

HB 151 - Real Property – Residential Leases – Notification of Rent Increases  
Hearing before the House Judiciary Committee on January 19, 2023

Position: SUPPORT w Amendments

Hello,

My name is Michael English, and I'm writing to support this bill and the intent behind it, but to make my support somewhat contingent on a few amendments/considerations.

I am all for the main thrust of this bill, to give renters ample time to learn about and respond to a significant rent increase. However, I have a few concerns with the bill as it is currently written.

- From the wording, I am concerned that leases that are currently month to month, or currently 1 year or more and renters would be notified of an option under 1 year, would not qualify. I think this would create an incentive for landlords to offer leases less than 12 months, and would urge language to correct this loophole.
- While I understand the desire to give multiple options in method of communication, I am deeply concerned that allowing landlords to provide notice by email, and not requiring mail/ certified mail in all cases, could lead to message being lost in spam, or claims that messages that were sent were not in fact sent. Email as a supplemental option is fine, but it is no substitute for a more standard form of communication to the very place there the tenant is renting.

To that end, I support HB 151 with the amendments provided below:

(1) clarify that the provision should apply to any residential lease or tenancy in which the landlord is seeking to increase the rent by more than 4%, (2) requiring any notice of the rent increase to be sent by first-class mail with certificate of mailing, (3) changing the length of the notice to be 30 days beyond the notice to vacate already required by law, i.e., currently 60 days for month-to-month and 90 days for year-to-year, and (4) ensuring that this does not preempt any local legislation that has more stringent provisions around rent increases.

I urge the Committee to issue a Favorable with Amendments report on HB 151.

Proposed Amendments:

8-209

(A) THIS SECTION APPLIES ONLY TO A RESIDENTIAL LEASE OR TENANCY FOR A TERM

OF AT LEAST 1 YEAR.

(B) A LANDLORD SHALL NOTIFY A TENANT IN WRITING OR THROUGH E-MAIL AT

LEAST 120 DAYS BEFORE INCREASING THE TENANT'S RENT BY MORE THAN 4%.

(C) THE NOTICE OF RENT INCREASE SHALL BE SENT TO THE TENANT BY FIRST-CLASS

MAIL WITH CERTIFICATE OF MAILING AND PROVIDED

(1) FOR A LEASE FOR A TERM 1 YEAR OR GREATER, AT LEAST 120 DAYS BEFORE THE EXPIRATION OF THE LEASE;

(2) FOR A MONTH-TO-MONTH TENANCY, AT LEAST 90 DAYS BEFORE THE EXPIRATION OF THE TENANCY; AND

(3) IN THE CASE OF WEEK-TO-WEEK TENANCIES, 28 DAYS BEFORE THE EXPIRATION OF THE TENANCY.

(D) THIS SECTION SHALL NOT SUPERCEDE ANY LOCAL LAW OR ORDINANCE OF COMPARABLE SUBJECT MATTER.