

BY: Commerce and Government Matters Committee

AMENDMENTS TO HOUSE BILL NO. 421  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “including” and substitute “based on”; in line 6, after “notices;” insert “requiring the filing of a bond for certain purposes;”.

AMENDMENT NO. 2

On page 1, in line 25, strike “40%” and substitute “25%”; and in line 26, after “COMMUNITY” insert “CONSISTING OF 40 OR MORE INDIVIDUAL HOUSEHOLDS”. On page 2, in line 3, strike “EXCLUSIVELY” and substitute “PRIMARILY”; and in line 9, strike “IS” and substitute “IN THE CASE OF”; and in the same line, after “CORPORATION” insert “, THE CORPORATION IS”.

AMENDMENT NO. 3

On page 2, after line 9, insert:

“(3) “LOCAL CODE VIOLATION” MEANS A VIOLATION UNDER THE FOLLOWING PROVISIONS OF THE BALTIMORE CITY CODE AS AMENDED FROM TIME TO TIME OR UNDER ANY APPLICABLE CODE RELATING TO THE FOLLOWING PROVISIONS INCORPORATED BY BALTIMORE CITY BY REFERENCE:

(I) THE FIRE PREVENTION CODE UNDER ARTICLE 9;

(II) ANIMAL CONTROL, MOSQUITOES, AND NOISE CONTROL SUBHEADINGS OF ARTICLE 11 (HEALTH);

(III) THE HOUSING CODE UNDER ARTICLE 13;

(Over)

(IV) PUBLIC NUISANCE PROVISIONS UNDER ARTICLE 19; AND

(V) THE REFUSE SUBHEADING UNDER ARTICLE 23.”;

in line 10, strike “(3)” and substitute “(4)”; in line 13, strike “WITHOUT LAWFUL AUTHORITY OR”; in the same line, strike “VIOLATES” and substitute “CONSTITUTES”; in the same line, after “CODE” insert “VIOLATION”; in line 14, after “(I)” insert “SIGNIFICANTLY”; and in line 15, after “(II)” insert “NEGATIVELY”.

AMENDMENT NO. 4

On page 2, in line 21, strike “SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION,”; strike beginning with “DEFENDANT” in line 24 down through “NUISANCE” in line 26 and substitute “NOTICE REQUIREMENTS OF THIS SUBSECTION HAVE BEEN SATISFIED”; in line 29, strike “VIOLATION OF A LOCAL CODE” and substitute “NUISANCE”; in line 30, after “MAIL” insert “, RETURN RECEIPT REQUESTED,”; in line 33, strike “CONCERNING COMMERCIAL PROPERTY”; in the same line, strike “75” and substitute “60”; in line 35, after “EXISTS” insert “AND THAT LEGAL ACTION MAY BE TAKEN IF THE NUISANCE IS NOT ABATED”.

On page 3, in line 1, after “1.” insert “THE NATURE OF THE ALLEGED NUISANCE;

2.”;

in line 3, strike “2.” and substitute “3.”; in lines 5 and 6, strike “: 1. HAND DELIVERED” and substitute “PROVIDED”; strike beginning with the semicolon in line 7 down through “RECORD” in line 9, and substitute “IN THE SAME MANNER AS SERVICE OF PROCESS IN A CIVIL IN PERSONAM ACTION UNDER THE MARYLAND RULES”; after line 9, insert:

“(IV) IN FILING A SUIT UNDER THIS SECTION, A COMMUNITY ASSOCIATION SHALL CERTIFY TO THE COURT WHAT STEPS THE COMMUNITY ASSOCIATION HAS TAKEN TO SATISFY THE NOTICE REQUIREMENTS UNDER THIS SUBSECTION.”.

AMENDMENT NO. 5

On page 3, in line 10, after “(4)” insert “RELIEF MAY NOT BE PROVIDED UNDER THIS SECTION UNLESS THE COMMUNITY ASSOCIATION FILES WITH THE COURT A BOND IN AN AMOUNT DETERMINED BY THE COURT AND WITH A SURETY APPROVED BY

THE COURT, CONDITIONED TO ANSWER TO THE ADVERSE PARTY FOR ANY COSTS THE PARTY MAY SUSTAIN AS A RESULT OF THE SUIT, INCLUDING REASONABLE ATTORNEY FEES, IF THE COURT FINDS THAT THE ACTION WAS FILED IN BAD FAITH OR WITHOUT SUBSTANTIAL JUSTIFICATION.

(5)”;

and in line 10, after “SECTION” insert “SHALL”.