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HB 1548 Real Property – Residential Lease – Terminology

Hearing before the House Economic Matters Committee on March 13, 2026

Position: Unfavorable

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. We represent or advise over 800 renter households each year, and we advocate to change laws to further a human right to housing.

While we appreciate the sponsor’s intent, Public Justice Center opposes HB 1458 because it would replace the well-defined and precise terms of “landlord” and “tenant” with the terms “rental property owner” and “resident” that are overbroad and confusing in this context. This change would create significant confusion for judges, landlords, tenants and attorney with no significant benefit.

Maryland caselaw developed over centuries is clear that not every “resident” is a “tenant.” Many individuals may reside at a property, yet unless they are named as tenants in a leasing agreement, they do not have contractual rights or a property interest. They cannot sue the landlord for a breach of contract solely because they reside in the property. They cannot defend against an eviction solely because they are a resident of the property. Residence alone does not give the occupant privity of contract or any other form of legally recognized interest. This does not even address the significant issues that arise when one tenant subleases their unit to another tenant. Does the subtenant then become a “sub-resident” and the lessor become a “sub rental property owner”?

Similarly, not all “landlords” are “rental property owners.” A property manager or another person who has the right to possession of the real property could lease the property to a tenant. In that situation, the person leasing out the property is the “landlord” or “lessor” but is NOT the rental property owner, i.e., the actual owner of the property.

There is caselaw in Maryland dating back centuries to define the terms “landlord” and “tenant” as well as “lessor” and “lessee” and the related questions of subleasing and assignation of rights. See e.g., *Copinol Rest., Inc. v. 26 N. Mkt. LLC*, 491 Md. 246 (2025); *Westminster Mgmt., LLC v. Smith*, 486 Md. 616, 312 A.3d 741 (2024); and *Smith v. Wakefield, LP*, 462 Md. 713 (2019).

Because “resident” and “rental property owner” are overbroad, HB 1458 will cause significant confusion for judges, landlords, tenants and their attorneys with no discernible benefit.

Public Justice Center asks that the Committee issue a **UNFAVORABLE** report on HB 1458.