

HOUSE BILL 496

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7lr0654

By: **Delegates Sydnor, Brooks, Ebersole, Jones, Lafferty, McDonough, Morhaim, West, and P. Young**

Introduced and read first time: January 27, 2017

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County – Nuisance Actions – Community Association Standing**

3 FOR the purpose of altering the definitions of “community association” and “nuisance” for
4 purposes of certain provisions of law authorizing community associations to seek
5 judicial relief for nuisance abatement in Baltimore County; repealing a provision of
6 law requiring a certain court to determine in what amount and under what
7 conditions a bond must be filed by a community association in a certain nuisance
8 action; repealing a provision of law denying standing to a community association for
9 an action in which the alleged nuisance consists of a certain vacant dwelling; and
10 generally relating to the right of community associations to seek judicial relief for
11 nuisance abatement in Baltimore County.

12 BY repealing and reenacting, with amendments,
13 Article – Real Property
14 Section 14–125
15 Annotated Code of Maryland
16 (2015 Replacement Volume and 2016 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That the Laws of Maryland read as follows:

19 **Article – Real Property**

20 14–125.

21 (a) (1) In this section the following words have the meanings indicated.

22 (2) “Community association” means a Maryland nonprofit ASSOCIATION,
23 corporation, **OR OTHER ORGANIZATION** that IS:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(i) [Is comprised of at least 20% of the total number of households as members, with a minimum membership of 25 households, of a local community that consists of 40 or more individual households as defined by specific geographic boundaries in the bylaws or charter of the community association] **COMPOSED OF RESIDENTS OF A COMMUNITY DEFINED BY SPECIFIC GEOGRAPHIC BOUNDARIES;**

(ii) [Requires, as a condition of membership, the payment of monetary dues at least annually;

(iii) Is operated] **OPERATED** primarily for the promotion of social welfare and general neighborhood improvement and enhancement; **AND**

(iv) Has been in existence for at least 1 year when it files suit under this section;

(v) 1. Is exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code; or

2. Has been included for a period of at least 1 year prior to bringing an action under this section in the “Directory of Organizations in Baltimore County” that is published by the Baltimore County Public Library; and]

[(vi)] **(III) [Is in] IN good standing WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION.**

(3) “Local code violation” means a violation under **ARTICLE 13**, Title [22.] **7. “Nuisances” of the Baltimore County Code [1988] 2015.**

(4) “Nuisance” means, within the boundaries of the community represented by the community association **OR THE BOUNDARIES OF A CONTIGUOUS COMMUNITY**, an act or condition created, performed, or maintained on private property that constitutes a local code violation and that:

(i) Negatively impacts the well-being of other residents of the neighborhood; and

(ii) 1. Is injurious to public health, safety, or welfare of neighboring residents; or

2. Obstructs the reasonable use of other property in the neighborhood.

(b) This section only applies to a nuisance located within the boundaries of Baltimore County.

(c) (1) A community association may seek injunctive and other equitable relief in the Circuit Court for Baltimore County for abatement of a nuisance upon showing that:

(i) The notice requirements under paragraphs (2) and (3) of this subsection have been satisfied; and

(ii) The nuisance has not been abated.

(2) (i) An action may not be brought under this section based on a nuisance until 60 days after the community association gives notice of the violation and of the community association's intent to bring an action under this section by certified mail, return receipt requested, to the County Code enforcement agency.

(ii) An action under this section may not be brought if the County Code enforcement agency has filed an action for equitable relief from the nuisance.

(3) (i) An action may not be brought under this section until 60 days after the tenant, if any, and owner of record receive notice by certified mail, return receipt requested, from the community association that a nuisance exists and that legal action may be taken if the nuisance is not abated.

(ii) The notice shall specify:

1. The nature of the alleged nuisance;

2. The date and time of day the nuisance was first documented;

3. The location on the property where the nuisance is allegedly occurring; and

4. The relief sought.

(iii) In filing a suit under this section, an officer of the community association shall certify to the court:

1. What steps the community association has taken to satisfy the notice requirements under this subsection; and

2. That each condition precedent to the filing of an action under this section has been met.

[(4) The court shall determine in what amount and under what conditions, if any, a bond shall be filed by a community association in an action for relief under this section.]

(d) A political subdivision of the State or any agency of a political subdivision is not subject to any action brought under this section or an action resulting from an action brought under this section against a private property owner.

(e) (1) Subject to paragraph (2) of this subsection, this section may not be construed to abrogate any equitable or legal right or remedy otherwise available under the law to abate a nuisance.

(2) This section may not be construed as granting standing for an action:

(i) Challenging any zoning, development, special exception, or variance application or approval;

(ii) In which the alleged nuisance consists of:

1. A condition relating to lead paint; **OR**

2. An interior physical defect of a property, except in situations that present a threat to neighboring properties; [or

3. A vacant dwelling that is maintained in a boarded condition, free from trash and debris, and secure against trespassers and weather entry;]

(iii) Involving any violation of alcoholic beverages laws under the Alcoholic Beverages Article; or

(iv) Involving any matter in which a certificate, license, permit, or registration is required or allowed under the Environment Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.