



**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**

The Pro Bono Resource Center of Maryland (“PBRC”), an independent 501(c)(3) non-profit organization, is the statewide thought leader and clearinghouse for pro bono civil legal services in Maryland. As the designated pro bono arm of the MSBA, PBRC provides training, mentorship, and pro bono service opportunities to members of the private bar and offers direct legal services to over 6,200 clients annually.

In May 2017, with a grant from the Maryland Judiciary’s Access to Justice Department, PBRC launched the **Tenant Volunteer Lawyer of the Day (TVLD) Program** in Baltimore City Rent Court to provide day-of-court legal representation to tenants who appear unrepresented for their proceedings. Since then, this continually expanding Program has allowed PBRC staff and volunteer attorneys to represent thousands of low-income tenants in both Baltimore City and Baltimore County in multiple types of legal actions that could result in eviction.

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.

Many of PBRC’s clients report that their landlords intrude or attempt to intrude into their homes without providing any notice at all. This often occurs in the context of rent escrow cases, which are legal actions allowing tenants to enforce their right to safe and habitable housing. When a tenant takes their landlords to court, the landlord can easily escape accountability for neglect of their properties by simply claiming without evidence that they were unable to make repairs because the tenant did not allow access. Since landlords need not provide notice before entering under current law, tenants can find themselves surprised when their landlords are knocking at the door out of the blue. This is particularly burdensome for single parents and tenants who work from home. It is not surprising that this behavior leads to conflict between tenants and landlords.

Sometimes, a landlord’s repeated unexpected demand for access can take a more nefarious turn. A Staff Attorney at PBRC recently represented a client whose unlicensed landlord was attempting to evict her illegally. This client is a young

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.

woman who is a part of a small faith community. Her religious leader was also her landlord. In addition to the attempted illegal eviction and overall neglect of the property, he frequently would demand access to her room, which did not even have a locking door, when she was in a state of undress. This violated not only her basic right to human dignity but her sincerely-held beliefs regarding modesty between men and women. This client also confirmed to us that another young woman in her building had similar complaints. Our attorney had to advise her of the lack of protections under Maryland law against this sort of intrusion by landlords. When our attorney wrote to the landlord to caution him against his many violations of Maryland's landlord-tenant laws, she additionally notified him that her client demanded that this harassment stop. Notably, when the landlord later called the attorney to discuss the letter, he did not deny that he had perpetrated this unconscionable behavior.

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 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 and seek 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.

PBRC urges a FAVORABLE report on HB 1076.

Please contact Katie Davis, Director of PBRC's Courtroom Advocacy Project, with any questions.

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