

February 7, 2024

The Honorable William C. Smith Jr.  
Chairman, Senate Judicial Proceedings Committee  
2 East Miller Senate Office Building  
Annapolis, Maryland 21401

**RE: MBIA Letter of Opposition SB 383 Baltimore County – Nuisance Actions – Community Association**

Dear Chairman Smith,

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **SB 383 Baltimore County – Nuisance Actions – Community Association**. MBIA opposes the Act in its current version.

This bill significantly expands the definition of "community association" beyond the traditional Homeowners' Association to include any group promoting social welfare in a general neighborhood. We believe the impact of Senate Bill 383 on our members could be significant and will potentially affect projects in various stages of development. For example, ongoing projects might face increased scrutiny for activities like truck traffic in the morning, which could be perceived as nuisances by newly empowered community associations. These associations, formed by a small number of residents, may not represent the broader community but could still bring legal actions against our members.

Additionally, we believe that the County's current process for deciding to pursue code violation cases works. Allowing community associations to bypass this process could create a loophole that undermines the county's regulatory framework. We are concerned that these associations, comprising of a few individuals, could seek damages through nuisance actions, potentially leading to costly legal battles for our members.

While the bill aims to address community concerns, it raises questions about fairness and the potential for abuse by allowing small, newly formed associations to potentially hold significant legal power against builders.

For these reasons, MBIA respectfully urges the Committee to give this measure an unfavorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or [lgraf@marylandbuilders.org](mailto:lgraf@marylandbuilders.org).

cc: Members of the Senate Judicial Proceedings Committee