



SANTONI, VOCCI & ORTEGA LLC

201 W. Padonia Rd. Ste. 101A Lutherville – Timonium, MD 21093

Telephone: 443-921-8161 • Facsimile: 410-525-5704

www.svolaw.com

HB 402 - Real Property - Nuisance and Breach of Lease Actions - Rodent Harborage

**Hearing before the House Environment and Transportation Committee,
Feb. 13, 2023 at 1:00PM**

Position: OPPOSE (UNFAV)

Santoni, Vocci & Ortega, LLC urges you to move unfavorable on HB 402. If passed, HB 402 improperly shifts the burden of maintaining a rental property to the tenant, which is not in keeping with many local laws across Maryland. Tenants already face an uphill burden in court, as most are unrepresented and face a well-heeled landlord or property management company with counsel. HB 402 would only further the imbalance of power.

Santoni, Vocci & Ortega, LLC is a private tenants' rights firm, representing tenants living in uninhabitable conditions, tenants who have been the subject of an illegal eviction or debt collection violations. We have represented hundreds of tenants with rodent infestations. Often, the tenants allege in their cases that the property management and/or landlord does not want to put forth the money to actually fix the problem, which involves exterminating all units with an infestation as well as the touching units due to the fact that rodents easily travel between units.

In most jurisdictions, the local law makes it clear that the owner of a rental property, particularly a multi-family dwelling, is responsible for keeping the dwelling rodent-proof. This makes sense – tenants cannot ensure that the exterior of the building is free of entryways for rodents. Tenants are not able to hire exterminators for a building they do not own or make repairs, such as patching holes.

If passed, code inspectors may end up being tasked with having to make a factual determination as to the cause of a rodent infestation, placing additional strain on local jurisdictions.

Md. Code Ann., Real Prop. §8-402.1, as written, already provides a sufficient remedy for landlords seeking to file a breach of lease case against a tenant for housekeeping violations. There is simply no need for HB 402.

The prevailing party language in HB 402 is also problematic. Tenants need more protection in the current rental landscape – as housing costs rise and the housing shortage continues – not less. District court is not the proper place to determine whether punitive damages are appropriate in breach of lease cases. There is rarely an opportunity for discovery in these types of cases and trials are quickly scheduled after service. Tenants barely have the opportunity to avail themselves

of counsel in such a short time period as it is now. Tenants, who are the least able to afford it, should not face punitive damages when they do not have a fair shot in court.

Santoni, Vocci & Ortega, LLC **urges the Committee's report of Unfavorable on HB 402.**