criminalizing Poverty: How Evictions and Fines Trap Black Communities. Baltimore, MD: ACLU Maryland, 2023

¹⁵ Maryland Center on Economic Policy. Racial Disparities in Housing and Wealth in Maryland. Annapolis, MD: Maryland Center on Economic Policy, 2024.

¹⁶ Urban Institute. The Legacy of Redlining: Housing Discrimination and Systemic Inequities. Washington, D.C.: Urban Institute, 2023.

¹⁷ National Low Income Housing Coalition. Out of Reach: The High Cost of Housing in America. Washington, D.C.: NLIHC, 2024. <https://nlihc.org>.

¹⁸ ACLU Maryland. Immigrant Rights and Housing Stability. Baltimore, MD: ACLU Maryland, 2024.

negative consequences of expedited removal processes and criminal penalties, making them particularly susceptible to these new challenges.^{19 20}

Existing Legal Protections for Property Owners

Maryland's current legal framework provides property owners with civil remedies to address unauthorized occupancy through wrongful detainer actions. Under Maryland Real Property Code §14-132, a wrongful detainer is defined as holding possession of real property without the right of possession.²¹ Property owners can file a complaint in the District Court of the county where the property is located. The court then issued a summons requiring the occupant to appear and show the cause of the possession not being restored to the owner. If the court finds in favor of the property owner, it orders the sheriff to return possession to the complainant. Maryland's current wrongful detainer laws are sufficient to protect property owners who encounter illegal residents on their property because they provide a clear, civil legal process for owners to regain possession.²² This ensures due process for both the owner and the occupant, balancing the need for property owners to reclaim their property with protections against wrongful removal.²³ The existing framework addresses such disputes without imposing criminal penalties or violating the tenants of due process.²⁴

While House Bill 560 aims to provide property owners a faster way to reclaim their property, it raises significant concerns regarding due process and the potential for disproportionately adverse effects on low-income renters and Black families in Maryland. It is crucial to balance the rights of property owners with the protections granted to tenants, ensuring that any legal measures do not unintentionally perpetuate systemic inequities or contribute to housing instability.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on House Bill 560.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

Authored by: Kirsten Gettys Downs
Director of Systemic Reform
Maryland Office of the Public Defender
Kirsten.Downs@maryland.gov

¹⁹ Legal Aid Bureau of Maryland. The Racial Impact of Evictions in Maryland. Baltimore, MD: Maryland Legal Aid, 2024.

²⁰ Maryland Center on Economic Policy. Racial Disparities in Housing and Wealth in Maryland. Annapolis, MD: Maryland Center on Economic Policy, 2024

²¹ Maryland Real Property Code §14-132. "Wrongful Detainer Actions." Accessed January 17, 2025. <https://mgaleg.maryland.gov>.

²² Maryland District Court. Landlord and Tenant Cases: A Procedural Guide for Property Owners. Annapolis, MD: Maryland Judiciary, 2024

²³ Maryland Legal Aid. Tenant Rights and Responsibilities in Maryland. Baltimore, MD: Legal Aid Bureau of Maryland, 2024

²⁴ Maryland Center on Economic Policy. Balancing Property Rights and Housing Equity in Maryland. Annapolis, MD: Maryland Center on Economic Policy, 2024

CLS Opposition to HB0560 - Eviction wo Court Order

Uploaded by: Lisa Sarro

Position: UNF

Jessica A. Quincosa, Esq.
Executive Director

Kayla Williams-Campbell, Esq.
Deputy Director

Lisa Sarro, Esq.
**Director of Litigation
and Advocacy**

Jordan Colquitt
Interim Development Director

Ivy Finkenstadt, Esq.
Managing Attorney

Warren Buff, Esq.
Kathleen Hughes, Esq.
Amy B. Siegel, Esq.
Supervising Attorneys

Attorneys

Adebola Adedoyin, Esq.
Vanessa Agbar, Esq.
Golnaz Alemousavi, Esq.
Jennifer Clark, Esq.
Katherine Cooke-Caraway, Esq.
Sheree Hughes, Esq.
Lekwon Imoke, Esq.
Deborah Kadiri, Esq.
John Kowalko, Esq.
Eric Orr, Esq.
Hina Rodriguez, Esq.
Peter Spann, Esq.
Jawaid Stationwala, Esq.
Tangi Turner, Esq.
Riana Yaman, Esq.

