

HB 847 - Criminal Law - Fraud - Possession of Residential Real Property

Hearing of the House Judiciary Committee on February 17, 2026

Position: UNFAVORABLE

Dear Chair Bartlett, Vice Chair Davis, and Committee Members:

Thank you for the opportunity to testify. Our organization is a member of Renters United Maryland, which opposes HB 847. While we appreciate the sponsor’s intention to address rent fraud, we urge an unfavorable report. When questions arise about whether a renting family has the right to reside in a property, those questions must be answered fairly with notice, due process, and judicial oversight. By contrast, HB 847 will 1) expand criminal law in a way that could be used against victims of rental scams, and 2) deny renters and other residents a meaningful opportunity to be heard in certain eviction cases leading to more evictions and homelessness. **This Committee heard numerous proposals in 2025 to address concerns about squatters and already expedited the judicial process to hear “wrongful detainer” cases by requiring a trial within 10 business days of filing a complaint.** This law went into effect on October 1, 2025, and we urge the Committee to gather data on how the law is implemented.

Disability Rights Maryland (DRM) is the federally designated Protection and Advocacy agency in Maryland, mandated to advance the civil rights of people with disabilities. DRM works to increase opportunities for Marylanders with disabilities to be part of their communities and live in safe, affordable, and accessible housing.

First, law enforcement already has tools to address alleged squatting and the scam lords who offer fraudulent leases. Squatting is already a crime in Maryland under trespass or burglary.¹ Offering a fraudulent lease is already a crime in Maryland.² In addition to the filing of a civil case for wrongful detainer, law enforcement already has tools to effectively prosecute squatting as well as scam lords who deceive renters into leasing properties by advertising on Facebook marketplace even though they are not the owner of the home. The General Assembly should take further action to hold accountable social media companies that enable scam lord fraud.

Second, the criminal provisions of HB 847 are too broad and vague. First, it criminalizes the “possession” or “claiming a right to possess” residential property, which could include the occupant-victim of a scam lord operation. Unlicensed landlords and property flippers already abuse the Wrongful Detainer court process to obtain a quick eviction of renting families they don’t want in the property. HB 847 will give these bad actors a new tool: Accuse the renters of possessing a fraudulent lease and swear out charges with the District Court

¹ Md. Code, Crim. Law §§ 6-402, 6-403, and 6-202 et seq.

² Md. Code Ann., Crim. Law § 8-301 (theft by deception); § 8-402 (issuing false documents); § 8-601–602 (counterfeiting/false instruments); § 8-607 (uttering).

Commissioner to have the renters arrested – thereby accomplishing a *de facto* eviction. HB 847 will provide a powerful tool to bad actors seeking an end-run around eviction laws and ultimately lead to the arrests of victims of rental scams. These are scams in which the tenant usually finds a property online, pays the person who claims to be the “landlord” thousands of dollars in first month’s rent and security deposit, receives the keys, and then finds out weeks or months later that the purported “landlord” was never authorized to rent out the property. These families are victims of fraud and should not be criminalized.

Third, HB 847 will allow owners to bypass any court in seeking an eviction and go straight to Sheriff, in violation of the constitutional right to due process for Maryland renters and other legal residents.

Mark R., a 67 year old client of Disability Rights Maryland who has an intellectual disability found himself in district court defending himself in a wrongful detainer claim his sister filed against him after she defrauded him by selling the family’s Washington DC property in which Mark R. had an ownership interest. The sister kept all of the proceeds and purchased a house in Baltimore titled solely in her name. He lived with her but had no property rights. The court at the initial hearing on 10/28/25 postponed the case and specifically noted in case search: **“PLN PRESENT (RE- DOCUMENTATION) RE: EXECUTOR OF ESTATE , DEF IS PLN'S BROTHER DEF HAS DEVELOPMENTAL DISABILITY ON COURTS INITIATIVE CASE PP, RESET IN THE ORDINARY”**

Mark called DRM so he was represented at the subsequent hearing. If not, he would likely be homeless by now.

Under HB 847, Mark’s sister could go directly to the District Court Commissioner or to the Sheriff and swear that he was illegally in the home and have him arrested, violating his right to hearing, his right to counsel and to the court’s use of its discretion to postpone the initial case because something was not quite right.

The General Assembly passed legislation resolving this issue just last year. In response to concerns about alleged squatting, the General Assembly passed SB 46 in 2025 to expedite “wrongful detainer” cases. Effective October 1, 2025, the bill 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.

Claims of a widespread squatting epidemic are not supported by evidence. Despite this, special interest groups like Sinclair-aligned media (Fox45, Balt. Sun, WJLA) and the American Legislative Exchange Council, have manufactured a narrative that lawlessness and squatting are rampant, using it to justify policies that strip residents of their constitutional rights and push “evict-first/questions later” bills.

Weaponizing the “squatter” label to pass “Evict First, Ask Questions Later” laws that strip down judicial oversight over evictions will benefit property flippers, unlicensed landlords, and other bad actors, and harm the most vulnerable Marylanders. Claiming a rightful occupant is a “squatter” is also 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.

The real crisis in Maryland is not “squatting,” but a shortage of 275,000 affordable rental units and the lack of basic tenant protections like good cause eviction. Maryland policymakers should focus on solutions that stabilize families: strengthening fair housing laws, expanding eviction prevention funds, supporting good cause eviction, and creating zoning and administrative policies that spur housing production.

The “Housing First” agenda demonstrates that keeping people in their homes is both humane and effective, whereas ideological evict-first/ask questions later policies put families at risk. **We urge policymakers to stand with renting families and uphold the constitutional right to allow both sides to be heard before any eviction.**

We oppose HB 847 and urge an **unfavorable report**.

Thank you for your consideration. Please contact me with any questions regarding my testimony.

Sincerely,

/s/ Leslie Dickinson

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