

Proposed regulations for 05.22 Landlord and Tenant Regulations

Published in the Maryland Register on Friday, October 16, 2026, volume 53, Issue 21, pages 1043-1045 and Appendix A.

TITLE 05 Department of Housing and Community Development

Subtitle 22 [Tenant's Exclusive Negotiation Period and Right of First Refusal] Landlord and Tenant Regulations

Notice of Proposed Action (26-173-P):

The Secretary of Housing and Community Development proposes to:

- (1) Recodify existing COMAR 05.22.01 Procedure to be COMAR 05.22.01 Tenant's Exclusive Negotiation Period and Right of First Refusal; and
- (2) Adopt new Regulations .01-.07 under a new chapter, COMAR 05.22.02 Tenant's Optional Positive Rental Payment History Reporting.

Statement of Purpose:

The purpose of this action is to describe procedures and requirements for certain landlords to offer tenants option positive rental payment history reporting, required under Ch. 773, SB 335, Acts of 2026.

Estimate of Economic Impact:

The proposed action has no economic impact.

Economic Impact on Small Businesses:

The proposed action has minimal or no economic impact on small businesses.

Impact of Individuals with Disabilities:

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment:

Comments may be sent to Mira Morgan, Senior Policy Analyst, Office of Policy Development, Department of Housing and Community Development, 7800 Harkins Road, Lanham, Maryland 20706, or call 301-429-7788 or email mira.morgan@maryland.gov. These comments must be received by November 16, 2026. A public hearing has not been scheduled.

Regulations:**05.22.02 Tenant's Optional Positive Rental Payment History Reporting**

Authority: Housing and Community Development Article, § 5-104; Real Property Article, §8-208.4, Annotated Code of Maryland.

.01 Purpose.

The purpose of this chapter is to prescribe the policies and procedures relating to the tenant's positive rental payment history reporting as outlined in Real Property Article, §8-208.4, Annotated Code of Maryland.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) Complete and timely payment.

(a) “Complete and timely payment” means payment of the monthly rent in the full amount required by the lease, by the end of the final day of any grace period allowed under the lease or applicable law.

(b) “Complete and timely payment” includes instances in which a tenant made a complete and timely payment of periodic rent that was fully or partially applied to other amounts due.

(2) “Consumer reporting agency” means any person or entity that, for monetary fees or dues or on a cooperative nonprofit basis, regularly engages, in whole or in part, in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer credit reports to third parties.

(3) “Department” means the Department of Housing and Community Development, a principal department of the State.

(4) “Offer” means the written communication from a landlord to their tenant that provides the tenant with the option to have the tenant's positive rental payment history reported to at least one consumer reporting agency.

(5) Positive rental payment history.

(a) “Positive rental payment history” means information regarding a tenant’s complete and timely payments of rent.

(b) “Positive rental payment history” does not include an instance in which a tenant did not completely or timely make a rental payment.

(6) “Reporting service provider” means any person or entity that, on behalf of a landlord, furnishes positive rental payment history to a consumer reporting agency.

(7) “Secretary” means the Secretary of Housing and Community Development.

.03 Notice and Offer Requirements for Tenant’s Positive Rental Payment History Reporting.

A. landlord that owns six or more residential rental units in the State, including any residential rental units that the landlord owns or controls in whole or in part, directly or indirectly, or through one or more legal entities, shall include in a written lease the option to have the tenant’s positive

rental payment history reported to at least one consumer reporting agency, selected by the landlord. The offer made in a written lease includes any writing into or attached to the lease.

B. For a lease entered into on or after October 1, 2026, the offer of positive rental payment history reporting shall be made at the time of the lease agreement and at least once annually thereafter.

(1) At the time of the lease agreement, the offer may be included in the body of the lease or as an attachment to the lease or may be made through a separate document.

(2) Subsequent annual offers shall be made through a separate document and provided consistent with Regulation .04 of this chapter.

(3) Subsequent annual offers shall not be required if the tenant is already enrolled in positive rental payment history reporting.

C. For leases entered into before October 1, 2026, the offer of positive rental payment history reporting shall be made not later than January 1, 2027, and at least once annually thereafter.

D. A landlord shall deliver the offer to the tenant by:

(1) First-class U.S. Mail, with a certificate of mailing;

(2) A delivery service providing delivery tracking and confirmation; or

(3) Electronic delivery, if the tenant has elected to receive notices from the landlord in this manner. At any time, the tenant may elect to receive positive rent reporting notices by electronic delivery.

