Hon. Mary Ellen Barbera   187 Harry S. Truman Parkway
  Chief Judge   Annapolis, MD 21401

MEMORANDUM

TO: House Environment and Transportation Committee
FROM: Legislative Committee
                    Sara Elalamy
                    410-260-1561
RE: House Bill 785
                    Landlord and Tenant – Commencement of Action to Repossess for
                    Failure to Pay Rent – Required Notice and Grace Period
DATE: February 1, 2021
                    (2/16)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 785. This bill requires a landlord or a duly authorized agent of a landlord to provide written notice to a tenant by first-class mail, return receipt requested if the landlord desires to repossess for failure to pay rent; and specifies that a landlord or duly authorized agent of a landlord may file a written complaint to repossess for failure to pay rent no sooner than 10 days after the tenant receives written notice that the rent is unpaid.

The bill language is ambiguous. On page two, lines six through ten provides "A landlord or the landlord's duly qualified agent or attorney may file the landlord's written complaint under oath or affirmation no earlier than 10 days after the date that the tenant receives the written notice required under paragraph (1) of this subsection, in the district court of the county wherein the property is situated." The bill requires waiting for ten days after the tenant receives written notice, but the landlord may not know when the tenant receives notice. In addition, the tenant may willfully avoid notice and the bill does not provide guidance for those situations.

This bill also inappropriately places on District Court clerks the burden of knowing, before accepting a filing for failure to pay rent, whether a landlord provided sufficient notice to a tenant. The bill does not specify how a clerk, to whom such a filing would be presented by the landlord, would know if and when the tenant received such notice.

cc.   Hon. Jen Terrasa
         Judicial Council
         Legislative Committee
         Kelley O'Connor