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**HB1274 - Landlord and Tenant – Failure to Pay Rent – Evidence of Notice to Tenant**

**Hearing before the House Environment and Transportation Committee,**

**March 5, 2024**

**Position: FAVORABLE WITH AMENDMENTS**

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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. We advocate changing the law regarding evictions and demanding the development of equitable and sustainable affordable housing. **We support HB 1274 with one amendment.**

HB 1274 reinforces the new Maryland law that requires a landlord to provide tenants with at least 10 days’ notice prior to filing a failure to pay rent complaint. HB 1274 would require the plaintiff-landlord to show evidence they provided the tenant with notice of their intent to file a claim. In many cases, tenants who do not receive a 10-day notice are unaware they may raise this lack of notice as a defense and question the landlords alleged notice. By passing HB 1274, landlords would be required to provide documentation with their complaint that they have complied with the law.

We have advised and represented many tenants who have testified credibly that they never received the 10-day notice. Because there is no requirement at this time that landlords affirmatively provide documentation of their compliance with the 10-day requirement, these often become he-said, she-said cases. Requiring the landlord to provide documentation of their compliance when filing the complaint will encourage better compliance from landlords and reduce the number of disputes at court.

**PJC supports HB 1274. Similar to the proposal by Maryland Legal Aid, Public Justice Center supports an amendment that would make this notice provision conform to the notice provision in Real Prop. § 8-209(b) around notifications of a rent increase.** These amendments will ensure that landlords attach documentation when a notice is delivered electronically and prevent landlords from requiring tenants to accept the notice by electronic means.

Amendment: On page 2 after line 19, add:

“3. THE ELECTRONIC DELIVERY METHOD SHALL PROVIDE THE LANDLORD WITH PROOF OF TRANSMISSION OF THE NOTICE.

4. A LANDLORD MAY NOT CONDITION THE ACCEPTANCE OF A LEASE APPLICATION ON THE TENANT'S ELECTION TO RECEIVE NOTICE UNDER THIS SUBSECTION BY ELECTRONIC DELIVERY."

**We urge the Committee to issue a Favorable report on HB 1274 with the amendment above.**