E. If the offer is made by first-class U.S. mail or a delivery service, the landlord shall provide the tenant with a self-addressed, stamped envelope to return the written election of positive rental payment history reporting. Postage and delivery costs may not be charged to the tenant.

F. A tenant may submit the tenant's completed written election at any time after the tenant receives the offer from the landlord. The tenant may submit the completed written election either by:

(1) The method by which the landlord delivered the offer;

(2) First-class U.S. Mail; or

(3) Any other reasonable method specified by the landlord.

G. The landlord shall begin reporting to the consumer reporting agency or agencies, beginning with the next positive rental payment, after receipt of the written election form, upon receiving written notice of the tenant's election to participate in positive rental payment history reporting and when approved by the consumer reporting agency or agencies to furnish such information. A landlord shall be in compliance with this section if it reports positive rental payment history to a consumer reporting agency or agencies through a third-party whose primary business is to report rental payment information to consumer reporting agencies.

H. A tenant may request additional copies of the written election of positive rental payment history reporting or the opt-out form from the landlord at any time. A landlord that receives a request from a tenant for additional copies of the written election form or the opt-out form shall comply with the request. A landlord that receives a request from a tenant for additional copies of either form may not charge the tenant a fee for copies or delivery of the copies.

I. If positive rental payment reporting is stopped, either through the tenant opting out or through non-payment of reporting fees, the landlord shall provide written notice that reporting has ceased. The notice shall include the earliest date that the tenant may opt back into reporting.

.04 Form of Offer of Positive Rental Payment History Reporting.

A. The offer delivered to tenants under this chapter shall be in the form provided in Appendix A of this chapter, subject to the provisions of §B of this regulation.

B. The Department may, with the approval of the Secretary, edit or amend the form provided in Appendix A of this chapter to facilitate compliance with Real Property Article, §8-208.4, Annotated Code of Maryland, or other applicable law, as appropriate.

C. The form shall allow the tenant to participate by electronic signature, consistent with Maryland's Uniform Electronic Transactions Act and the federal E-SIGN Act, at any time.

D. A reporting service provider, or another agent acting on behalf of a landlord under this chapter, shall not be liable under this chapter for reasonable reliance on a landlord's representation regarding a tenant's consent, eligibility, or elected delivery method.

E. If, before October 1, 2026, a tenant has provided documented consent to reporting rent payment information to one or more consumer reporting agencies, including by prior enrollment by

application, lease, contract, or electronic enrollment with a reporting service provider, the landlord may report positive rental payment information without additional enrollment action, once the offer is provided to tenant, where such offer is made no later than January 1, 2027. The tenant retains the right to opt out at any time.

.05 Reporting Fee.

A. If a tenant elects to have positive rental payment history reported to a consumer reporting agency, the landlord may require that the tenant pay a fee not to exceed the lesser of the actual cost to the landlord to provide the reporting service or \$10 per month. Upon request by a tenant or by the Department, the landlord shall provide documentation of the actual costs incurred by reporting positive rental payments.

B. The tenant's payment or nonpayment of a reporting fee may not be reported to a consumer reporting agency.

C. The reporting fee is not rent and may not be credited towards full or partial satisfaction of rent or any other obligation under the tenant's lease.

D. Any unpaid reporting fees may not be withheld from a tenant's security deposit.

E. If a tenant fails to pay any reporting fee required by the landlord for 30 days or more:

(1) The landlord may stop reporting the tenant's complete and timely rental payments; and

(2) The tenant may not elect positive rental payment history reporting for a period of at least six months after the date on which the fee first became due.

.06 Tenant Opt-Out.

A. For tenants that elect to participate in positive rental payment history reporting, the landlord shall report all timely and complete rental payments for each rental period after receiving the written election form, until the tenant opts out of reporting.

B. Within five business days of receiving an opt-out form from the tenant, the landlord shall cease to furnish new positive rental payment history in the next regular reporting cycle.

C. A tenant who elects to have reporting stopped may not elect positive rental payment history reporting again for a period of at least six months after the date of the tenant's written request to

have reporting stopped.

.07 Relation to Other Laws; Existing Agreements.

A. The procedural requirements of this chapter are in addition to the procedural requirements of any other applicable provision of law.

B. A landlord may satisfy any obligation under this chapter through a reporting service provider or another agent. Performance by such provider or other agent constitutes performance by the landlord, and the landlord remains responsible for compliance with this chapter.

