

February 5, 2026

## **HB 59 – Real Property – Expedited Wrongful Detainer Proceedings – Property for Sale or Lease**

### **Written Testimony of Mary Miguez-Jordan, Managing Attorney, Civil Justice, Inc. Before the House Economic Matters Committee**

#### **Position: UNFAVORABLE**

Dear Chair Valderrama, Vice Chair Charkoudian, and Members of the Committee:

Thank you for the opportunity to submit written testimony. My name is Mary Miguez-Jordan, and I serve as the Managing Attorney at Civil Justice, Inc., a nonprofit legal services organization that assists low- and moderate-income tenants throughout Maryland. Civil Justice is a member of Renters United Maryland, and we respectfully urge the Committee to issue an unfavorable report on HB 59.

#### **HB 59 Goes Too Far, Too Fast, and at the Expense of Due Process**

We recognize the sponsor’s stated interest in addressing unlawful occupancy. However, HB 59 is unnecessary and harmful, and it risks dramatically increasing wrongful evictions and destabilizing families while creating new opportunities for abuse by bad-faith actors.

Maryland already reformed wrongful detainer proceedings just last year. With the passage of SB 46 (2025), wrongful detainer became one of the fastest civil judicial processes in the state, requiring courts to hold hearings within 10 days of filing.<sup>1</sup> Residents accused of “squatting” now receive minimal notice, have little opportunity to seek legal assistance, and must prepare defenses on a severely compressed timeline.

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<sup>1</sup> S.B. 46, 2025 Gen. Assemb., Reg. Sess. (Md. 2025).

HB 59 would compress these timelines even further, without any evidence that the reforms enacted in SB 46 are inadequate or ineffective.

### **A Real Case Demonstrates the Risks of Abuse**

In late 2024, Civil Justice assisted a long-term tenant who faced multiple retaliatory wrongful detainer filings. After discovering that his landlord had failed to pay property taxes and that foreclosure proceedings were underway, the tenant took the extraordinary step of paying the delinquent taxes himself to preserve his home.

When the tenant could not meet the landlord's demands and pay a full year's rent up front, the landlord retaliated by repeatedly filing wrongful detainer actions, falsely labeling him a "squatter." Each case was eventually dismissed—either by the court or by the landlord—and in the most recent case, the tenant prevailed after a full hearing. The landlord appealed.

In each instance, due process worked exactly as intended. After receiving notice, the tenant was able to appear, present evidence, and obtain a fair hearing on the merits.

Had HB 59 been in effect, the landlord could have simply listed the property for sale, triggered the bill's ultra-expedited timeline, and forced the tenant to defend his right to remain in the home within days, potentially without receiving actual notice. This is not speculative. It is foreseeable and would be enabled directly by HB 59.

### **HB 59 Creates Structural Openings for Abuse**

Under current Maryland law, eviction actions for tenant holding over, failure to pay rent, or breach of lease require proof of a valid rental license. Wrongful detainer actions do not.

This distinction is critical.

Because wrongful detainer actions do not require proof of licensing, they are already susceptible to misuse by: unlicensed landlords, property flippers, and fraudulent actors.

HB 59 would significantly worsen these risks. By accelerating timelines and lowering notice requirements, the bill would enable actors with illegal or unlicensed rental properties to completely circumvent Maryland's tenant-protection framework.

Instead of filing an action that requires proof of licensing, a landlord could simply list the property "for sale," and file a wrongful detainer action under HB 59's expedited track. The result would be eviction without meaningful oversight, and without ensuring that the property is even legally rentable.

### **Due Process Is Not a "Tenant Perk"**

HB 59 undermines core constitutional safeguards. It would:

- Require hearings as soon as five days after filing — even if the resident never received actual notice.
- Eliminate first-class mail service, raising serious constitutional concerns under *Greene v. Lindsey*, 456 U.S. 444 (1982).
- Dramatically shorten appeal timelines.
- Require a warrant of restitution to issue within 24 hours of judgment.

A resident could leave town briefly and return to discover that an eviction judgment had been entered — and possibly executed — entirely in their absence.

We are increasingly seeing due process treated as though it were a mere convenience for tenants rather than a constitutional guarantee. That framing is deeply troubling. Due process protects tenants, but it also protects homeowners, law-abiding landlords, and the integrity of the court system.

### **No Evidence of a Squatting Epidemic**

Claims of a widespread “squatting crisis” are not supported by data. What legal service providers are seeing instead is that many Maryland residents are living in insecure housing conditions due to:

- unaffordable rents,
- unsafe or uninhabitable conditions,
- domestic violence,
- disability, or
- sudden income loss.

Labeling these individuals as “squatters” does nothing to address the underlying causes of housing instability.

### **Conclusion**

Maryland’s real housing crisis is not squatting.

It is a severe shortage of affordable housing and insufficient tenant-stability protections.

HB 59 sacrifices due process and constitutional safeguards to solve a problem that existing law already addresses. It will harm lawful residents, empower bad-faith actors, and increase homelessness.

For these reasons, Civil Justice, Inc. respectfully urges the Committee to issue an **unfavorable report on HB 59**.

Thank you for your time and consideration.

Respectfully submitted,

*Mary Miguez-Jordan*

Mary Miguez-Jordan, Esq. [she/her/hers]  
Managing Attorney, Civil Justice, Inc.