

HB 1076 - Residential Real Property - Landlord and Tenant - Notice of Landlord Entry
Hearing before the House Environment and Transportation Committee
February 24, 2025
Position: FAVORABLE

Beyond the Boundaries is an Archdiocesan program that is devoted to educate and advocate for affordable housing and inclusionary housing in Baltimore City and the surrounding Counties. We are also a member of advocacy groups in Maryland who presses legislation to benefit tenants and homeowners. Consequently, Beyond the Boundaries has a position on those bills, including HB 1076.

House Bill 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.

House Bill 1076 balances the privacy rights of tenants with the needs of landlords to occasionally access a rented property. Landlords will need to provide 48 hours' notice to tenants prior to entry, except in the case of genuine emergencies.

House Bill 1076 further provides that in most circumstances, a landlord must enter during normal daytime hours and for a specific legitimate reason. These common-sense provisions will help both landlords and tenants during the term of a rental lease.

When a landlord rents a property, they contractually grant the tenant the exclusive right to occupy the property. Tenants reasonably believe that they are entitled to privacy in exchange for their obligations under the lease. Indeed, Maryland law specifies that a lease for real property contains an implied covenant of quiet enjoyment unless otherwise specified.² This means that tenants are entitled to reside in their homes without undue interference from the landlord or third parties.

Common sense dictates that there are some situations in which a landlord may need to enter a rented property. These include entry for the purposes of repairs, inspections, or showing the unit to a prospective tenant or buyer.

Such visits are not of an emergent nature and can be scheduled in advance. Many landlords will inform tenants of these visits in advance, but some do not. This can lead to conflict when a tenant is surprised by a landlord's visit, especially if the tenant works from home or takes care of children. And unfortunately, sometimes the surprise nature of a landlord's visit can take an unsavory turn, such as when a landlord repeatedly enters a rented property when a tenant is in a state of undress.

House Bill 1076 will help landlords and tenants avoid conflict by setting a clear standard of notice and acceptable purposes for entry. Importantly, House Bill 1076 contains an exception for emergent

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.

situations. No one wants to see a landlord prohibited from intervening when there is a true emergency, so the bill makes this exception.

Many landlords understand that it benefits them to have clear communication with tenants when there is a need to enter a rented property. For this reason, residential leases often contain a provision governing when the landlord may enter. Landlords, especially larger entities with their own attorneys writing their leases, often do this in the absence of a statutory requirement because they know it makes sense for them.

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 House Bill 1076.

Charles Michaels, Esq.

Program Manager

Beyond the Boundaries