

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  
Page 2

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