HB 59 - Real Property - Expedited Wrongful Detainer Proceedings - Property for Sale or Lease
Hearing of the House Economic Matters Committee
Feb. 5, 2026
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 5,000 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, now called the Tenant Justice Program (TJP),** 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.

PBRC urges an unfavorable report on HB 59 because it is an unnecessary bill that will have a devastating impact on some of our most vulnerable clients. HB 59 will allow property owners to evict legal tenants within just a few days simply by alleging that the property is for sale and calling the tenants "squatters". Under this legislation, lawful residents would not have a meaningful chance to challenge a wrongful detainer action as the trial would be scheduled within five days of filing, without any requirement for personal service. Most at risk under this legislation are survivors of domestic violence whose abusers file for eviction, lawful tenants subjected to predatory landlords, and families caught in rental scams.

PBRC frequently accepts cases filed as wrongful detainer actions despite the existence of a landlord/tenant relationship. Many of these arise when an owner decides to sell the property and wants to remove the tenant quickly. HB 59 caters to this situation and will be weaponized against low-income individuals in particular – many of whom work hourly jobs, lack transportation or are single mothers caring for young children who require more than a few days to make the arrangements necessary to come to court and mount a defense.

Typically, our wrongful detainer clients have a lease but need help proving it. Recently, PBRC represented a single mother whose landlord filed bankruptcy and then lost the house to foreclosure. Our client continued to pay rent, but the new owner filed a wrongful detainer action in an effort to evict her quickly. We prevailed in court based on proof of a valid lease, and our client was allowed to stay in her home. Under the strict timelines in HB 59, it is unlikely that our client would have had time make arrangements to come to court much less consult with an attorney before the hearing.

HB 59 is unnecessary in part because the General Assembly acted on concerns of "squatting" last year by passing SB 46 to expedite wrongful detainer cases. Effective October 1, 2025, SB 46 requires the court to hear any wrongful detainer claim within 10 days, making it one of the fastest judicial processes in the State. Residents accused of squatting receive minimum notice, have little opportunity to seek legal counsel, and have a very limited time to prepare a defense.

HB 59 would rush the process even further, creating a situation in which residents could leave town for a long weekend and return to find that a court had entered an eviction judgment against them. Under this bill, an owner only has to advertise the property for sale or lease in order to trigger requirements that the trial be held only five days after a

complaint is filed (regardless of when the residents received the complaint); unconstitutionally remove the requirement that the complaint be served on the residents by first-class mail (*See* Greene v. Lindsey, 456 U.S. 444 (1982)); and dramatically shorten the appeal period. Thus any time an owner claims the property is for sale, they could deny the renting family access to a full and fair hearing and basic due process.[1]

HB 59 represents a dangerous policy that will disproportionately impact renters like our clients, many of whom represent marginalized communities. Weaponizing the "squatter" label to pass "Evict First, Ask Questions Later" laws that reduce judicial oversight over evictions will benefit property flippers, unlicensed landlords, and other bad actors while harming the most vulnerable Marylanders. We have seen through our clients that claiming a rightful occupant is a "squatter" can be used as a tool for personal revenge. Survivors of domestic abuse and their children are particularly at risk, as well as differently abled people. No matter the context of the allegation, black women, who are already disproportionately affected by eviction, will suffer most under an evict-first approach.

Maryland has the tools necessary to protect property owners from true squatters and scammers who offer fraudulent leases. In addition to the already-expedited wrongful detainer action amended last year by SB 46, law enforcement can prosecute squatters under trespass or burglary laws, and offering a fraudulent lease is already a crime in Maryland.

It is vital that we weigh the financial interests of property owners against the very real consequence of homelessness for the most vulnerable Marylanders. HB 59 will take away vital protections from those families. We urge policymakers to uphold the constitutional right to allow both sides to be heard before any eviction.

For the above reasons,
PBRC urges an UNFAVORABLE report on HB 59.
Please contact Katie Davis, Director of PBRC's Courtroom Advocacy Project, with any questions.
kdavis@probonomd.org • 443-703-3049

[1] In fact, section (J) suggests that a property owner may become eligible for this expedited procedure simply by "advertising" the property for sale or lease, not necessarily via a Multiple Listing Service. An unscrupulous owner could quickly and easily create a fraudulent rental listing online. As there additionally seems to be no requirement that the property be listed for sale or rent at the time of the hearing. It is not difficult to imagine a scenario in which a landlord would briefly "list" the property on a social media website, take a screenshot for evidentiary purposes, and then remove the fraudulent listing.