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HB 1076: Residential Real Property - Landlord and Tenant - Notice of Landlord Entry

Hearing before the House Environment and Transportation Committee on February 25, 2025

Position: SUPPORT (FAV)

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. The PJC actively works towards instigating systemic changes to establish a society founded on justice. PJC seeks the Committee's **Favorable report on HB 1076** as it is a critical measure to ensure that our returning Maryland residents are given an equitable opportunity to secure housing.

HB 1076 closes a significant gap in Maryland's landlord-tenant laws. Unlike 38 other jurisdictions, including the District of Columbia and Virginia, Maryland does not have any state law that addresses when a landlord may enter a residential property.¹ This gap in the law leads to unnecessary disputes between landlords and tenants. By closing this gap, we can create a more safe and harmonious rental experience for both landlords and tenants.

HB 1076 requires that Landlords will need to provide 48 hours' notice to tenants prior to entry, except in the case of genuine emergencies. It further provides that in most circumstances, a landlord must enter during normal daytime hours and for a specific legitimate reason.

Maryland law specifies that a lease for real property contains an implied covenant of quiet enjoyment unless otherwise specified.² **However, this is oft challenged by landlords who view their rented out homes as their sole possessory interest and do not respect the tenant's interest nor their privacy.** Too many times, the PJC has represented tenant clients who have regaled us with stories of landlords inappropriately coming to the property unannounced demanding access to the unit without any kind of reason. Many times, landlords will just show up to the property and let themselves in causing increased frustration and tension between the two parties.

In addition, in most breach of lease cases or cases where the rental licensing of the property is an element for adjudication, notice of and denial of access to the property is a very important element of the case. By creating this 48 hour standard, no longer will the Court be forced to decide what is a reasonable amount of time of notice to enter the tenant's home. **HB 1076** will help landlords, tenants, and the Courts to avoid conflict by setting a clear standard of notice and acceptable purposes for entry.

¹ Prince George's County has its own local law regarding this issue. See Prince George's County Code § 13-155.

² Maryland Real Property Article § 2-115.

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Should a landlord or the landlord's agent violate these provisions, a tenant will be able to seek an injunction ordering the landlord to stop as well as monetary damages. This enforcement mechanism ensures that there are meaningful consequences for violation of the law. Additionally, tenants will be required to provide access within 48 hours of alleging a housing code violation. This ensures that landlords are able to access properties in a timely fashion to rectify tenants' concerns.

Out of 50 states and the District of Columbia, 38 jurisdictions have laws addressing when a landlord may enter a rented property. Other jurisdictions have these laws because they simply make sense. We urge you to add Maryland to this list and issue a favorable report on **HB 1076**.