

SENATE BILL 556

N1, E1

5lr0932

By: **Senator Ready**

Introduced and read first time: January 23, 2025

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Fraudulent Possession and Unauthorized Lease or Listing**
3 **– Prohibition and Removal**

4 FOR the purpose of prohibiting the knowing and willful presentation of certain false
5 documents in order to possess real property; prohibiting a person from leasing to
6 another real property the person does not own or is not authorized to lease and from
7 listing or advertising for sale real property if the person knows the purported seller
8 is not the owner of the property; authorizing the owner of residential property or an
9 agent of the owner to request that a sheriff return possession of residential property
10 to the owner under certain circumstances; requiring a sheriff to serve notice to
11 immediately vacate a property to an unlawful occupant and return possession of the
12 property to the owner under certain circumstances and subject to certain
13 requirements; authorizing a sheriff to arrest certain individuals; establishing that
14 an individual harmed by wrongful removal from a residential property may recover
15 certain damages; establishing that an owner is not liable to an unlawful occupant of
16 residential property for damage to or the destruction or loss of certain personal
17 property; providing that a sheriff is not liable to any party for damages to property
18 resulting from the removal of an unlawful occupant from a residential property; and
19 generally relating to unauthorized possession of residential real property.

20 BY adding to
21 Article – Criminal Law
22 Section 8–906
23 Annotated Code of Maryland
24 (2021 Replacement Volume and 2024 Supplement)

25 BY adding to
26 Article – Real Property
27 Section 14–132.1
28 Annotated Code of Maryland
29 (2023 Replacement Volume and 2024 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Criminal Law

8–906.

(A) A PERSON MAY NOT:

(1) KNOWINGLY AND WILLFULLY, PRESENT A FALSE DEED, LEASE AGREEMENT, OR OTHER INSTRUMENT PURPORTING TO CONVEY AN INTEREST IN REAL PROPERTY IN ORDER TO HOLD POSSESSION OF THE PROPERTY;

(2) LEASE TO ANOTHER REAL PROPERTY THE PERSON DOES NOT OWN OR IS NOT AUTHORIZED TO OFFER FOR LEASE; OR

(3) LIST OR ADVERTISE RESIDENTIAL REAL PROPERTY FOR SALE KNOWING THAT THE PURPORTED SELLER IS NOT THE LAWFUL OWNER OF THE PROPERTY.

(B) (1) A PERSON WHO VIOLATES SUBSECTION (A)(1) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

(2) A PERSON WHO VIOLATES SUBSECTION (A)(2) OR (3) OF THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

Article – Real Property

14–132.1.

(A) PRIOR TO THE FILING OF A COMPLAINT WITH THE COURT UNDER § 14–132 OF THIS SUBTITLE, A PERSON CLAIMING THAT ANOTHER IS IN WRONGFUL POSSESSION OF RESIDENTIAL REAL PROPERTY MAY REQUEST THE SHERIFF TO IMMEDIATELY REMOVE THE OTHER PERSON IF:

(1) THE PERSON CLAIMING POSSESSION OF THE PROPERTY IS THE PROPERTY OWNER OR AUTHORIZED AGENT OF THE PROPERTY OWNER;

1 **(2) THE PERSON IN POSSESSION OF THE PROPERTY IS NOT**
2 **AUTHORIZED TO BE ON THE PROPERTY OR UNLAWFULLY ENTERED AND REMAINED**
3 **ON OR OCCUPIED THE PROPERTY;**

4 **(3) THE PROPERTY WAS NOT OPEN TO THE PUBLIC AT THE TIME THE**
5 **UNAUTHORIZED OCCUPATION OF THE PROPERTY BEGAN;**

6 **(4) THE PERSON CLAIMING POSSESSION DIRECTED THE PERSON IN**
7 **POSSESSION TO VACATE THE PROPERTY;**

8 **(5) THE PERSON IN POSSESSION IS NOT A CURRENT OR FORMER**
9 **TENANT OF THE PROPERTY UNDER A LEASE AGREEMENT WITH THE PERSON**
10 **CLAIMING POSSESSION; AND**

