

---

**By: Senator Lawlah**

Introduced and read first time: January 22, 1997

Assigned to: Judicial Proceedings

---

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Nuisance Abatement and Local Code Enforcement -**  
3 **Community Associations - Enforcement Authority**

4 FOR the purpose of allowing qualifying community associations to bring certain actions  
5 in the circuit court against qualifying nuisances, based on certain code violations,  
6 within Prince George's County; requiring certain notices; requiring that a procedure  
7 under this Act be expedited in certain manners; providing that a political  
8 subdivision may not be subject to certain actions; providing for and limiting the  
9 construction of this Act; defining certain terms; and generally relating to the right of  
10 community associations to seek judicial abatement of certain nuisances.

11 BY adding to

12 Article - Real Property  
13 Section 14-124  
14 Annotated Code of Maryland  
15 (1996 Replacement Volume and 1996 Supplement)

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

18 **Article - Real Property**

19 14-124.

20 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
21 INDICATED.

22 (2) "COMMUNITY ASSOCIATION" MEANS A MARYLAND NONPROFIT  
23 ASSOCIATION, CORPORATION, OR OTHER ORGANIZATION THAT:

24 (I) IS COMPRISED OF AT LEAST 10% OF ADULT RESIDENTS OF A  
25 LOCAL COMMUNITY CONSISTING OF 40 OR MORE INDIVIDUAL HOUSEHOLDS AS  
26 DEFINED BY SPECIFIC GEOGRAPHIC BOUNDARIES IN THE BYLAWS OR CHARTER OF  
27 THE ASSOCIATION;

28 (II) REQUIRES, AS A CONDITION OF MEMBERSHIP, THE  
29 VOLUNTARY PAYMENT OF MONETARY DUES AT LEAST ANNUALLY;

2

1 (III) IS OPERATED PRIMARILY FOR THE PROMOTION OF SOCIAL  
2 WELFARE AND GENERAL NEIGHBORHOOD IMPROVEMENT AND ENHANCEMENT;

3 (IV) HAS BEEN IN EXISTENCE FOR AT LEAST 2 YEARS WHEN IT  
4 FILES SUIT UNDER THIS SECTION;

5 (V) IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OR (4) OF THE  
6 INTERNAL REVENUE CODE; AND

7 (VI) IN THE CASE OF A MARYLAND CORPORATION, IS IN GOOD  
8 STANDING.

9 (3) "LOCAL CODE VIOLATION" MEANS A VIOLATION UNDER THE  
10 FOLLOWING PROVISIONS OF THE PRINCE GEORGE'S COUNTY CODE AS AMENDED  
11 FROM TIME TO TIME OR UNDER ANY APPLICABLE CODE RELATING TO THE  
12 FOLLOWING PROVISIONS INCORPORATED INTO THE PRINCE GEORGE'S COUNTY  
13 CODE BY REFERENCE:

14 (I) ANIMAL CONTROL REGULATIONS (§ 3-131 ET SEQ.) AND OTHER  
15 RULES, REGULATIONS, AND STANDARDS (§ 3-175 ET SEQ.) UNDER SUBTITLE 3;

16 (II) BUILDING CODE UNDER SUBTITLE 4, DIVISION 1;

17 (III) FIRE PREVENTION CODE UNDER SUBTITLE 11, DIVISION 4;

18 (IV) PEST CONTROL PROVISIONS UNDER SUBTITLE 12, DIVISION 5;

19 (V) HOUSING CODE, PROPERTY STANDARDS AND MAINTENANCE,  
20 AND ANTLITTER AND WEED ORDINANCE, UNDER SUBTITLE 13, DIVISIONS 1, 7, AND  
21 9, RESPECTIVELY;

22 (VI) SEWAGE DISPOSAL NUISANCES UNDER SUBTITLE 22, DIVISION  
23 3, SUBDIVISION 3; AND

24 (VII) ABANDONED VEHICLES UNDER SUBTITLE 26, DIVISION 14.

25 (4) "NUISANCE" MEANS, WITHIN THE BOUNDARIES OF THE COMMUNITY  
26 REPRESENTED BY THE COMMUNITY ASSOCIATION, AN ACT OR CONDITION  
27 KNOWINGLY CREATED, PERFORMED, OR MAINTAINED ON PRIVATE PROPERTY  
28 THAT CONSTITUTES A LOCAL CODE VIOLATION AND THAT:

29 (I) SIGNIFICANTLY AFFECTS OTHER RESIDENTS OF THE  
30 NEIGHBORHOOD;

31 (II) NEGATIVELY IMPACTS THE VALUE OF NEIGHBORING  
32 PROPERTY; AND

33 (III) 1. IS INJURIOUS TO PUBLIC HEALTH, SAFETY, OR WELFARE  
34 OF NEIGHBORING RESIDENTS; OR

35 2. OBSTRUCTS THE REASONABLE USE OF OTHER PROPERTY  
36 IN THE NEIGHBORHOOD.

3

1 (B) THIS SECTION ONLY APPLIES TO A NUISANCE LOCATED WITHIN THE  
2 BOUNDARIES OF PRINCE GEORGE'S COUNTY.

