

# **HWE Written Testimony - SB 451.pdf**

Uploaded by: Harris Eisenstein

Position: FAV

February 6, 2026

Senate Judicial Proceedings Committee  
2 East Miller Senate Office Building  
Annapolis, Maryland 21401

*Re: Testimony in support of –  
SB 451 Eminent Domain - Just Compensation - Fees and Costs*

Dear Members of the Senate Judicial Proceedings Committee:

My name is Harris Eisenstein. I am a Maryland attorney, and my practice focuses on eminent domain and related litigation. I strongly support SB 451.

Over the past fifteen years, I have represented Maryland citizens and businesses facing the harsh reality of the government taking their private property by eminent domain. This governmental power is rooted in the Fifth Amendment to the United States Constitution, which reads in relevant part: “nor shall private property be taken for public purpose, without just compensation.”

While Maryland condemners must pay “just compensation,” Maryland law does not allow condemnees to recover a truly *just* amount for the life-altering experience of losing their property rights. SB 451 is an important step in the right direction.

Currently, a condemnee is entitled to recover the value of the land and improvements taken by eminent domain plus any diminution in value to whatever property remains post-take. Md. Code Ann., Real Prop. §§ 12-104, 12-105. A condemnee cannot recover legal and expert fees incurred defending an eminent domain proceeding except in rare instances. This is true even though a condemnor’s initial offer often falls short of just compensation. These below-market offers force my clients to invest resources for attorneys to develop, in collaboration with experts, the true value of the property taken. The result: while the condemnor may increase its just compensation package, the net received by my clients is reduced by any money they must lay out for attorneys and experts. This is unjust.

SB 451 addresses this inequity by permitting every defendant in a condemnation proceeding to recover the market value of the property that is taken *plus* all legal, expert, and related fees they incur. If enacted, SB 451 will provide Marylanders facing the difficult circumstance of losing their property to eminent domain with a path to recover full compensation for their loss. This is, as the Constitution contemplates, a truly just outcome.

Senate Judicial Proceedings Committee  
February 6, 2026  
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I thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "H. Eisenstein", with a long horizontal flourish extending to the right.

Harris W. Eisenstein

# Testimony SB 451 Eminent Domain - Just Compensation

Uploaded by: Justin Ready

Position: FAV

**JUSTIN READY**  
*Legislative District 5*  
Carroll County

—  
**MINORITY WHIP**  
—  
Finance Committee



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11 Bladen Street, Room 315  
Annapolis, Maryland 21401  
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800-492-7122 Ext. 3683  
Justin.Ready@senate.state.md.us

**THE SENATE OF MARYLAND**  
ANNAPOLIS, MARYLAND 21401

February 10, 2026

**Senator Justin Ready**  
**SB 451 - Eminent Domain - Just Compensation - Fees and Costs**

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Chairman Smith and Members of the Judicial Proceedings Committee:

This bill is one of many that seeks to address the hardship that many of my and my colleagues' constituents are facing with the proposed MPRP power line project. I have heard from hundreds of constituents whose livelihood is tied to their property, in many cases an agricultural property – often whom have been there for generations. This generational livelihood is now under threat from corporate interests.

Senate Bill 451 would require the plaintiff to reimburse for any legal, expert, or other fees or costs of the condemnation proceedings incurred by the defendant.

I respectfully request a favorable on Senate Bill 451.

**2026\_MGPA\_SB451\_Eminent Domain.pdf**

Uploaded by: Lindsay Thompson

Position: FAV



# Maryland Grain Producers Association

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118 Dundee Ave • Chester • Maryland 21619  
443-262-8491 • [www.marylandgrain.com](http://www.marylandgrain.com)

## Senate Bill 451 - Eminent Domain – Just Compensation – Fees and Costs

MGPA Position: **Support**

Committee: JPR

Date: February 10, 2026

The Maryland Grain Producers Association represents the farmers in Maryland who grow the nearly one million acres of corn, wheat, barley, sorghum, triticale, and soybeans across the state, contributing nearly \$1 billion in direct sales to the Maryland economy.

