

Department of Legislative Services  
Maryland General Assembly  
2021 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1282 (Delegate Grammer)  
Environment and Transportation

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Real Property – Nuisance Actions – Rodent Harborage

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This bill authorizes a plaintiff to bring a nuisance action for damages caused by rodent harborage against a property owner. “Rodent harborage” means a condition that (1) provides sustenance or shelter for mice or rats or promotes their reproduction and continued existence on a property and (2) creates or contributes to property damage; is injurious to the public health, safety, or welfare of the property owners; or obstructs the reasonable use of property. The court may award compensatory damages and punitive damages to a prevailing plaintiff. The bill’s rights and remedies are in addition to any other rights or remedies that may exist at law or in equity.

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Fiscal Summary

**State Effect:** The bill is not anticipated to materially affect State government operations or finances.

**Local Effect:** The bill is not anticipated to materially affect local government operations or finances.

**Small Business Effect:** Potential meaningful.

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Analysis

**Current Law:** Statutory provisions establish causes of actions to abate a nuisance in specified circumstances. For example, a civil action to abate a nuisance based on criminal activity at a property may be brought in the District Court by (1) the State’s Attorney of the county in which the nuisance is located; (2) the county attorney or solicitor of the county in which the nuisance is located; (3) a community association within whose boundaries the

nuisance is located; or (4) a municipal corporation within whose boundaries the nuisance is located. The action may be brought against (1) a tenant of the property where the nuisance is located; (2) an owner of the property where the nuisance is located; or (3) an operator of the property where the nuisance is located. Before filing an action, specified notice and timeliness requirements must be met.

Statutory provisions also establish causes of action for nuisance abatement in broader circumstances within Anne Arundel, Baltimore, Harford, and Prince George’s counties and Baltimore City. In such provisions, “nuisance” generally includes an act or condition created, performed, or maintained on private property that constitutes a local code violation and that meets specified adverse conditions, such as being injurious to the public health, safety, or welfare of neighboring residents. Such actions are generally authorized to be brought by the State’s Attorney, the county attorney, and/or a community association within whose boundaries the nuisance is located, as specified.

Statutory provisions generally authorize injunctive and other equitable relief, among other specified remedies.

**Small Business Effect:** Small business owners are subject to increased civil liability due to the nuisance actions created under the bill.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Harford, Montgomery, Talbot, and Wicomico counties; Judiciary (Administrative Office of the Courts); Department of Legislative Services

**Fiscal Note History:** First Reader - February 28, 2021  
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