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The Honorable Kumar P. Barve, Chairman
House Environment and Transportation Committee
Room 251 House Office Building
Annapolis, MD. 21401

RE: House Bill 1282 - Real Property – Nuisance Actions – Rodent Harborage - UNFAVORABLE

Dear Chairman Barve and Members of the Committee,

I am writing on behalf of my client, the Building Owners and Managers Association of Greater Baltimore (BOMA), in opposition to House Bill 1282.

BOMA, through its nearly 300 members, represents owners and managers of all types of commercial property, comprising 143 million square feet of office, industrial and mixed use space in Baltimore and Central Maryland. BOMA members' facilities support over 19,000 jobs and contribute \$2.5 billion to the Maryland economy each year.

In urban settings such as those where most of the commercial office buildings of BOMA members are located, dealing with rodents is an unpleasant fact of life. Local governments in Maryland and elsewhere have enacted statutes addressing this problem, and often include rigorous compliance efforts. See, for example, Baltimore City Property Maintenance Code Sections 304.28, 305.4, and 307.7. In Maryland, dealing with problems caused by rodents has historically been the exclusive responsibility of local governments.

House Bill 1282 adds new obligations in this area and places those obligations solely on property owners. As a remedy for this new offense at the State level, a nuisance action may be brought against a property owner.

For commercial property owners, this represents a potentially unfair burden. For example, if damages are caused by rodent harborage – a defined term in the bill – a nuisance action may be brought against the property owner. What if a commercial tenant in a multi-tenant building creates the problem? Or, what if the rodent harborage actually arises from an adjoining property? Additionally, the bill would presumably allow a plaintiff to bring the action even if the plaintiff does not directly suffer injury from the condition, since the bill does not specify the property damage that would give rise to the action.

Furthermore, a court may award both compensatory and punitive damages to a plaintiff under the proposed statute. This provision would simply encourage frivolous litigation and would serve no purpose in achieving the bill's real goal, which is to reduce the incidents of rodent harborage. For these reasons, we respectfully request an unfavorable report on House bill 1282.

Very truly yours,



Bryson F. Popham, Esq.

cc: The Honorable Robin L. Grammar, Jr. Robin.Grammer@house.state.md.us
Kevin J. Bauer