The Maryland Grain Producers Association (MGPA) supports Senate Bill 451 because it strengthens the principle of just compensation in eminent domain proceedings. For Maryland's grain farmers, land is not only an asset, it is the foundation of their livelihood, generational investment, and long-term economic viability.

When farmland is condemned, the loss to the farmer extends well beyond the fair market value of the acres taken. Agricultural land is part of an integrated production system. Taking even a small portion of a field can reduce yields, increase operating costs, disrupt drainage and access, and permanently diminish the productive capacity of the remaining land. These impacts directly affect farm revenue year after year, often long after the initial taking.

SB 451 recognizes that just compensation must reflect the full future financial reality faced by landowners. By ensuring that landowners are made whole for the costs necessary to secure fair valuation including legal, appraisal, and expert expenses; the bill helps prevent agricultural producers from absorbing uncompensated losses simply for asserting their constitutional right to just compensation. Without this protection, farmers may be forced to accept undervalued settlements because the cost of defending their land exceeds what their operation can absorb.

Grain farming operates on narrow margins and long planning horizons. Unlike other types of property, agricultural land cannot be easily replaced, relocated, or reconfigured once taken. Loss of acreage often means permanent loss of income and diminished farm viability for future generations. SB 451 helps ensure that when the public benefits from a taking, the individual landowner is not left to bear hidden and ongoing economic harm.

MGPA believes SB 451 promotes fairness, accountability, and respect for private property rights while maintaining the state's ability to pursue legitimate public projects. Ensuring full and fair compensation for agricultural land takings protects Maryland's farming community and the rural economy that depends on it.

For these reasons, the Maryland Grain Producers Association respectfully urges a **favorable report** on Senate Bill 451.

For more information, please contact:  
Lindsay Thompson - [Lindsay.mdag@gmail.com](mailto:Lindsay.mdag@gmail.com)

# **SB 451\_ Eminent Domain - Just Compensation - Fees**

Uploaded by: Trudy Tibbals

Position: FAV

**SB 451: Eminent Domain - Just Compensation - Fees and Costs: Please vote TO SUPPORT** this bill.

Dear Judicial Proceedings Committee:

I am writing to express my **strong support for SB 451**, concerning **Eminent Domain – Just Compensation – Fees and Costs**.

When the government exercises its extraordinary power of eminent domain, **property owners must be made whole**. **SB 451 helps ensure that “just compensation” is truly just**, not eroded by forcing property owners to absorb significant legal fees and costs simply to defend their rights.

As current law stands, many property owners are placed in an unfair position: they must choose between accepting inadequate compensation or paying out-of-pocket to challenge the government’s valuation. **That imbalance undermines due process and disproportionately harms individuals, families, and small businesses** that lack the resources to engage in prolonged legal disputes.

**SB 451 restores fairness** by recognizing that when the government takes private property for public use, the cost of ensuring lawful and accurate compensation should not fall on the property owner. Reimbursing reasonable fees and costs promotes **transparency, accountability, and good-faith negotiations**, while discouraging low initial offers that rely on financial pressure rather than fair valuation.

This bill does not weaken the state’s ability to pursue legitimate public projects. Instead, it **reinforces constitutional protections, strengthens public trust, and ensures that eminent domain is exercised responsibly and ethically**.

For these reasons, I respectfully urge you to **support SB 451** and stand up for the fundamental property rights of Maryland citizens.

Thank you for your time and thoughtful consideration.

Respectfully,

Trudy Tibbals

# **MDFB - Support - SB451 Eminent Domain - Just Compe**

Uploaded by: Tyler Hough

Position: FAV



## Maryland Farm Bureau

3358 Davidsonville Road | Davidsonville, MD 21035  
410-922-3426 | [www.mdfarmbureau.com](http://www.mdfarmbureau.com)

February 10, 2026

**To:** Senate Judicial Proceedings Committee

**From:** Maryland Farm Bureau, Inc.

**RE:** Support of SB451 - Eminent Domain – Just Compensation – Fees and Costs

On behalf of the more than 7,000 members of the Maryland Farm Bureau, I respectfully submit written testimony in support of SB451 – Eminent Domain – Just Compensation – Fees and Costs. This legislation would clarify that, in a condemnation proceeding, “just compensation” includes not only the fair market value of the land taken, but also any legal, expert, or other fees or costs reasonably incurred by the landowner in defending their property rights.

