

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 263 (Delegate Grammer)
Environment and Transportation

Real Property – Nuisance Actions – Rodent Harborage

This bill authorizes a plaintiff to bring a nuisance action for damages caused by rodent harborage against a property owner, unless the rodent harborage occurs on property zoned for agricultural use. “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.

Fiscal Summary

State Effect: The bill does not materially affect State government operations or finances.

Local Effect: Potential increase in local expenditures for jurisdictions that operate public housing. Revenues are not affected.

Small Business Effect: Potential meaningful.

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.

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, the Housing Authority of Baltimore City (HABC) notes that the bill does not include notice provisions or an opportunity to cure that would allow it to address a situation before being sued. Accordingly, HABC advises that it may incur costs associated with the defense of such claims.

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

Additional Information

Prior Introductions: HB 1282 of 2021, a similar bill, received a hearing in the House Environment and Transportation Committee, but no further action was taken.

Designated Cross File: None.

Information Source(s): Baltimore City; Harford and Montgomery counties; Office of the Attorney General (Consumer Protection Division); Judiciary (Administrative Office of the Courts); Department of Legislative Services

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