



House Bill 208 — Courts – Evidence – Proof of Ownership of Real Property

Hearing before the House Judiciary Committee

On February 4, 2026

Position: FAVORABLE WITH AMENDMENT

Maryland Legal Aid submits its written testimony on House Bill 208 at the request of Delegate Elizabeth Embry.

Maryland Legal Aid is a nonprofit law firm that provides free civil legal services to low-income and vulnerable Marylanders. Our offices serve residents in all 24 jurisdictions, and housing is our largest area of practice. Last year, Maryland Legal Aid’s Tenant Right to Counsel Project represented over 4,700 renter households across the State in eviction proceedings. We ask the Committee to consider how the well-intended measures in HB 208 could negatively impact tenants in the District Court’s streamlined eviction procedures. To that end, we urge a **Favorable with Amendments** report on HB 208.

HB 208 establishes a new evidentiary standard for proof of ownership of real property in any court proceeding. Under the standard, a plaintiff who does not have a deed may submit any evidence of “submission” of a deed to the circuit court and, through that submission, establish a rebuttable presumption of ownership. At subsection (B)(2), the bill specifies two kinds of documents that would establish this rebuttable presumption: a certified record of a circuit court intake sheet or a HUD-1 settlement form. However, the bill’s broad language also opens the door widely for other documentation in lieu of the actual recorded deed.

HB 208 would weaken due process in District Court, in over 300,000 cases per year.

While in some instances a plaintiff may need to litigate the issue of ownership when verifiable proof of a deed is unavailable, in other instance HB 208’s workaround would be inappropriate. In District Court summary proceedings, Maryland Legal Aid believes that HB 208 creates many more problems than it solves.

To accomplish rapid scheduling and adjudications, several District Court proceedings reduce or eliminate completely certain due process mechanisms that typify other civil actions. For instance, District Court rules prohibit discovery in three types of eviction actions: Failure to Pay Rent, Tenant Holding Over, and Wrongful Detainer. Md. Rule 3-701. In 2025, there were over

300,000 of these actions filed across the state. These District Court proceedings also feature markedly short trial schedules. By statute, a Failure to Pay Rent trial must be scheduled not later than five (5) days after the date of filing. Md. Code, Real Prop. Art. § 8-401(b)(4). For Wrongful Detainer actions, the scheduling is “not less than 5 days or more than 15 days.” Md. Code, Real Prop. Art. § 14-132(h). Thus, defendants would not only have no right to discover evidence that rebuts the presumption of ownership set forth in HB 208, but they would also scarcely have time to research the issue at all.

Readily ascertainable facts and easily shown evidence form the foundation of the District Court’s abbreviated civil proceedings. In other words, the plaintiff gets to speed past the traditions of due process only because the case is so straightforward that it leaves hardly any legal issue for the judge to determine. HB 208 does not align with those suppositions. Under HB 208, the plaintiff cannot readily demonstrate their ownership of real property using best evidence. In that circumstance, they should not be utilizing the District Court’s specialized summary proceedings.

Amendments

Maryland Legal Aid proposes two alterations to HB 208 that would help the bill benefit property owners without curtailing tenants’ rights:

1. For documentation that establishes the rebuttable presumption of ownership, require the submission of a signed-and-certified judicial form in which the circuit court clerk attests that deed recordation occurred; and
2. Allow HB 208’s rebuttable presumption only in court proceedings in which the defendant has the right to full discovery.

In recent years, the General Assembly has made strides to strengthen due process in the District Court’s eviction procedures. HB 208 should be amended so that Maryland is not taking any steps backward. For these reasons, **Maryland Legal Aid urges the Committee to report Favorable with Amendments on HB 208.** If you have any questions, please contact:

Zafar S. Shah
Advocacy Director for Human Right to Housing
zshah@mdlalab.org | (410) 951-7672

Amendment language proposed by Maryland Legal Aid:

(B) **THIS SECTION SHALL APPLY ONLY IN PROCEEDINGS IN WHICH THE PARTIES ARE ENTITLED TO DISCOVERY.**

~~(C)~~ IN A PROCEEDING INVOLVING REAL PROPERTY, EVIDENCE THAT A DEED HAS BEEN SUBMITTED FOR RECORDATION TO THE CLERK OF THE CIRCUIT COURT OF THE COUNTY WHERE THE REAL PROPERTY IS LOCATED, OR OTHER DOCUMENTS REQUIRED BY LAW FOR THE SALE OF REAL PROPERTY OR TO SECURE A MORTGAGE, MAY BE USED TO ESTABLISH A REBUTTABLE PRESUMPTION OF OWNERSHIP OF THE PROPERTY.

(2) EVIDENCE PRODUCED UNDER PARAGRAPH (1) OF THIS SUBSECTION ~~[MAY INCLUDE:~~

- (I) **A] MUST INCLUDE A CERTIFIED COPY OF A FORM, APPROVED BY THE STATE COURT ADMINISTRATOR, IN WHICH THE CLERK OF THE CIRCUIT COURT HAS ATTESTED TO THE PERFECTED FILING OF A DEED FOR RECORDATION.**

~~[REQUIRED FOR RECORDATION UNDER § 3-104 OF THE REAL PROPERTY ARTICLE;
OR~~

(II) A HUD-1 SETTLEMENT STATEMENT OR CLOSING DISCLOSURE REQUIRED UNDER THE FEDERAL REAL ESTATE SETTLEMENT PROCEDURES ACT.

~~(C)]~~ **(D)** THE SUPREME COURT OF MARYLAND MAY ADOPT RULES AND FORMS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.