

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 166

(Delegate Grammer)

Environment and Transportation

Judicial Proceedings

Workgroup to Study Community Association Standing in Nuisance Actions in
Baltimore County

This bill establishes the Workgroup to Study Community Association Standing in Nuisance Actions in Baltimore County, staffed by the Baltimore County Department of Housing and Community Development. The workgroup must study the current process by which a community association in Baltimore County may seek injunctive and other equitable relief for abatement of a nuisance and make related recommendations. The workgroup must report its findings and recommendations to the Baltimore County Delegation by January 1, 2024. **The bill takes effect June 1, 2023, and terminates June 30, 2024.**

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations. Any expense reimbursements for workgroup members are assumed to be minimal and absorbable within existing budgeted resources.

Local Effect: Any expenditures for Baltimore County to handle the bill's requirements are minimal and do not materially affect county finances.

Small Business Effect: None.

Analysis

Bill Summary: The workgroup must make recommendations for altering the requirements for Baltimore County with regard to the composition of a community association necessary to establish standing for nuisance actions, including recommendations on (1) the

percentage of households in the community that must participate in the community association; (2) minimum membership requirements for a community association in the county; (3) standards for effectively defining the geographic boundaries served by a community association, including any requirement for a minimum number of individual households that must be included in the community; (4) whether the payment of monetary dues should be a condition of membership in a community association; and (5) any period of time that a community association must be in existence prior to filing an action for injunctive and other equitable relief for abatement of a nuisance.

The recommendations must be designed to facilitate the social welfare and general neighborhood improvement and enhancement of the communities served by the community association while maintaining requirements for verifiable evidence that a community association legitimately represents a community.

The workgroup must hold at least three public meetings at which members of the general public may provide comment on the work of the workgroup, as specified, including one meeting at which the agenda is open to any matter relating to the recommendations.

Members of the task force may not receive compensation but are entitled to reimbursement for expenses under the standard State travel regulations.

Current Law: Generally, in Baltimore County, a community association may seek injunctive and other equitable relief in the Circuit Court for Baltimore County for abatement of a nuisance after (1) meeting specified notice requirements and (2) showing that the nuisance has not been abated.

Community Associations and Nuisance Abatement

In Baltimore County, for the purpose of seeking injunctive relief for the abatement of a nuisance, “community association” is a Maryland nonprofit corporation that:

- 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;
- requires, as a condition of membership, the payment of monetary dues at least annually;
- is operated primarily for the promotion of social welfare and general neighborhood improvement and enhancement;
- has been in existence for at least one year when it files suit for abatement of a nuisance;

- is exempt from taxation under § 501(c)(3) or (4) of the IRC or has been included in a specified Baltimore County publication for a period of at least one year prior to bringing an action to abate a nuisance; and
- is in good standing.

“Nuisance” is an act or condition created, performed, or maintained on private property that constitutes a local code violation and that has specified adverse conditions within the boundaries of the community represented by the community association.

Required Bond

The court must determine the amount and conditions, if any, for a bond filed by the community association in an action for relief.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Baltimore County; Judiciary (Administrative Office of the Courts); State Department of Assessments and Taxation; Department of Legislative Services

Fiscal Note History: First Reader - February 15, 2023
km/jkb Third Reader - April 7, 2023
Revised - Amendment(s) - April 7, 2023

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