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**HB 402- Real Property - Nuisance and Breach of Lease Actions - Rodent Harborage**  
**Hearing before the Environment and Transportation Committee, February 13, 2024**

**Position: OPPOSE (UNFAV)**

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Public Justice Center (PJC) is a non-profit advocacy organization and civil legal services provider that provides advice and representation to over 800 tenants in Maryland each year. The PJC stands with tenants to protect and expand their rights to safe, habitable, affordable, and non-discriminatory housing and their rights to fair and equal treatment by Maryland's landlord-tenant laws, courts, and agencies. In our representation, we litigate a number of breach of lease matters and have extensive expertise in Maryland eviction litigation.

**We oppose HB 402 and request and the Committee issue an unfavorable report.** HB 402 allows for a landlord to bring an action under 8-402.1 of the Real Property Code against a tenant for behavior that causes or contributes to "rodent harborage". We believe this bill misunderstands "rodent harborage" in the context of housing and tenancy.

Real Property 8-402.1 provides the *process* of evicting a tenant for a breach of the lease signed between a landlord and the tenant. It does not outline what does and does not constitute a breach of the lease. The actual breach is outlined in the contract itself, understanding that not all property rental relationships are the same. Additionally, in an overwhelming majority of leases, there are cleanliness provisions that the tenant must comply by that allows for a landlord to bring an action against the tenant in case the tenant has been found to have contributed to an infestation of rodents.

In many urban areas in Maryland, rodents are an inevitable consequence of living in close quarters with neighbors. Particularly in Baltimore City, where people rent units next to vacant homes, rodents are issues that are hard to contain and are even harder to place fault. While "rodent harborage" is defined in HB 402, it is not particularly clarifying as to how a particular tenant can be found responsible for "rodent harborage" when there are so many mitigating factors in culpability such as dirty next door neighbors, public trash, vacant buildings, and the ineffectiveness of the landlord to close holes and crevasses in the property. This bill would be ineffectual in its application and tries to remedy a non-issue.

*The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.*

Public Justice Center asks that the Committee **issue an UNFAVORABLE report on HB 402**. If you have any questions, please contact: Matt Hill, [hillm@publicjustice.org](mailto:hillm@publicjustice.org), 410-625-9409, ext. 229.