11 **(6) THERE IS NO PENDING LITIGATION RELATING TO THE PROPERTY**
12 **BETWEEN THE PERSON CLAIMING POSSESSION AND THE PERSON IN POSSESSION.**

13 **(B) A REQUEST MADE UNDER THIS SECTION SHALL:**

14 **(1) INCLUDE:**

15 **(I) A COPY OF THE REQUESTER'S GOVERNMENT**
16 **IDENTIFICATION;**

17 **(II) EVIDENCE OF OWNERSHIP OF THE PROPERTY; AND**

18 **(III) IF THE PERSON MAKING THE REQUEST IS ACTING AS AN**
19 **AGENT OF THE OWNER, EVIDENCE OF AGENCY; AND**

20 **(2) BE SIGNED BY THE REQUESTER UNDER PENALTY OF PERJURY.**

21 **(C) ON RECEIPT OF A REQUEST UNDER SUBSECTION (A) OF THIS SECTION,**
22 **THE SHERIFF SHALL VERIFY THAT THE PERSON SUBMITTING THE REQUEST IS THE**
23 **OWNER OF THE PROPERTY OR AN AUTHORIZED AGENT OF THE OWNER.**

24 **(D) IF THE SHERIFF VERIFIES A REQUEST UNDER SUBSECTION (C) OF THIS**
25 **SECTION, THE SHERIFF SHALL, WITHOUT DELAY, SERVE NOTICE TO IMMEDIATELY**
26 **VACATE THE PROPERTY TO THE OCCUPANT OF THE PROPERTY AND DELIVER**
27 **POSSESSION OF THE PROPERTY TO THE REQUESTER.**

28 **(E) SERVICE OF NOTICE TO IMMEDIATELY VACATE UNDER SUBSECTION (D)**
29 **OF THIS SECTION MAY BE MADE BY HAND DELIVERY OR BY PROMINENTLY POSTING**
30 **THE NOTICE ON THE FRONT DOOR OR OTHER ENTRY TO THE PROPERTY.**

(F) THE SHERIFF SHALL ATTEMPT TO VERIFY THE IDENTITY OF ANY PERSON OCCUPYING THE PROPERTY AT THE TIME OF SERVICE OF NOTICE TO IMMEDIATELY VACATE AND MAY, IF APPROPRIATE, ARREST ANY PERSON FOUND OCCUPYING THE PROPERTY FOR TRESPASS, OUTSTANDING WARRANTS, OR ANY OTHER LEGAL CAUSE.

(G) AFTER NOTICE TO IMMEDIATELY VACATE HAS BEEN DELIVERED, THE REQUESTOR MAY REQUEST THAT THE SHERIFF STAND BY TO KEEP THE PEACE WHILE THE REQUESTOR CHANGES THE LOCKS AND REMOVES ANY PERSONAL PROPERTY FROM THE PREMISES.

(H) (1) A PERSON MAY BRING SUIT FOR WRONGFUL REMOVAL UNDER THIS SECTION.

(2) A PERSON HARMED BY WRONGFUL REMOVAL MAY BE RESTORED TO POSSESSION OF THE PROPERTY AND MAY RECOVER:

(I) ACTUAL DAMAGES;

(II) THREE TIMES THE AMOUNT OF THE FAIR MARKET VALUE OF RENT OF THE PROPERTY; AND

(III) REASONABLE ATTORNEY'S FEES AND COURT COSTS.

(I) (1) A SHERIFF IS NOT LIABLE TO ANY PARTY FOR DAMAGES TO OR THE LOSS OR DESTRUCTION OF PROPERTY INCURRED IN PERFORMING THE SHERIFF'S DUTIES UNDER THIS SECTION.

(2) AN OWNER OR AUTHORIZED AGENT OF AN OWNER IS NOT LIABLE TO AN OCCUPANT OR ANY OTHER PARTY FOR DAMAGE TO OR THE LOSS OR DESTRUCTION OF PERSONAL PROPERTY REMOVED UNDER THIS SECTION UNLESS THE REMOVAL WAS UNLAWFUL.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.