

**Department of Legislative Services**  
Maryland General Assembly  
2024 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 402 (Delegate Grammer)  
Environment and Transportation

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**Real Property - Nuisance and Breach of Lease Actions - Rodent Harborage**

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This bill authorizes an individual to bring a nuisance action for damages caused by “rodent harborage” against a property owner, owner’s agent, or owner’s property manager; an action may not be brought if the property is zoned for agricultural use and actually and primarily used as an agricultural property. “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 bill also authorizes a landlord to bring a breach of lease action against a tenant for behavior that causes or contributes to rodent harborage. The court may award compensatory damages, punitive damages, or injunctive relief to a prevailing party. 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 does not materially affect State operations or finances.

**Local Effect:** Potential increase in local expenditures for jurisdictions that operate public housing. No material impact on revenues.

**Small Business Effect:** Potential meaningful.

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## Analysis

### Current Law:

#### *Nuisance Abatement*

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.

#### *Action to Repossess Property – Breach of Lease*

Generally, when a lease allows a landlord to repossess a property because a tenant breaches the lease, the landlord may file a complaint in the District Court of the county where the property is located if specified requirements are met. Once the tenant breaches the lease, the landlord is generally required to give the tenant 30 days' written notice that the tenant is in violation of the lease and the landlord wants to repossess the premises. However, the landlord is required to give only 14 days' written notice of a violation of the lease and that the landlord wants to repossess the premises if the violation involves dangerous behavior by a tenant or another person on the property with the tenant's consent. The behavior must demonstrate a clear and imminent danger of the tenant or person doing serious harm to himself/herself, other tenants, the landlord, the landlord's property or representatives, or

any other person on the property. Once the notice period expires, the landlord may file the complaint if the tenant or person in actual possession refuses to comply.

Generally, if the court determines that the tenant breached the terms of the lease and that the breach was substantial and warrants an eviction, the court must order a judgment against the tenant/person in possession and order the sheriff to give possession of the premises to the landlord.

**Local Expenditures:** Local expenditures may increase to the extent that local housing authorities incur costs associated with the nuisance actions authorized under the bill. For example, although Baltimore City did not respond to a request for information regarding the fiscal and operational impact of the bill, for similar legislation in prior years, it indicated that the Housing Authority of Baltimore City may incur costs associated with the defense of nuisance claims.

**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**

**Recent Prior Introductions:** Similar legislation has been introduced within the last three years. See HB 841 of 2023; HB 263 of 2022 and HB 1282 of 2021.

**Designated Cross File:** None.

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

**Fiscal Note History:** First Reader - February 11, 2024  
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