

# HOUSE BILL 402

N1

4lr1579

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By: **Delegate Grammer**

Introduced and read first time: January 18, 2024

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Nuisance and Breach of Lease Actions – Rodent Harborage**

3 FOR the purpose of authorizing an individual to bring a nuisance action for damages caused  
4 by rodent harborage on certain real property against certain individuals; authorizing  
5 a landlord to bring a breach of lease action against a tenant for behavior that causes  
6 or contributes to rodent harborage; and generally relating to nuisance and breach of  
7 lease actions and rodent harborage.

8 BY repealing and reenacting, without amendments,

9 Article – Real Property

10 Section 8–402.1(a)

11 Annotated Code of Maryland

12 (2023 Replacement Volume)

13 BY adding to

14 Article – Real Property

15 Section 14–134

16 Annotated Code of Maryland

17 (2023 Replacement Volume)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Real Property**

21 8–402.1.

22 (a) (1) (i) Subject to § 8–406 of this subtitle and where an unexpired lease  
23 for a stated term provides that the landlord may repossess the premises prior to the  
24 expiration of the stated term if the tenant breaches the lease, the landlord may make  
25 complaint in writing to the District Court of the county where the premises is located if:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   1.     The tenant breaches the lease;

2                   2.     A.     The landlord has given the tenant 30 days' written  
3 notice that the tenant is in violation of the lease and the landlord desires to repossess the  
4 leased premises; or

5                   B.     The breach of the lease involves behavior by a tenant or a  
6 person who is on the property with the tenant's consent, which demonstrates a clear and  
7 imminent danger of the tenant or person doing serious harm to themselves, other tenants,  
8 the landlord, the landlord's property or representatives, or any other person on the property  
9 and the landlord has given the tenant or person in possession 14 days' written notice that  
10 the tenant or person in possession is in violation of the lease and the landlord desires to  
11 repossess the leased premises; and

12                  3.     The tenant or person in actual possession of the premises  
13 refuses to comply.

14                  (ii)    The court shall summons immediately the tenant or person in  
15 possession to appear before the court on a day stated in the summons to show cause, if any,  
16 why restitution of the possession of the leased premises should not be made to the landlord.

17                  (2)    (i)     If, for any reason, the tenant or person in actual possession  
18 cannot be found, the constable or sheriff shall affix an attested copy of the summons  
19 conspicuously on the property.

20                  (ii)    After notice is sent to the tenant or person in possession by  
21 first-class mail, the affixing of the summons on the property shall be conclusively presumed  
22 to be a sufficient service to support restitution.

23                  (3)     If either of the parties fails to appear before the court on the day stated  
24 in the summons, the court may continue the case for not less than six nor more than 10  
25 days and notify the parties of the continuance.

26 **14-134.**

27                  (A)    (1)     **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
28 **INDICATED.**

29                  (2)     **"AGRICULTURAL PROPERTY" MEANS PROPERTY THAT IS USED**  
30 **FOR:**

31                                **(I)    AGRICULTURE,            VITICULTURE,            AQUACULTURE,**  
32 **SILVICULTURE, HORTICULTURE, LIVESTOCK, OR EQUINE ACTIVITIES; OR**

1                   **(II) FARMING ACTIVITIES FOR THE PRODUCTION OF FOOD OR**  
2 **FIBER PRODUCTS, INCLUDING PLOWING, TILLAGE, CROPPING, SEEDING,**  
3 **CULTIVATING, AND HARVESTING.**

4                   **(3) “RODENT HARBORAGE” MEANS A CONDITION THAT:**

5                   **(I) PROVIDES SUSTENANCE OR SHELTER FOR MICE OR RATS OR**  
6 **PROMOTES THEIR REPRODUCTION AND CONTINUED EXISTENCE ON A PROPERTY;**  
7 **AND**

8                   **(II) 1. CREATES OR CONTRIBUTES TO PROPERTY DAMAGE;**

9                                   **2. IS INJURIOUS TO PUBLIC HEALTH, SAFETY, OR THE**  
10 **WELFARE OF PROPERTY OWNERS; OR**

11                                   **3. OBSTRUCTS THE REASONABLE USE OF PROPERTY.**

12                   **(B) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**  
13 **PARAGRAPH, A NUISANCE ACTION FOR DAMAGES CAUSED BY RODENT HARBORAGE**  
14 **ON REAL PROPERTY MAY BE BROUGHT AGAINST:**

15                                   **1. AN OWNER OF THE PROPERTY;**

16                                   **2. AN AGENT OF THE OWNER; OR**

17                                   **3. A PROPERTY MANAGER FOR THE OWNER.**

18                   **(II) A NUISANCE ACTION MAY NOT BE BROUGHT UNDER THIS**  
19 **SUBSECTION IF THE RODENT HARBORAGE OCCURS ON PROPERTY THAT IS:**

20                                   **1. ZONED FOR AGRICULTURAL USE; AND**

21                                   **2. ACTUALLY AND PRIMARILY USED AS AGRICULTURAL**  
22 **PROPERTY.**

23                   **(2) A LANDLORD MAY BRING AN ACTION UNDER § 8-402.1(A) OF THIS**  
24 **ARTICLE AGAINST A TENANT FOR BEHAVIOR THAT CAUSES OR CONTRIBUTES TO**  
25 **RODENT HARBORAGE.**

26                   **(C) THE COURT MAY AWARD COMPENSATORY DAMAGES, PUNITIVE**  
27 **DAMAGES, OR INJUNCTIVE RELIEF TO A PREVAILING PARTY UNDER THIS SECTION.**

1           **(D) THE RIGHTS AND REMEDIES PROVIDED UNDER THIS SECTION ARE IN**  
2 **ADDITION TO ANY OTHER RIGHTS OR REMEDIES THAT MAY EXIST AT LAW OR IN**  
3 **EQUITY.**

4           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2024.