

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL NO. 421

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “purposes;” insert “providing for the evidentiary use of certain notices;”.

AMENDMENT NO. 2

On page 2, in line 18, after “(V)” insert “1.”; in line 19, after “CODE” insert “; OR

2. 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”.

AMENDMENT NO. 3

On page 2, in lines 20 and 21, strike “THE CORPORATION”; in line 27, strike “MOSQUITOES” and substitute “NUISANCE AND DISEASE PREVENTION”; in line 30, strike “AND”; in line 31, strike “THE REFUSE SUBHEADING UNDER”; in the same line, after “ARTICLE 23”, insert “;

(VI) THE BUILDING CODE OF BALTIMORE CITY, ARTICLE 32; AND

(VII) THE ZONING ORDINANCE OF BALTIMORE CITY, ARTICLE 30”;

and in line 37, after “RESIDENTS” insert “OF THE NEIGHBORHOOD”.

On page 3, in line 1, strike “NEGATIVELY IMPACTS” and substitute “DIMINISHES”; in line 3, after “WELFARE” insert “OF NEIGHBORING RESIDENTS”; in line 5, after “OF” insert “OTHER”; in the same line, after “PROPERTY” insert “IN THE NEIGHBORHOOD”.

(Over)

AMENDMENT NO. 4

On page 3, in line 10, strike “FROM” and substitute “FOR ABATEMENT OF A”; in line 16, after “(2)” insert “(I)”; in line 18, after “VIOLATION” insert “AND OF THE COMMUNITY ASSOCIATION’S INTENT TO BRING AN ACTION UNDER THIS SECTION”; after line 19, insert:

“(II) AN ACTION UNDER THIS SECTION MAY NOT BE BROUGHT IF THE APPLICABLE CODE ENFORCEMENT AGENCY HAS FILED AN ACTION FOR EQUITABLE RELIEF FROM THE NUISANCE.”;

in line 28, strike “AND”; and in line 30, after “OCCURRING” insert: “; AND

4. THE RELIEF SOUGHT IN THE ACTION”.

AMENDMENT NO. 5

On page 3, in line 37, strike the second “A” and substitute “AN OFFICER OF THE”; and in line 38, after “COURT” insert “; 1.”.

On page 4, in line 2, after “SUBSECTION” insert “; AND

2. THAT EACH CONDITION PRECEDENT TO THE FILING OF AN ACTION UNDER THIS SECTION HAS BEEN MET”;

after line 9, insert:

“(5) (I) AN ACTION MAY NOT BE BROUGHT AGAINST AN OWNER OF RESIDENTIAL RENTAL PROPERTY UNLESS, PRIOR TO THE GIVING OF NOTICE UNDER SUBSECTION (C)(3)(I) OF THIS SECTION, A NOTICE OF VIOLATION RELATING TO THE NUISANCE HAS FIRST BEEN ISSUED BY AN APPROPRIATE CODE ENFORCEMENT AGENCY.

(II) IN THE CASE OF A NUISANCE BASED ON A HOUSING OR BUILDING CODE VIOLATION, OTHER THAN A RECURRENT SANITATION VIOLATION, RELIEF MAY NOT BE GRANTED UNDER THIS SECTION UNLESS A VIOLATION NOTICE RELATING TO THE NUISANCE HAS BEEN ISSUED BY THE DEPARTMENT OF HOUSING

AND COMMUNITY DEVELOPMENT AND REMAINS OUTSTANDING AFTER A PERIOD OF 75 DAYS.

(6) (I) IF A VIOLATION NOTICE IS AN ESSENTIAL ELEMENT OF THE ACTION, A COPY OF THE NOTICE SIGNED BY AN OFFICIAL OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED IN THE NOTICE.

(II) A NOTICE OF ABATEMENT ISSUED BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT IN REGARD TO THE VIOLATION NOTICE SHALL BE PRIMA FACIE EVIDENCE THAT THE PLAINTIFF IS NOT ENTITLED TO THE RELIEF REQUESTED.”;

and in line 10, strike “(5)” and substitute “(7)”.

AMENDMENT NO. 6

On page 4, strike beginning with “SEEKING” in line 24 down through “REGULATION” in line 25 and substitute “IN WHICH THE ALLEGED NUISANCE CONSISTS OF:

1. A CONDITION RELATING TO LEAD PAINT;
2. AN INTERIOR PHYSICAL DEFECT OF A PROPERTY;
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 ARTICLE 2B OF THE CODE”;

and in line 26, strike “(III)” and substitute “(IV)”.