

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 840

(Senator Waugh)

Judicial Proceedings

Rules and Executive Nominations

St. Mary's County - Property Maintenance - Voluntary Agreements

This bill specifies that an ordinance enacted by St. Mary's County may establish a voluntary agreement between the county and a real property owner for remediation by the county of nuisances. Remediation may include demolition of existing improvements to the property. Any such agreement may encompass repayment by the property owner to the county for the remediation or demolition costs and the filing of a lien against the property until any unpaid costs under the voluntary agreement are paid. The county must record notice of a lien for remediation or demolition costs in the land records of the county. A lien filed has the same priority and is collected in the same manner as county real property taxes.

Fiscal Summary

State Effect: The bill is not expected to materially impact the workload of the District Court.

Local Effect: The bill may accelerate repayment of costs incurred by St. Mary's County for remediation of nuisances. Expenditures are not affected.

Small Business Effect: Minimal.

Analysis

Current Law/Background:

Regulation of Nuisances: The concept of "nuisance" originates under common law and is something that causes offense, annoyance, trouble, or injury. A private nuisance obstructs

the rights of a specific individual or group, while a public nuisance is an act or omission that obstructs, damages, or inconveniences the rights of the community.

Several types of nuisances are specifically addressed in State law, including:

- conditions that are dangerous to health or safety, including an inadequately protected swimming pool, an unprotected open ditch, an unsanitary outhouse, a foul pigpen, an improperly functioning sewage system, an unkempt junkyard or scrap metal processing facility, an excessive accumulation of trash or garbage, a dead animal, a contaminated or inadequately protected water supply, a rodent harborage, poor housekeeping that could endanger an individual's health, or any condition that may endanger health and may be transmitted by means including surface drainage and air currents (Title 20 of the Health-General Article);
- dwellings, buildings, vehicles, vessels, aircraft, or any other place(s) used by individuals to administer illegally controlled substances or where controlled dangerous substances or controlled substances or controlled paraphernalia are manufactured, distributed, dispensed, stored, or concealed illegally (Title 5 of the Criminal Law Article);
- conditions affecting public health and involving plumbing, drainage, offensive trades, water supplies, and disposal of any waste material (Title 10 of the Environment Article); and
- property that is used for prostitution or for the administration, manufacture, distribution, or storage of a controlled dangerous substance or related paraphernalia (Title 14 of the Real Property Article).

Depending on the nuisance, the department charged with abating the nuisance is authorized to enter onto private property to determine its existence.

Additionally, each county board of health is authorized to adopt and enforce rules and regulations on any nuisance or cause of disease in the county. If a county health officer investigates and finds a nuisance, the health officer is required to serve a written notice to the person who is causing the nuisance, ordering the person to abate the nuisance within a specified period of time.

Regulation of Nuisances in St. Mary's County: Under the St. Mary's County Blight Ordinance, following an order by the court, the county may pay the costs to remediate a nuisance, including the repair or demolition of existing structures, and place a lien on the property for the costs of abatement. St. Mary's County advises that the owner of the property may first enter into a voluntary agreement with the county to repay the costs over

time. If the owner fails to make payments, or declines to enter into a voluntary repayment agreement, the county then places a lien on the property. St. Mary's County further advises that allowing a lien due to enforcement of the blight ordinance to be collected with the property tax enables a property owner to repay the county more immediately and over time, rather than waiting until the property is sold.

Additional Information

Prior Introductions: None.

Cross File: HB 600 (St. Mary's County Delegation) - Environment and Transportation.

Information Source(s): St. Mary's County, State Department of Assessments and Taxation, Judiciary (Administrative Office of the Courts), *Southern Maryland Newspaper*, Department of Legislative Services

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Analysis by: Nathan W. McCurdy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510