

HOUSE BILL 1274

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4lr2821

By: **Delegate Wells**

Introduced and read first time: February 8, 2024

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Landlord and Tenant – Failure to Pay Rent – Evidence of Notice to Tenant**

3 FOR the purpose of requiring a landlord to include evidence in a complaint for repossession
4 of a residential premises for a failure to pay rent that the landlord provided the
5 tenant with certain notice; and generally relating to complaints for repossession for
6 a failure to pay rent.

7 BY repealing and reenacting, without amendments,
8 Article – Real Property
9 Section 8–401(a)
10 Annotated Code of Maryland
11 (2023 Replacement Volume)

12 BY repealing and reenacting, with amendments,
13 Article – Real Property
14 Section 8–401(c)
15 Annotated Code of Maryland
16 (2023 Replacement Volume)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That the Laws of Maryland read as follows:

19 **Article – Real Property**

20 8–401.

21 (a) Whenever the tenant or tenants fail to pay the rent when due and payable, it
22 shall be lawful for the landlord to have again and repossess the premises in accordance
23 with this section.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(c) (1) Before a landlord may file a complaint under this section, the landlord shall provide to the tenant a written notice of the landlord's intent to file a claim in the District Court against the tenant to recover possession of the residential premises if the tenant does not cure within 10 days after the written notice is provided to the tenant.

(2) The written notice required under paragraph (1) of this subsection shall be in a form created by the Maryland Judiciary and notice shall occur when the notice is:

(i) Sent by first-class mail, certificate of mailing;

(ii) Affixed to the door of the premises; or

(iii) If elected by the tenant, sent by electronic delivery in at least one of the following forms:

1. An e-mail message;

2. A text message; or

3. Through an electronic tenant portal.

(3) (i) A complaint for repossession filed in accordance with this section shall include [a]:

1. A statement that states and affirms the date on which the landlord provided the notice required under paragraph (1) of this subsection; AND

2. EVIDENCE THAT THE LANDLORD PROVIDED THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(ii) A tenant may challenge assertions made by a landlord under this paragraph, and the court may dismiss the landlord's complaint on a showing of sufficient cause.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.