



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

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January 30, 2022

The Honorable Kumar P. Barve
Environment & Transportation Committee
Room 251, House Office Building
Annapolis, Maryland 21401

RE: Maryland Legal Aid Written Testimony in Support of HB 263 – Real Property – Nuisance Actions – Rodent Harborage

Dear Chair Barve and Members of the Committee:

Thank you for the opportunity to testify in support of HB 263. Maryland Legal Aid (MLA) is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. MLA's 12 offices serve residents in each of Maryland's 24 jurisdictions. MLA handles various civil legal matters, including family law, housing, public benefits, consumer law (e.g., bankruptcy and debt collection), and criminal record expungements to remove barriers to obtaining child custody, housing, a driver's license, and employment. Maryland Legal Aid supports HB 263 and asks that the committee give it a favorable report with the amendments outlined below.

This letter serves as notice that Harrison Mont, Esq. will testify in support of House Bill 263 on behalf of MLA at Delegate Robin Grammar's request. This bill allows an individual to bring a nuisance action against a property owner whose property is infested with rodents. An injured party would be able to seek compensatory and punitive damages if the harborage of rodents is a threat to health or safety or interferes with the reasonable use of the property.

Rodent infestations spread dangerous diseases. According to the CDC, rats, and mice spread over 35 diseases.¹ The diseases spread through rodent contact, exposure to rodent droppings, or rodent bites. Infected rodents may also indirectly infect individuals through the transfer of vermin such as fleas, mites, and ticks. In addition, when rodents continue to live in a property, they begin to spread to neighboring properties, exponentially increasing the risk of disease to other individuals. Because of this great risk of disease, owners must take reasonable actions to prevent rodent infestations and conduct rodent abatement at the first sign of infestation.

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MLA advocates deal with far too many tenants who have experienced rodent issues. Currently, tenants use the rent escrow action to compel the landlord to repair dangerous conditions like rodents. A tenant asks the court to withhold the rent they would otherwise pay the landlord through rent escrow. The court holds that money in escrow until the property passes inspection and is no longer considered a threat to health or safety. The money is generally returned to the landlord as soon as the property passes inspection. While this does provide some relief, many landlords can pass inspection by providing inadequate abatement that does not remove the rats or allow the rats to return soon after. The landlord is not incentivized to make the abatement last because the court cannot grant punitive damages under the rent escrow statute. In addition, under the rent escrow statute, a landlord is not responsible for rodent infestation unless over two units have been impacted. This means that tenants of single-family homes have no means to correct rat infestations through escrow. HB 263 would correct these issues, allowing the courts to punish bad-faith actors and make it unprofitable for such owners to rent out rodent-infested properties.

Many MLA clients have become all too accustomed to rodent infestations. The rodents are so prevalent that many tenants accept the rodents as an unfortunate reality. These tenants have families, some with small children that are particularly vulnerable to the diseases that rodents spread. HB 263 would help protect these vulnerable citizens, improving health and housing conditions throughout Maryland.

Thank you for considering this written testimony. MLA urges a favorable report on HB 263.

/s/ Harrison Mont

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¹ <https://www.cdc.gov/rodents/index.html>