Staff

Claudia V. Aguirre
Ashley Cartagena
Franklin Escobar
Elmer Espinoza
Stephanie Espinoza
Anna Goldfaden
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Flor Lemus
Allison Nardick
Stacey Palmer
Micaela Ramos
Abel Reyes
Glenda Soto
Alejandra Sorto
Samir Vasquez Romero
Karen Zayas



HB0560 –Criminal Law – Fraud – Possession of Residential Real Property

Hearing Before the Judicial Proceedings Committee February 11, 2025

Position: OPPOSED/UNFAVORABLE

To the Honorable Members of the Judicial Proceedings Committee:

Community Legal Services (CLS) appreciates the opportunity to share the reasons for our strong opposition to House Bill 0560. CLS provides free legal services to support and advocate for the rights and well-being of Maryland's most under-served communities. Our practice includes representation of victims of domestic violence and parties to contentious family law matters, often where there is an extreme power and financial imbalance.

HB0560 eliminates critical court oversight in eviction proceedings. This could easily result in the perpetuation of domestic abuse and circumvention of the family law process to evict households *lawfully* in possession of properties that are not titled in their names under court orders, such as protective orders or family law rulings granting use and possession of a home.

The Eviction Process in HB0560 Endangers Domestic Violence Survivors and Family Law Litigants

Domestic violence survivors frequently remain in the home they shared with their abuser as part of a protective order or a family court order awarding them use and possession of the home, even when they are not on the title or lease. These legal protections are lifesaving for survivors who need stability to rebuild their lives, keep their children safe, and avoid further harm from an abuser.

This is not hyperbole. Our office has a large and busy housing practice. We have lawyers in courts daily providing same day and extended representation for tenants in eviction actions, including unlawful detainers. We have experienced many more instances than one might expect where unlawful detainer actions were filed by owners on title to property hoping to circumvent ongoing protective and family law orders in an effort to evict their now-former spouse or intimate partner. In those cases, the current court process mandates court oversight, so judges can assess the situation and the parties' legal rights to ensure wrongful evictions do not occur. Under this bill, no such protection is provided.

By removing judicial oversight from the eviction process, HB0560 allows landlords, property owners, and even abusers or their family members to bypass the legal system and forcibly remove survivors from their homes. Because there is no requirement for actual notice of eviction dates in Maryland, survivors who have fought for and obtained a court order ensuring their safety could find themselves locked out, their belongings discarded, and their abuser reclaiming the home, all without any opportunity to assert their legal rights before a judge.

Law Enforcement Officers Are Not Equipped to Determine Lawful Possession, Nor Should They Be Required to Do So.

Without significant and ongoing training, law enforcement officers will not have the legal expertise necessary to determine whether an eviction is lawful, leading to wrongful evictions, including evictions that violate existing court orders. If deputies and constables are to be the final arbiters of whether an eviction is lawful, they must be extensively trained on:

- How to determine legal title to property versus lawful possession under court orders;
- How to determine in advance if there is a protective order or family law order in place related to the subject property;
- How to interpret protective orders and family law rulings that grant someone the right to remain in a home even if they are not on the title;
- How to assess valid claims of domestic violence and coercion to ensure that survivors are not being unlawfully removed from their homes by abusive partners or landlords acting in concert with abusers.

