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By: **Delegates Dypski, Hammen, and Krysiak** Introduced and read first time: February 8, 1999 Assigned to: Economic Matters

Assigned to Leonomic Matters

	A BILL ENTITLED							
1	AN ACT concerning							
2 3	Real Property - Nuisance Abatement and Local Code Enforcement - Community Associations							
4 5 6 7 8 9	Baltimore City to seek judicial relief for abatement of certain nuisances; altering certain notice provisions; altering the unit authorized to provide a copy of a certain notice; making stylistic changes; and generally relating to abatement of							
10 11 12 13 14	Section 14-123(a)(1) Annotated Code of Maryland							
15 16 17 18 19	Section 14-123(a)(2) and (c) Annotated Code of Maryland							
20 21	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:							
22	Article - Real Property							
23	14-123.							
24	(a) (1) In this section the following words have the meanings indicated.							
25 26	(2) "Community association" means a Maryland nonprofit association, corporation, or other organization that:							

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3	HOUSEHOLDS of a lo	cal [con s define	Is comprised of at least [25% of adult residents] 25 nmunity] NEIGHBORHOOD consisting of 40 or more d by specific geographic boundaries in the bylaws or			
5 6	of monetary dues at least		Requires, as a condition of membership, the voluntary payment lly;			
7 8	(i general neighborhood in		Is operated primarily for the promotion of social welfare and nent and enhancement;			
9 10	under this section; (i	iv)	Has been in existence for at least 2 years when it files suit			
11 12	Internal Revenue Code		1. Is exempt from taxation under § 501(c)(3) or (4) of the			
	Has been included for a period of at least 2 years prior to bringing an action under this section in Baltimore City's Community Association Directory published by the Baltimore City Department of Planning; and					
16	(1	vi)	In the case of a Maryland corporation, is in good standing.			
17 18	(c) (1) A community association may seek injunctive and other equitable relief in the circuit court for abatement of a nuisance upon showing:					
19 20	and (i	i)	The notice requirements of this subsection have been satisfied;			
21	(i	ii)	The nuisance has not been abated.			
24 25	(2) (i) An action may not be brought under this section [based on a nuisance] until 60 days after the community association [gives]SENDS 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 [applicable local] APPROPRIATE CODE enforcement agency.					
		RIATE c	An action under this section may not be brought if the ode enforcement agency has filed an action for equitable			
32	after THE COMMUNITOWNER of record [received]	TY ASS e notice	An action may not be brought under this section until 60 days SOCIATION SENDS NOTICE TO the tenant, if any, and THE from the community association] that a nuisance be taken if the nuisance is not abated.			
34	(i	ii)	The notice shall specify:			
35			1. The nature of the alleged nuisance;			

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1 2	discovered;	2.	The date and time of day the nuisance was first
3 4	allegedly occurring; and	3.	The location on the property where the nuisance is
5		4.	The relief sought in the action.
	(iii) owner of record in the same munder the Maryland Rules.	1. anner as	The notice shall be provided to the tenant, if any, and the service of process in a civil in personam action
11 12	NOTICE BY REGULAR MA	IL AND	ADEQUATE AND SUFFICIENT NOTICE MAY BE GIVEN TO OWNER OF RECORD BY SENDING A COPY OF THE POSTING A COPY OF THE NOTICE ON THE PROPERTY EDLY OCCURRING, IF NOTICE SENT BY CERTIFIED
14		A.	RETURNED UNCLAIMED OR REFUSED;
15 16	UNDELIVERABLE FOR AN	B. Y OTHE	DESIGNATED BY THE POST OFFICE TO BE ER REASON; OR
17		C.	SIGNED FOR BY A PERSON OTHER THAN THE ADDRESSEE
18 19	(iv) association shall certify to the		a suit under this section, an officer of the community
20 21	the notice requirements under	1. this subs	What steps the community association has taken to satisfy ection; and
22 23	under this section has been me	2. et.	That each condition precedent to the filing of an action
26 27 28	association files with the court a surety approved by the court costs the party may sustain as	t a bond i t, condition a result o	e provided under this section unless the community in an amount determined by the court and with oned to answer to the adverse party for any of the suit, including reasonable attorney fees, ed in bad faith or without substantial
32		the givir elating to	on may not be brought against an owner of residential ag of notice under subsection (c)(3)(i) of this the nuisance has first been issued by an
		nt sanitati	ase of a nuisance based on a housing or building code ion violation, relief may not be granted under lating to the nuisance has been issued by the

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	1 Department of Housing and Community Development and remains outstanding after 2 a period of 75 days.						
5	_	OPRIAT	If a violation notice is an essential element of the action, a copycial of the [Department of Housing and Community E CODE ENFORCEMENT AGENCY shall be prima facied in the notice.				
9	7 (ii) A notice of abatement issued by the [Department of Housing 8 and Community Development] APPROPRIATE CODE ENFORCEMENT AGENCY in 9 regard to the violation notice shall be prima facie evidence that the plaintiff is not 10 entitled to the relief requested.						
11	(7)	A proce	eding under this section shall:				
12		(i)	Take precedence on the docket;				
13		(ii)	Be heard at the earliest practicable date; and				
14		(iii)	Be expedited in every way.				
15 16	SECTION 2. AN October 1, 1999.	ID BE IT	FURTHER ENACTED, That this Act shall take effect				