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POSITION ON PROPOSED LEGISLATION

BILL: House Bill 59 – Real Property – Expedited Wrongful Detainer Proceedings – Property for Sale or Lease

FROM: Maryland Office of the Public Defender

POSITION: UNFAVORABLE

DATE: February 5, 2026

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on House Bill 59.

Overview of House Bill 59

House Bill 59 proposes creating an expedited wrongful detainer process for residential properties listed for sale or lease. While the bill is framed as a tool to help owners regain possession from unauthorized occupants, it fails to provide adequate notice to occupants. It does not account for individuals who may be victims of fraud, scams, or other extenuating circumstances. As drafted, HB 59 raises serious due-process concerns and risks unjustly removing people from their homes without meaningful legal recourse solely because the property happens to be on the market.

Lack of Adequate Notice and Time to Appeal for Occupants

House Bill 59 requires the court to issue a summons immediately upon receipt of a letter of complaint from “a person claiming possession”, and a hearing within five (5) days of filing a wrongful detainer complaint. This drastically shortens the time occupants must spend preparing for court, seeking legal counsel, and gathering evidence to defend themselves. In many cases, five (5) days is not enough time for individuals to respond appropriately, particularly those with work obligations, disabilities, or language barriers. Furthermore, the bill allows notice to be served by certified mail to the last known address or by posting it conspicuously on the property. Still, neither method guarantees that the occupant receives or understands the legal notice. Additionally, House Bill 59 prohibits counterclaims or crossclaims.

Additionally, Maryland law allows individuals time to appeal an unfavorable wrongful detainer ruling before eviction occurs. However, House Bill 59 allows only two (2) days for an appeal to be filed, and a hearing to be scheduled within three (3) days after the appeal is filed. This expedited timeline amounts to a fundamental violation of the due process principle that individuals must be given a meaningful opportunity to challenge a court order before being forcibly removed from their homes.¹

No Consideration for Financial Hardship or Vulnerable Occupants

¹ See *Jones v. Flowers*, 547 U.S. 220, 126 S.Ct. 1708 (2006) (holding when notice of a residential tax sale is returned unclaimed, state, as a matter of due process, must take additional reasonable steps to attempt to provide notice to property owner before selling property and merely publishing in the local newspaper, without posting on the property, was insufficient to satisfy property owner’s Fourteenth Amendment due process rights).

House Bill 59 does not consider the impact on individuals experiencing financial hardship or other vulnerable circumstances, as many wrongful detainer cases involve individuals relocating or needing a short extension to secure stable housing. By expediting their removal, the bill could lead to increased homelessness and other negative social consequences. Additionally, the bill assumes that all wrongful detainer cases involve deliberate unlawful occupation, ignoring that many individuals may be victims of fraud or deception. Some occupants may have entered into fraudulent lease agreements with scam landlords in good faith, while others might be subtenants unaware of their unlawful status. Moreover, Black and Latinx renters are overrepresented among victims due to systemic barriers and historical inequities that hinder homeownership.² 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.

Collateral Consequences of Occupants' Immediate Removal

Removing tenants without providing adequate time to secure alternative housing or manage their belongings can lead to several significant consequences:

- *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.³

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.

Concerns About Limiting the Expedited Process to Leasing or Selling Property Owners

House Bill 59 creates an arbitrary and confusing distinction by limiting the new expedited wrongful detainer process to properties that are listed for sale or lease. This means that two occupants in nearly identical circumstances could face very different timelines and procedures based solely on whether an owner has put the property on the market. The bill thereby privileges commercial and transactional interests over housing stability and due process, suggesting that the desire to sell quickly justifies a different, faster track through the courts.

² Solomon, Danyelle, Connor Maxwell, and Abril Castro. "Systematic Inequality and Economic Opportunity." Center for American Progress, August 7, 2019. Accessed February 23, 2026. <https://www.americanprogress.org/article/systematic-inequality/>.

³ ACLU Maryland. Criminalizing Poverty: How Evictions and Fines Trap Black Communities. Baltimore, MD: ACLU Maryland, 2023

This distinction also has significant practical consequences for the judiciary. District Court judges and clerks will now be required to determine, at filing and at hearing, whether a property qualifies as “for sale or lease” under HB 59—by reviewing listings, contracts, or other documentation—and to manage a separate expedited docket alongside existing landlord–tenant, wrongful detainer, and rent court calendars. Creating a special class of cases based on marketing status adds complexity to case processing, increases clerical administrative work, and forces judges to make threshold factual determinations about the legitimacy and timing of a listing before they can reach the merits of possession.

In practice, this risks diverting scarce judicial resources away from other civil and criminal matters, as courts must carve out time for accelerated hearings, shortened appeal windows, and rapid issuance and execution of warrants of restitution in a subset of wrongful detainer cases. Rather than simplifying court processes, HB 59 would require new forms, new screening steps, and tighter scheduling, all in a system that is already strained. If the goal is to ensure fairness and efficiency, Maryland’s wrongful detainer and eviction laws should focus on clear, uniform procedures and robust due process protections for all parties, regardless of whether a property is listed for sale or lease.

Conclusion

While recognizing the importance of ensuring property owners can promptly reclaim their property, House Bill 59 prioritizes speed over fairness and fails to uphold due-process protections. The bill risks unjust removals and potential constitutional challenges by limiting notice periods, accelerating evictions, and ignoring the rights of individuals who may be defrauded, financially struggling, or facing other hardships.

We respectfully urge this committee to issue an UNFAVORABLE report on House Bill 59 because it fails to protect due process rights and ensure fairness for all Maryland residents.

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

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