3 (C) (1) A COMMUNITY ASSOCIATION MAY SEEK INJUNCTIVE AND OTHER  
4 EQUITABLE RELIEF IN THE CIRCUIT COURT FOR ABATEMENT OF A NUISANCE UPON  
5 SHOWING:

6 (I) THE NOTICE REQUIREMENTS UNDER PARAGRAPHS (2) AND (3)  
7 OF THIS SUBSECTION HAVE BEEN SATISFIED; AND

8 (II) THE NUISANCE HAS NOT BEEN ABATED.

9 (2) (I) AN ACTION MAY NOT BE BROUGHT UNDER THIS SECTION  
10 BASED ON A NUISANCE UNTIL 60 DAYS AFTER THE COMMUNITY ASSOCIATION GIVES  
11 NOTICE OF THE VIOLATION AND OF THE COMMUNITY ASSOCIATION'S INTENT TO  
12 BRING AN ACTION UNDER THIS SECTION BY CERTIFIED MAIL, RETURN RECEIPT  
13 REQUESTED, TO THE APPLICABLE LOCAL ENFORCEMENT AGENCY.

14 (II) AN ACTION UNDER THIS SECTION MAY NOT BE BROUGHT IF  
15 THE APPLICABLE CODE ENFORCEMENT AGENCY HAS FILED AN ACTION FOR  
16 EQUITABLE RELIEF FROM THE NUISANCE.

17 (3) (I) AN ACTION MAY NOT BE BROUGHT UNDER THIS SECTION  
18 UNTIL 60 DAYS AFTER THE TENANT, IF ANY, AND OWNER OF RECORD RECEIVE  
19 NOTICE FROM THE COMMUNITY ASSOCIATION THAT A NUISANCE EXISTS AND THAT  
20 LEGAL ACTION MAY BE TAKEN IF THE NUISANCE IS NOT ABATED.

21 (II) THE NOTICE SHALL SPECIFY:

- 22 1. THE NATURE OF THE ALLEGED NUISANCE;
- 23 2. THE DATE AND TIME OF DAY THE NUISANCE WAS FIRST  
24 DISCOVERED;
- 25 3. THE LOCATION ON THE PROPERTY WHERE THE  
26 NUISANCE IS ALLEGEDLY OCCURRING; AND
- 27 4. THE RELIEF SOUGHT.

28 (III) THE NOTICE SHALL BE PROVIDED TO THE TENANT, IF ANY,  
29 AND THE OWNER OF RECORD IN THE SAME MANNER AS SERVICE OF PROCESS IN A  
30 CIVIL IN PERSONAM ACTION UNDER THE MARYLAND RULES.

31 (IV) IN FILING A SUIT UNDER THIS SECTION, AN OFFICER OF THE  
32 COMMUNITY ASSOCIATION SHALL CERTIFY TO THE COURT:

- 33 1. WHAT STEPS THE COMMUNITY ASSOCIATION HAS TAKEN  
34 TO SATISFY THE NOTICE REQUIREMENTS UNDER THIS SUBSECTION; AND
- 35 2. THAT EACH CONDITION PRECEDENT TO THE FILING OF  
36 AN ACTION UNDER THIS SECTION HAS BEEN MET.

37 (4) A PROCEEDING UNDER THIS SECTION SHALL:

4

1 (I) TAKE PRECEDENCE ON THE DOCKET;

2 (II) BE HEARD AT THE EARLIEST PRACTICABLE DATE; AND

3 (III) BE EXPEDITED IN EVERY WAY.

4 (D) A POLITICAL SUBDIVISION OF THE STATE OR ANY AGENCY OF A  
5 POLITICAL SUBDIVISION MAY NOT BE SUBJECT TO ANY ACTION BROUGHT UNDER  
6 THIS SECTION OR AN ACTION RESULTING FROM AN ACTION BROUGHT UNDER THIS  
7 SECTION AGAINST A PRIVATE PROPERTY OWNER.

8 (E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION  
9 MAY NOT BE CONSTRUED TO ABROGATE ANY EQUITABLE OR LEGAL RIGHT OR  
10 REMEDY OTHERWISE AVAILABLE UNDER THE LAW TO ABATE A NUISANCE.

11 (2) THIS SECTION MAY NOT BE CONSTRUED AS GRANTING STANDING  
12 FOR AN ACTION:

13 (I) CHALLENGING ANY ZONING APPLICATION OR APPROVAL;

14 (II) IN WHICH THE ALLEGED NUISANCE CONSISTS OF:

15 1. A CONDITION RELATING TO LEAD PAINT; OR

16 2. AN INTERIOR PHYSICAL DEFECT OF A PROPERTY;

17 (III) INVOLVING ANY VIOLATION OF ALCOHOLIC BEVERAGES LAWS  
18 UNDER ARTICLE 2B OF THE CODE; OR

19 (IV) INVOLVING ANY MATTER IN WHICH A CERTIFICATE, LICENSE,  
20 PERMIT, OR REGISTRATION IS REQUIRED OR ALLOWED UNDER THE ENVIRONMENT  
21 ARTICLE.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 1997.