Maryland farmers devote substantial time, resources, and capital to managing their land, often over multiple generations. Farmland is not only the foundation of each farm operation, but also a key component of Maryland’s agricultural heritage, rural landscapes, and local food supply. When eminent domain is exercised, the financial and administrative burden placed on landowners can be overwhelming. Condemnation cases are frequently lengthy, complex, and costly, requiring farmers to hire attorneys, appraisers, engineers, and other experts simply to ensure that the valuation of their property is fair and accurate.

Under current law, even if a farmer prevails in an eminent domain challenge, demonstrating that the state’s valuation was inadequate, they may still be responsible for tens of thousands of dollars in legal and expert costs. These expenses can jeopardize the financial stability of a family farming operation, undermining its ability to maintain production, invest in the next growing season, or retain ownership of the remaining land.

SB451 helps level the playing field by ensuring that landowners are not financially punished for asserting their constitutional right to just compensation. Covering legal and expert fees is a reasonable and necessary measure to protect Maryland’s agricultural community from undue hardship. This legislation would help preserve farmland, support the long-term viability of farm businesses, and uphold the principle that property owners should be made whole when their land is taken for public use.

For these reasons, the Maryland Farm Bureau urges a favorable report on SB451.

A handwritten signature in black ink, appearing to read 'Tyler Hough', with a horizontal line above it.

Tyler Hough

Director of Government Relations

Please reach out to Tyler Hough, [though@marylandfb.org](mailto:though@marylandfb.org), with any questions

# **SB0451 - LOO - SHA - Eminent Domain - Just Compens**

Uploaded by: Patricia Westervelt

Position: UNF

February 10, 2026

The Honorable William C Smith, Jr.  
Chair, Judicial Proceedings Committee  
2 East Miller Senate Office Building  
Annapolis, MD 21401

***RE: Letter of Opposition – SB 451– Eminent Domain – Just Compensation – Fees and Costs***

Dear Chair Smith and Committee Members:

The Maryland Department of Transportation (MDOT) respectfully opposes Senate Bill 451 and offers the following information for the Committee’s consideration.

SB 451 establishes that damages awarded for taking land in a condemnation proceeding include any legal, expert, or other fees or costs incurred by a defendant.

Under the Constitution of Maryland and the Annotated Code, the State has the right to acquire private property for public use through the process of eminent domain. This is not a right that is exercised lightly by the State – the Maryland State Highway Administration (SHA) works to acquire property in a friendly manner with minimal disruption to affected parties.

If passed, SB 451 would adversely affect the timely settlement of land acquisition by encouraging litigation and substantially overburdening the courts. If property owners have no associated fees or costs, the owners may be encouraged to unduly contest the State’s fair market value assessment, as there is no incentive to reach amicable, fair, and reasonable settlements for just compensation. Those legal costs (attorney fees, appraisal fees, expert witness fees, and survey costs) would then be passed onto the State. Cases with complex legal issues would likely incur higher litigation costs. Notably, the bill has no cap to fees that can be charged to the State or its units, including MDOT and the SHA.

In addition to direct costs associated with land acquisition, the cost for construction delays due to legal proceedings further impacts the State. These costs cannot be quantified but could be significant. There are no funds in the operating or capital budget to account for these additional costs, which will ultimately hamper efficient delivery of projects in the Consolidated Transportation Program.

The Maryland Department of Transportation requests that the Committee consider this information during its deliberations and issue Senate Bill 451 an unfavorable report.

Respectfully submitted,

April Moeller  
Director  
Office of Government Affairs  
Maryland State Highway Administration  
410-210-5780

Matthew Mickler  
Director  
Office of Government Affairs  
Maryland Department of Transportation  
410-865-1090