The Eviction Process in HB0560 Puts the Most Vulnerable at Risk of Losing Everything

A significant number of evictions occur when the person in possession is not home. If the

only mechanism to prevent an illegal eviction under SB 556 is for the resident to be physically present to object and provide proof of their right to remain, then countless individuals - especially working parents with children at daycare or in school and domestic violence survivors fearing for their safety if made to physically be present to object to their removal - will lose their homes without ever having a chance to defend themselves and their right to remain in the property.

This means that survivors who have finally secured stability and safety after escaping abuse could return home to find their locks changed and their belongings thrown to the curb. The irreparable harm caused by such wrongful evictions cannot be overstated. Survivors will be left homeless, lose irreplaceable personal property, and, in many cases, be forced back into dangerous situations with their abuser.

Conclusion

The eviction process provided in HB0560 is deeply flawed and dangerous for Maryland's most vulnerable residents. Eliminating judicial oversight in evictions will expose domestic violence survivors and family law litigants and their children to wrongful eviction, homelessness, and further violence.

For these reasons and more, **we urge the Committee to reject HB0560** and ensure that Maryland's eviction process remains fair, just, and protective of those who rely on the law for safety and stability. Please feel free to reach out to Jessica Quincosa, Executive Director, or Lisa Sarro, Community Legal Services Director of Litigation and Advocacy, with any questions at quincosa@clspgc.org and sarro@clspgc.org, respectively.

2.07 HB 560 - Criminal Law – Fraud – Possession o

Uploaded by: Lonia Muckle

Position: UNF



HB 560 - Criminal Law – Fraud – Possession of Residential Real Property
House Judiciary Committee
February 11, 2025
OPPOSE

Chair Clippinger, Vice-Chair, and members of the committee, thank you for the opportunity to submit testimony in opposition to House Bill 560. This bill removes the court from wrongful detainer processes solely upon the landlord providing an affidavit to the Sheriff.

The CASH Campaign of Maryland promotes economic advancement for low-to-moderate income individuals and families in Baltimore and across Maryland. CASH accomplishes its mission through operating a portfolio of direct service programs, building organizational and field capacity, and leading policy and advocacy initiatives to strengthen family economic stability. CASH and its partners across the state achieve this by providing free tax preparation services through the IRS program 'VITA', offering free financial education and coaching, and engaging in policy research and advocacy. **Almost 4,000 of CASH's tax preparation clients earn less than \$10,000 annually. More than half earn less than \$20,000.**

Many tenants and residents with the right to reside at the property will be evicted by predatory owners without court process. HB 560 strips residents of their constitutional right to have any eviction defense heard before a court. Instead, someone who claims to be the property owner (but may not actually be the owner) submits a written request to the sheriff for the eviction of someone who they claim is not a tenant, and the sheriff becomes the judge and jury on whether a family becomes homeless.

HB 560 will have a disparate impact on Black, woman-led households. Maryland's long history of housing segregation and discriminatory policies mean that Black and Brown Marylanders are much more likely to be renters and at risk of eviction, and therefore more likely to be most in need of affordable housing and victims of rental scams. [73% of MD households that obtained eviction prevention funds in the pandemic's wake identified as Black, and 71% identified as being woman-led.](#)

CASH Campaign is a part of Renters United Maryland, which strongly opposes HB 560 because it will increase homelessness and the potential for violent encounters with law enforcement in our communities. We have seen too many tenants and other residents victimized by scams and predatory property owners. HB 560 will empower those predatory property owners to evict residents without court process and make the Sheriff the judge and jury in every case. We strongly oppose this assault on our communities.

Thus, we encourage you to return an unfavorable report for HB 560.

