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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of SB0125**  
**Real Property - Limitations on Summoning Law Enforcement or Emergency Services -**  
**Prohibition**

This bill would close an accidental loophole in legislation we previously enacted to protect residents from eviction.

In the 2023 legislative session, the General Assembly passed SB0450 to ensure that Marylanders can summon police or medical services during an emergency. That legislation sought to prohibit local governments from using local ‘nuisance laws’ to penalize landlords and tenants solely for the act of summoning police or emergency assistance.

A handful of local jurisdictions have laws on the books to penalize property owners for repeated calls for police, fire, or EMS service to their property. These nuisance laws subject the landlord or property owner to a fine and possible loss of their rental license if the police are called out to a property more than a certain number of times within a specified timeframe.

The intent of the 2023 bill was to prohibit local governments from enacting and enforcing such a law. I testified to that end before this committee, as did other witnesses. However, based on the way the 2023 law was ultimately written, local governments are prohibited only from *enacting*, but not from *enforcing*, such nuisance laws.

This issue came to light when Carroll County enacted a new local nuisance law shortly before the state law was set to take effect. In response, I sought guidance from the Maryland Attorney General. The advice letter I received stated: “In my view, the legislative history behind Ch. 769 reveals a clear intent by the General Assembly to preempt both local enactment and *enforcement* of local laws and ordinances that establish a threshold of requests or penalties for summoning law enforcement or emergency services to a residential property, rather than exclusively prohibiting future enactment of such local laws but otherwise allowing local jurisdictions to enforce any such ordinances enacted prior to the effective date of the Act.”<sup>1</sup>

This bill seeks to clarify the intent of the General Assembly and the law we passed in 2023 to ensure that every Marylander has access to emergency services without fear of retaliation by their landlord or local government.

Per the Fiscal Note, SB0125 is not anticipated to materially affect State operations or finances.

**Background on Local Nuisance Laws**

<sup>1</sup> Advice letter from Jeremy M. McCoy, Assistant Attorney General, September 27, 2023.

In Maryland, four municipalities and one county are enforcing nuisance laws that are not in compliance with the 2023 state prohibition.<sup>2</sup> Some of these local laws allow for fines to be assessed against a property owner for as few as two calls for emergency service. Notably, minor infractions such as littering, alcohol violations, and noise violations are sufficient grounds under some local laws to initiate penalties, which can result in the eviction of the tenant.

No one wants to live next to neighbors involved in criminal activity, but local nuisance laws often create unintended consequences. These laws can deter residents from calling the police during emergencies out of fear of retaliation from their landlord. In many cases, landlords choose to evict tenants after just one call for police assistance, even when the tenant is entirely innocent and the victim of a crime. Even when nuisance ordinances do not explicitly mandate eviction, landlords frequently take this step to safeguard their business and income, perpetuating a cycle of vulnerability and injustice for tenants.<sup>3</sup>

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<sup>2</sup> Carroll County, City of Frederick, Hagerstown, Manchester, and Smithsburg are not in compliance with state law. Note: Harford County does not enforce its local law, according to its State's Attorney's office. The following jurisdictions also have local nuisance laws, but they are in compliance with the 2023 state law: Anne Arundel, Baltimore City, Baltimore County, Prince George's County, Brunswick, College Park, Hampstead, Union Bridge, and Westminster.

<sup>3</sup> "Silencing Women's Voices: Nuisance Property Laws and Battered Women." G. Arnold & M. Slusser, Journal of the American Bar Foundation (2015).