



Bill No: HB 402—Real Property- Nuisance Actions- Rodent Harborage

Committee: Environment and Transportation

Date: 2/13/2024

Position: Unfavorable

The Apartment and Office Building Association of Metropolitan Washington (AOBA) represents members that own or manage more than 23 million square feet of commercial office space and 133,000 apartment rental units in Montgomery and Prince George's Counties.

House Bill 402 permits a nuisance action against a property owner for damages caused by rodent harborage. The court may award compensatory and punitive damages to a prevailing plaintiff. This bill also includes a provision where a housing provider can take a resident to court for behavior that contributes to rodent harborage.

This bill would effectively hold a property owner responsible for a rodent issue despite the conduct of a resident in a rental unit. Housing providers work hard to provide safe, habitable, high-quality housing, that is free of rodent harborage and pests. Moreover, the state and local governments have strict regulations ensuring that rodent infestation does not occur by revoking rental licensure and fining properties daily if not remediated.

AOBA appreciates the bill sponsor for listening to the industry's concerns and making amendments to make the bill balanced. However, subjecting the property owner to compensatory and punitive damages for conduct outside their control is patently unfair. Also, how is the cause of the rodent infestation to be determined? AOBA members take precautions to prevent rodent harborage on their properties through frequent inspections and following up on issues reported by residents but, if a resident never reports a rodent issue and the issue is not community-wide, how can a property owner be held responsible? This legislation does not address the problem of rodents, it only shifts the blame to housing providers.

For these reasons AOBA requests an unfavorable report on HB 402.

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