Creating Assets, Savings and Hope

SB46_HB560.pdf

Uploaded by: Nneka Nnamdi

Position: UNF



Criminal Law - Fraud - Possession of Residential Real Property

Judicial Proceedings

Date: February 6, 2025

Time: 1:00pm

Position: DOES NOT SUPPORT

Fight Blight Bmore (FBB) stands firm in its mission to remediate blight through community-driven projects and programs. As an economic, environmental, and social justice organization, FBB recognizes that blight, manifested in vacant, abandoned, dilapidated, underutilized, and misutilized properties, is a product of systemic racism, including disinvestment and depopulation. These factors have significantly reduced taxable properties in historically Black neighborhoods across Baltimore. ***FBB does not support SB46/HB560 because it will make more people vulnerable to home, equity, and neighborhood loss.***

One of the major drivers of blight in these neighborhoods has been tax sales, and FBB states that SB0556, while aimed at addressing issues related to fraudulent possession of real property, unintentionally opens the door for greater harm to some of the most vulnerable residents of these communities. Specifically, we are deeply concerned that this bill exposes victims of tax sale foreclosures to removal from their homes via non-judicial evictions.

Reasons for Our Opposition:

- **Vulnerability after Tax Sale Foreclosure:** Under the provisions of the bill, individuals—whether homeowners (or heirs) or tenants—who live in properties where the right to redeem has been foreclosed, would lose critical due process protections, continuing the cycle of displacement in already overburdened communities. The 2023 Tax Sale Ombudsman Report for Maryland revealed that at least 300 properties were foreclosed on due to tax sale, with 116 of those properties being defined as owner-occupied. Under the provisions of this bill, residents of these properties could be summarily evicted by the sheriff as “squatters,” without access to adequate due process. This is especially troubling when lien purchasers often move to evict without having formally taken title to the property, acting instead as de facto owners.

For the above reasons,

Fight Blight Bmore urges an unfavorable report.

Please contact Nneka Nnamdi, Founder, with any questions nneka@fightblightbmore.com

443.468.6041

- **Inadequate Safeguards for Residents:** The bill fails to include sufficient safeguards for residents who could be wrongfully evicted or those facing eviction under ambiguous or disputed circumstances. The law requires residents—whether tenants or homeowners who may have had a lease with the previous owner or previous owner (or heirs)—to file an affirmative claim with the court to seek relief. This poses a significant barrier to those who cannot afford legal counsel, as many lawyers are unwilling to take these types of cases on contingency due to low potential awards, and many pro bono legal services are unable to file affirmative claims.

FBB recognizes that housing providers already have legal avenues to address “squatters”, so removing the judicial process for eviction is an erosion of rights for residents. This approach resembles a return to feudalism and police overreach. Rather than passing this law, the focus should be on improving the housing court system by enhancing technology, increasing court staffing, and providing better legal education for all involved.

FBB does not support SB46/HB560 , as it disproportionately places vulnerable residents at greater risk of displacement without reasonable recourse for their protection.

For the above reasons,

Fight Blight Bmore urges an unfavorable report.

Please contact Nneka Nnamdi, Founder, with any questions nneka@fightblightbmore.com

443.468.6041

HB 560 - MSAA Unfavorable.pdf

Uploaded by: Patrick Gilbert

Position: UNF



Maryland State's Attorneys' Association

3300 North Ridge Road, Suite 185

Ellicott City, Maryland 21043

410-203-9881

FAX 410-203-9891

Rich Gibson
President

Steven I. Kroll
Coordinator

DATE: February 7, 2025

BILL NUMBER: HB 560

POSITION: Unfavorable

The Maryland State's Attorneys' Association (MSAA) opposes House Bill 560 and urges this Committee to issue an unfavorable report.

HB 560 has two components. The first prohibits an individual from falsely possessing or claiming a right to possess real property with the intent to defraud another. Although Maryland law currently affords prosecutors adequate tools to hold accountable those that would engage in this conduct, MSAA applauds the General Assembly's attention to the unique harm caused by these types of criminal offenses.

The second component of HB 560, however, establishes an unworkable system that authorizes a sheriff's office to function much like a court, albeit without any of the procedural guardrails or due process protections normally observed in eviction proceedings. The bill requires a sheriff to remove an occupant from real property upon receipt of an affidavit stating that the occupant is fraudulently in possession of that property. If the occupant provides the sheriff with evidence that they are lawfully in possession of that property, however, the sheriff may not remove them.

