

HOUSE BILL 166

N1
HB 265/22 – ENT

3lr1423

By: **Delegate Grammer**

Introduced and read first time: January 16, 2023

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2023

CHAPTER _____

1 AN ACT concerning

2 ~~**Baltimore County Nuisance Actions Community Association Standing**~~
3 **Workgroup to Study Community Association Standing in Nuisance Actions in**
4 **Baltimore County**

5 FOR the purpose of ~~altering the definitions of “community association” and “local code~~
6 ~~violation” to authorize community associations to seek judicial relief for nuisance~~
7 ~~abatement in Baltimore County; repealing a provision of law requiring a certain~~
8 ~~court to determine the amount and conditions of a bond filed by a community~~
9 ~~association in a certain nuisance action; and generally relating to the right of~~
10 ~~community associations to seek judicial relief for nuisance abatement~~ establishing
11 the Workgroup to Study Community Association Standing in Nuisance Actions in
12 Baltimore County; providing for the composition, chair, public meetings, and staffing
13 of the Workgroup; requiring the Workgroup to study and make recommendations
14 regarding the right of community associations to seek judicial relief for nuisance
15 abatement in Baltimore County; requiring the Workgroup to submit a final report to
16 the members of the Baltimore County Delegation to the General Assembly on or
17 before a certain date; and generally relating to the Workgroup to Study Community
18 Association Standing in Nuisance Actions in Baltimore County.

19 ~~BY repealing and reenacting, with amendments,~~
20 ~~Article — Real Property~~
21 ~~Section 14-125~~
22 ~~Annotated Code of Maryland~~
23 ~~(2015 Replacement Volume and 2022 Supplement)~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

~~Article—Real Property~~

~~14—125.~~

(a) (1) ~~In this section the following words have the meanings indicated:~~

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

~~[(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;]~~

~~1. COMPOSED OF RESIDENTS OF A COMMUNITY DEFINED BY SPECIFIC GEOGRAPHIC BOUNDARIES IN THE BYLAWS OR CHARTER OF THE COMMUNITY ASSOCIATION AND WITHIN WHICH A NUISANCE IS LOCATED;~~

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

~~[(iii) 2. [Is operated] OPERATED primarily for the promotion of social welfare and general neighborhood improvement and enhancement;~~

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

~~[(v) 1.] 3. [Is exempt] EXEMPT from taxation under § 501(c)(3) or (4) OR § 528 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) 4. [Is] INCORPORATED AND in good standing WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION.~~

(II) ~~“COMMUNITY ASSOCIATION” INCLUDES A MARYLAND NONPROFIT ASSOCIATION, CORPORATION, OR OTHER ORGANIZATION THAT:~~

~~1. MEETS THE REQUIREMENTS OF AN INDIVIDUAL COMMUNITY ASSOCIATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH; AND~~

HOUSE BILL 166

~~(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;~~

~~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, 2023.~~

(a) There is a Workgroup to Study Community Association Standing in Nuisance Actions in Baltimore County.

(b) The Workgroup consists of the following members:

(1) one member of the Baltimore County Senate Delegation, appointed by the President of the Senate;

(2) one member of the Baltimore County House Delegation, appointed by the Speaker of the House;

(3) the County Executive for Baltimore County, or the County Executive's designee;

(4) the Chair of the Baltimore County Council, or the Chair's designee;

(5) the following members, appointed by the County Executive for Baltimore County:

(i) one representative of the Baltimore County Department of Health;

(ii) one representative of the Baltimore County Department of Housing and Community Development;

(iii) one representative of the Baltimore County Department of Permits, Approvals, and Inspections; and

(iv) one representative of the Baltimore County Office of Law; and

(6) the following members, appointed by the Chair of the Baltimore County Council:

1 (i) one representative of the Maryland Association of Realtors who
2 resides and works in Baltimore County;

3 (ii) two members who are residents of Baltimore County and
4 members of different community associations, as defined in § 14–125 of the Real Property
5 Article; and

6 (iii) two residents of Baltimore County who are not members of a
7 community association, as defined in § 14–125 of the Real Property Article.

8 (c) The County Executive for Baltimore County shall designate the chair of the
9 Workgroup.

10 (d) The Baltimore County Department of Housing and Community Development
11 shall provide staff for the Workgroup.

12 (e) A member of the Workgroup:

13 (1) may not receive compensation as a member of the Workgroup; but

14 (2) is entitled to reimbursement for expenses under the Standard State
15 Travel Regulations, as provided in the State budget.

16 (f) (1) The Workgroup shall:

17 (i) study the current process by which a community association in
18 Baltimore County may seek injunctive and other equitable relief for abatement of a
19 nuisance; and

20 (ii) make recommendations for altering the requirements for
21 Baltimore County with regard to the composition of a community association necessary to
22 establish standing for nuisance actions, including recommendations on:

23 1. the percentage of households in the community that must
24 participate in the community association;

25 2. minimum membership requirements for a community
26 association in the county;

27 3. standards for effectively defining the geographic
28 boundaries served by a community association, including any requirement for a minimum
29 number of individual households that must be included in the community;

30 4. whether the payment of monetary dues should be a
31 condition of membership in a community association; and

1 5. any period of time that a community association must be
2 in existence prior to filing an action for injunctive and other equitable relief for abatement
3 of a nuisance.

4 (2) The recommendations of the Workgroup shall be designed to facilitate
5 the social welfare and general neighborhood improvement and enhancement of the
6 communities served by the community association while maintaining requirements for
7 verifiable evidence that a community association legitimately represents a community.

8 (g) (1) To facilitate community engagement, the Workgroup shall hold at least
9 three public meetings at which members of the general public may provide comment on the
10 work of the Workgroup.

11 (2) During a meeting at which the agenda is limited to specific topics, the
12 Workgroup may limit public comment to the topics listed on the meeting agenda.

13 (3) The Workgroup shall convene at least one meeting at which the agenda
14 is open to any matter relating to the recommendations of the Workgroup under subsection
15 (f)(1) of this section.

16 (h) On or before January 1, 2024, the Workgroup shall report its findings and
17 recommendations to the members of the Baltimore County Delegation to the General
18 Assembly in accordance with § 2-1257 of the State Government Article.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
20 1, 2023. It shall remain effective for a period of 1 year and 1 month and, at the end of June
21 30, 2024, this Act, with no further action required by the General Assembly, shall be
22 abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.