APPENDIX A:

Offer of Positive Rental Payment History Reporting

The owner of your rental property offers positive rental payment history reporting to consumer reporting agencies. Under Maryland law, your landlord must present you with the option to report your positive rental payment history to consumer reporting agencies. This allows your complete and timely rent payments to contribute to your credit report. The reporting **does not include any instances in which you did not make a complete or timely rental payment.** If you opt in to positive rental payment history reporting, only your complete and timely rent payments will be reported. In most cases, it will take about 45-60 days for reported rent payments to appear on your credit report. For example, a resident's October 1 payment should appear on their credit report by December 1.

This reporting is entirely optional. If you are already enrolled in positive rent payment history reporting, you do not need to re-enroll. Please read the information below carefully, and complete and return the form on Page 2 to your landlord if you choose to opt into positive rental payment history reporting.

You may elect to participate in positive rental payment history reporting at any time during your tenancy. Additionally, you may elect to stop reporting at any time. If you stop positive rental payment history reporting, you must wait at least six (6) months before reporting can be resumed.

If you choose to stop reporting after having opted in previously, you must complete and return the form on Page 3 to your landlord.

If you elect to participate in positive rental payment history reporting, your landlord will report your positive rental payment history to the following consumer reporting agency/agencies (in the space below, landlord should indicate which agency/agencies they will be reporting to):

- Equifax
- TransUnion
- Experian
- Other: _____

If you sign up for positive rental payment history reporting, your landlord may charge a monthly reporting fee. Maryland law limits this fee to equal your landlord's actual cost, with a maximum of \$10 per month. Your landlord will tell you the exact amount of this reporting fee. If you fail to pay the monthly reporting fee for 30 days or more, your landlord may stop reporting your complete and timely rental payments.

Tenant Written Election Form Positive Rental Payment History Reporting

Instructions: Check the box below to indicate that you wish to opt into the positive rental payment history reporting. Sign and return to your landlord for reporting to take effect. You may return this form to your landlord either by the method by which this offer was delivered to you, First-class U.S. Mail, or any other return methods offered by your landlord.

One written election form must be submitted per person opting-in. If you are already enrolled in positive rent payment history reporting, you do not need to re-enroll. All adults on your lease can enroll in positive rental payment history reporting, but each person must opt-in themselves for the complete and timely rent payments to show up on their credit report. This means that you, as an individual, can enroll, and other tenants can come to their own decision about opting-in.

Important: Positive rental payment history reporting means your complete and timely rent payments will contribute to your credit report. The reporting **does not** include any instances in which you did not make a complete or timely rental payment. If you opt in, **only your complete and timely rent payments will be reported**. In most cases, it will take about 45-60 days for reported rent payments to appear on your credit report. Participating in positive rental payment history reporting is optional. You may opt in at any time. Additionally, you may stop reporting at any time. If you stop positive rental payment history reporting, you must wait at least six (6) months before reporting can be resumed.

I elect to participate in positive rental payment history reporting.

Printed Name

Signature

Date

Information about positive rental payment history reporting is available online at the Maryland Department of Housing and Community Development's [Office of Tenant and Landlord Affairs website](#).

Tenant Opt-Out Form Positive Rental Payment History Reporting

Instructions: Check the box below to indicate that you previously elected to participate in positive rental payment history reporting with your current landlord AND would like to stop reporting at this time. Sign and return to your landlord for positive rental payment history reporting to terminate. You may return this form to your landlord either by the method by which this offer was delivered to you, First-class U.S. Mail, or any other return methods offered by your landlord.

All adults on your lease can opt in and subsequently opt out of positive rental payment history reporting, but each person who previously enrolled in reporting must opt out themselves to stop your complete and timely rental payments from contributing to their credit report. This means that you, as an individual, can enroll and later opt out, and other tenants can come to their own decision about participating.

Important: Positive rental payment history reporting means your complete and timely rent payments will contribute to your credit report. The reporting **does not** include any instances in which you did not make a complete or timely rental payment. If you opt in, **only your complete and timely rent payments will be reported**. Participating in positive rental payment history reporting is optional. You may stop reporting at any time. If you stop positive rental payment history reporting, you must wait at least six (6) months before reporting can be resumed.

I previously opted into positive rental payment history reporting but no longer want to participate. I understand that I may not re-enroll in positive rental payment history reporting for six months from the date on this form.

Printed Name

Signature

Date

Information about positive rental payment history reporting is available online at the Maryland Department of Housing and Community Development's [Office of Tenant and Landlord Affairs website](#).