Questions of whether an individual is lawfully in possession of property can be subtle and nuanced – these cases often involve complex legal analysis, close examination of records and documents, and evaluations of witness credibility. Given the magnitude of the outcome – potentially removing an individual from their residence using the force of the state – these questions are best left to the judicial system. MSAA understands that these situations can be frustrating for victims, as the process to obtain a court order can be lengthy and expensive, but the solution created by HB 560 moves too far in the other direction and creates a new system that is even more ripe for abuse than the current one. MSAA is eager to work with legislators to develop solutions that would afford victims prompt recourse when a perpetrator is fraudulently in possession of their property, but opposes HB 560 in its current form.

HB 560 Criminal Trespass Wrongful Detainer PJC UN

Uploaded by: Samantha Gowing

Position: UNF



Samantha Gowing
Public Justice Center
201 North Charles Street, Suite 1200
Baltimore, Maryland 21201
410-625-9409
gowings@publicjustice.org

**HB 560: Criminal Law – Fraud – Possession of Residential Real Property
Hearing before the House Judiciary Committee on February 11, 2025**

Position: OPPOSE (UNF)

The Public Justice Center (PJC) is a part of Renters United Maryland, which strongly opposes HB 560 because it will increase homelessness and the potential for violent encounters with law enforcement in our communities. We have seen too many tenants and other residents victimized by scams and predatory property owners. HB 560 will empower those predatory property owners to *evict residents without court process and make the Sheriff the judge and jury* in every case. We strongly oppose this assault on our communities.

A recent Public Justice Center client demonstrates the unconstitutional denial of due process, homelessness, and potential for violence that HB 560 would wreak. Our client 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. **If HB 560 were enacted, this new owner would only need to claim that the renters were not authorized to live in the home, and then the Sheriff would be required to evict them without any court process, even if the residents are lawful tenants.**

Lawful tenants frequently face meritless wrongful detainer cases. In the past year alone, the Public Justice Center has represented twenty tenants in wrongful detainer cases who were lawfully residing at the property. If HB560 were enacted, every single one of them would have been wrongfully evicted.

Predatory landlords will abuse this process to evict tenants who complain about unsafe conditions. We have seen some unscrupulous landlords enter into a verbal agreement to lease and take the tenant's money, but after the tenant enters the property and starts to complain about serious and substantial defects, the unscrupulous owner claims that there was never a landlord-tenant relationship. And landlords who threaten to report tenants as squatters will prompt plenty of tenants to vacate – even if that means homelessness – for fear of having the police called to their residences.

Landlords already have a process for removal of unwanted occupants: Wrongful detainer, and even that process is riddled with errors.

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

Rental scams are pervasive and increasing. Victims of these scams will quickly be made homeless under HB 560. 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. The financial losses are estimated at a staggering \\$16.1 billion.](#) Such rental scams have spiked in recent years, with [the Better Business Bureau reporting 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.](#)

Owners must adopt new processes and technologies to secure their units. Rental scammers are becoming more sophisticated, and [property owners of vacant units must keep up by using smart locks, security cameras, video doorbells, motion sensors, and smart lighting,](#) which allow for remote monitoring and access control, providing real-time alerts about potential security threats.

[Up to 25% of families who are evicted become homeless.](#) Becoming homeless is even more likely for residents evicted after a rental scam because those residents are often the most desperate for affordable housing. [Homelessness has a devastating impact, leading to negative education outcomes for children, increased foster care, job loss, and poor health outcomes.](#)

HB 560 will increase violent confrontations with law enforcement. [Eviction court processes were created to reduce the violence inherent in self-help evictions.](#) By removing any opportunity for a renter to make a defense in court, HB 560 will increase potentially violent confrontations among law enforcement, renters, and property owners.

