



Bill Title: Senate Bill 1031, Civil Actions - Lead Poisoning - Liability and Statute of Limitations (Maryland Lead Poisoning Compensation Act)

Committee: Judicial Proceedings Committee

Date: March 7, 2024

Position: Unfavorable

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose members consist of owners and managers of more than 210,000 rental housing homes in over 958 apartment communities. Our members house over 538,000 residents of the State of Maryland. MMHA also represents over 250 associate member companies who supply goods and services to the multi-housing industry.

Senate Bill 1031 allows an action for compensatory and noneconomic damages for injuries sustained due to lead poisoning allegedly caused by lead-based paint hazards on a property may be filed at any time. The owner or manager of a property is strictly liable for compensatory and noneconomic damages caused by lead poisoning arising from lead-based paint hazards on the property at the time of ownership of the property. Limitations on noneconomic damages do not apply. The bill does permit an affirmative defense to a claim that an owner or manager of a property was compliant with requirements for lead-affected properties at the time of the plaintiff's alleged exposure to lead-based paint hazards on the property.

Lead poisoning claims follow the same time limits as many other types of personal injury claims under Maryland law. Generally, individuals have three years from the date of the incident that led to their injuries in which to file their lead poisoning claims. Children who suffer injuries from lead poisoning as minors, however, are subject to different rules. Once children turn 18, they have three years to file their claims. Unfortunately, most insurance policies contain lead exclusions. Responsibility for paying any judgments would rest with the individual property owners.

MMHA has the following objections to Senate Bill 1031:

1. Fairness and Due Process: Statutes of limitations exist to ensure that legal actions are brought within a reasonable time frame, allowing defendants to mount a proper defense while evidence and witnesses are still available. Removing these limitations could unfairly burden defendants with defending against old and possibly unreliable claims.
2. Preservation of Evidence: Over time, evidence can degrade or become lost, making it difficult to ascertain the accuracy of claims. Preserving evidence is crucial for both parties to ensure a fair trial. Without a statute of limitations, evidence preservation becomes more challenging.



3. Encouraging Prompt Action: Statutes of limitations incentivize plaintiffs to pursue their claims in a timely manner, prompting swift resolution and preventing unnecessary delays in the legal process. Eliminating these limitations could lead to a backlog of cases and increased litigation costs.
4. Legal Certainty: Having a clear time frame within which legal actions must be initiated provides certainty for both plaintiffs and defendants. Eliminating the statute of limitations could create uncertainty and instability in the legal system, leading to prolonged legal battles and increased costs for all parties involved.
5. Potential for Abuse: Without a statute of limitations, plaintiffs could bring claims based on events that occurred many years or even decades in the past, making it difficult for defendants to gather evidence or mount a defense. This opens the door to potential abuse of the legal system.
6. Public Policy Considerations: Statutes of limitations are often based on public policy considerations, such as promoting finality and closure in legal disputes. Eliminating these limitations could undermine these policy goals and have broader implications for the legal system as a whole.

Overall, while it is important to ensure that victims of lead paint exposure have access to justice, completely eliminating the statute of limitations in lead paint cases could raise significant practical and legal concerns. Finding a balance that allows victims to pursue legitimate claims while also protecting the rights of defendants and promoting fairness in the legal system is essential. This is what the current system allows. MMHA urges that this is not disturbed.

For these reasons, we respectfully request an unfavorable report on Senate Bill 1031.

Aaron J. Greenfield, MMHA Director of Government Affairs, 410.446.1992