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**HB 867: Real Property – Actions for Wrongful Detainer – Required Postings
House Judiciary Committee Hearing, March 4, 2026**

Position: Oppose (UNF)

The Public Justice Center (PJC) is a nonprofit public interest law firm that stands with tenants to protect and expand their rights to safe, habitable, affordable, and non-discriminatory housing and their rights to fair and equal treatment by Maryland's landlord-tenant laws, courts, and agencies. The PJC advocates for systemic change to build a just society and remove barriers that impede economic and racial equity.

PJC opposes HB 867 because it effectively allows a landlord to obtain a Wrongful Detainer judgment and eviction even when the residents of the home are renters. Wrongful detainer is reserved for instances in which the owner of real property wants to reclaim possession of real property from someone who is not a tenant and who is not otherwise authorized to be in the property. The current law, Md. Code, Real Prop. § 14-132, facilitates exactly that process. Personal service is not required. The Sheriff need only post the complaint/summons on the property, and mail the complaint/summons to the current occupants, which is the minimum required by constitutional due process.

HB 867 would change this process by allowing the owner to file a Wrongful Detainer complaint even when there is a renting family residing at the property, or when the person in possession has possession pursuant to a court order, or when another statute or rule provides an exclusive method for the owner to retake possession.

To avoid these limitations on the use of Wrongful Detainer, the owner would only need to post a sign saying that no trespassers are allowed. If such a sign is posted – even if the sign was later removed by an unscrupulous actor—, the property owner could use Wrongful Detainer to evict any tenant so long as the owner could show the tenant did not have a right to possession, regardless of any defense or protection normally provided by law, such as retaliation (RP § 8-208.1), landlord licensing (RP § 8-406), rent escrow (RP § 8-211), lead paint protection (RP § 8-211.1), warranty of habitability (RP § 8-212), illegal fees and charges (RP § 8-208(d)). This is a confusing and counter-intuitive provision that surely does not represent the sponsor's intent, but nonetheless is the likely practical impact of the bill.

The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.

While we appreciate the need for an owner to quickly obtain possession of their real property from someone is not authorized to be on the property, but we have seen far too many clients who have been victims of scams, predatory landlords, and owner-management disputes. For example, some of our clients find a home online, are taken on a tour of the property, sign a lease, pay a security deposit and first month's rent, and are given keys to the property. Two weeks later they hear a knock on the door and are told that the rightful owner of the property did not authorize leasing the property. In another variation on this scheme, a property management company claims that they had the right to lease the property, but the owner disagreed. The tenant-resident is caught in the middle. Still in other cases, we have seen unscrupulous landlords enter into a verbal agreement to lease and take the tenant's money, but after the tenant complains about serious and substantial defects, the unscrupulous owner claims that there was never a landlord-tenant relationship.

In each of these examples, as long as a property owner at some point in time posts a property with a sign that prohibits trespassing – even if the sign was taken down by an unscrupulous actor – the property owner could attempt to sidestep any claim that the person is a tenant or has some other right to property. This denies constitutional due process to renters who are not squatters or trespassers at the property.

This Committee heard numerous proposals in 2025 to address concerns about squatters and expedited the judicial process to hear “wrongful detainer” cases by requiring a trial within 10 business days of filing a complaint. The complaint must be posted on the property and mailed to the resident within 4 business days of filing to ensure a minimal period for the resident to seek legal advice and prepare any defense. This law went into effect on October 1, 2025, and we urge the Committee to gather data on how the law is implemented before making any substantive changes.

Finally, to address the platforms that enable scamlords and alleged squatters, we urge the Committee to pass HB 1456 that would require social media companies to verify that someone posting a property for rent is actually authorized to lease out the property.

Public Justice Center **urges an unfavorable report on HB 867.**