HB 560 will have a disparate impact on Black, woman-led households. Maryland's long history of housing segregation and discriminatory policies mean that Black and Brown Marylanders are much more likely to be renters and at risk of eviction, and therefore more likely to be most in need of affordable housing and victims of rental scams. [73% of MD households that obtained eviction prevention funds in the pandemic's wake identified as Black, and 71% identified as being woman-led.](#)

There is no data to support this bill. The General Assembly should conduct a summer study of ways to improve Wrongful Detainer. 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?

Public Justice Center is a member of Renters United Maryland, which strongly opposes HB 560 and urges as unfavorable report. If you have any questions, please contact Samantha Gowing, gowings@publicjustice.org, (410) 625-9409 Ext. 273.

MCPA-MSA_HB 560-Fraud-Possession of Residential Re

Uploaded by: Andrea Mansfield

Position: INFO



Maryland Chiefs of Police Association Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chair and
Members of the Judiciary Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Samira Jackson, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 11, 2025

RE: **HB 560 Criminal Law – Fraud – Possession of Residential Real Property**

POSITION: LETTER OF INFORMATION

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) submits the letter of information on HB 560. This bill prohibits a person from possessing a residential real property that the person does not lawfully possess or own with the intent to defraud another. It also establishes procedures under which a sheriff's office must remove a person who is allegedly in violation of this bill.

Jurisdictions across Maryland have procedures in place to remove individuals from property in which they legally do not have an ownership right. However, there does seem to be gaps that need to be addressed to ensure individuals known as "squatters" do not illegally take occupancy of a property.

This issue is complicated, and while MCPA and MSA appreciate the intent of this legislation, solutions need to be workable and provide for due process. To address all the legal aspects of this issue and ensure solutions are workable, MCPA and MSA suggest an interim workgroup be established to examine the issue and develop recommendations to be considered next session.

PGCex_Info_HB 560.pdf

Uploaded by: Sasha Desrouleaux

Position: INFO



THE PRINCE GEORGE'S COUNTY GOVERNMENT

OFFICE OF THE COUNTY EXECUTIVE

BILL: House Bill 560: Criminal Law - Fraud - Possession of Residential Real Property

SPONSOR: Delegate Holmes

HEARING DATE: February 11, 2025 at 1:00PM

COMMITTEE: Judiciary

CONTACT: Intergovernmental Affairs Office, 301-780-8411

POSITION: INFORMATIONAL ONLY

The office of the Acting Prince George's County Executive submits this letter of information regarding its position on **House Bill 560: Criminal Law - Fraud - Possession of Residential Real Property**, prohibiting a person from possessing or claiming a right to possess residential real property the person does not lawfully possess or own, with the intent to defraud another; authorizing the owner of certain residential real property to file a certain sworn affidavit and requiring a sheriff to remove a certain person from residential real property under certain circumstances; providing this Act does not prohibit the owner of residential real property from filing a wrongful detainer action; and generally relating to fraudulent possession of residential real property. This proposal places additional financial burden on Prince George's County.

At a time of added stress on public budgets, the proposed legislation will require additional staff, or potentially up to 28 Sheriff's Deputies, to enforce new regulations county-wide. The agency projects an expense of nearly \$4.7 million over the next 5 fiscal years to enforce the content of this proposal. Specifically, proposed additions under article 8-906, which will require deputy sheriffs to remove a person in possession of residential real property after receiving an affidavit stating that the person is fraudulently in possession of the property as well as returning the property to the owner. The agency currently experiences a staffing shortage, as such the current personnel cannot absorb the additional work without a significant increase in the agency's composition of Sheriff's Deputies. This is not an expense that the County Government is prepared to currently absorb.

While we understand the difficulties the Office of the Sheriff currently experiences and the expedience presented in this proposal, the Office of the Acting Prince George's County Executive cautions all parties to consider the very difficult fiscal realities now presented across all aspects of county government.