

CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

SHARON S. MERRIWEATHER
Deputy Attorney General

ZENITA WICKHAM HURLEY
Deputy Attorney General



**STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION
HOUSING UNIT**

ANTHONY G. BROWN
Attorney General

WILLIAM D. GRUHN
Division Chief

KAREN M. VALENTINE
Deputy Division Chief

PETER V. BERNS
General Counsel

CHRISTIAN E. BARRERA
Chief of Staff

KIRA WILPONE-WELBORN
Unit Chief

February 13, 2026

To: The Honorable J. Sandy Bartlett
Chair, Judiciary

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

Re: House Bill 847 – 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 847 sponsored by Delegate Frank Conaway. House Bill 847, under Maryland’s criminal law provisions, seeks to create an extra-judicial process to remove alleged unlawful occupants. For the following reasons, the Division opposes House Bill 847 and requests the Judiciary Committee to issue an unfavorable report.

First, the extra-judicial eviction created by House Bill 847 does not provide meaningful notice or an 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.’”). While House Bill 847 requires the sheriff to serve a notice to the occupant, the sheriff is then instructed to immediately eject the occupant and return possession to the owner. More troubling, the occupant has little opportunity to be heard and can only evade immediate ejection if they are present when the Sheriff arrives and can present “evidence of lawful possession.” The process provided by House Bill 847, or lack thereof, could raise a constitutional question. *Id.*

Second, House Bill 847’s lack of process could promote unfair, abusive, and deceptive trade practices that would substantially harm Maryland consumers. 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. Lawful occupants of property entangled by a false request from a bad faith owner could find themselves out of their homes without any of their personal possessions or ability to contest the ejection.

Finally, just last session, the General Assembly addressed concerns about squatters and enacted legislation to expedite wrongful detainer proceedings after thoughtful considerations of notice, due process, and the practical ability to expedite these proceedings. The General Assembly's changes to Real Property § 14-132 went into effect on October 1, 2025. As such, these changes have been in place for less than 5 months, which has simply not provided enough time to evaluate whether further changes are needed.

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

cc: The Honorable Frank Conaway
Members, Judiciary Committee