
By: **Senators Sfikas, Kelley, McFadden, Hughes, and Conway**
Introduced and read first time: February 6, 1998
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Nuisance Abatement and Local Code Enforcement -**
3 **Community Associations**

4 FOR the purpose of altering certain definitions under certain provisions of law
5 relating to standing of certain community associations in Baltimore City to seek
6 judicial relief for abatement of certain nuisances; altering certain notice
7 requirements; altering certain requirements for standing to commence an
8 action; altering the construction of certain provisions of law; making certain
9 stylistic changes; and generally relating to abatement of certain nuisances in
10 Baltimore City.

11 BY repealing and reenacting, with amendments,
12 Article - Real Property
13 Section 14-123
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 1997 Supplement)

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

18 **Article - Real Property**

19 14-123.

20 (a) (1) In this section the following words have the meanings indicated.

21 (2) "Community association" means [a Maryland nonprofit association,
22 corporation, or other organization that]:

23 (i) [Is comprised of at least 25% of adult residents of a local
24 community consisting of 40 or more individual households as defined by specific
25 geographic boundaries in the bylaws or charter of the association;] A MARYLAND
26 NONPROFIT CORPORATION THAT IS:

27 1. COMPRISED OF RESIDENTS OF A COMMUNITY WITHIN
28 WHICH A NUISANCE IS LOCATED;

- 1 (iv) Public nuisance provisions under Article 19;
- 2 (v) Article 23;
- 3 (vi) The Building Code of Baltimore City, Article 32; and
- 4 (vii) The zoning ordinance of Baltimore City, Article 30.

5 (4) "Nuisance" means, within the boundaries of the community
6 represented by the community association, an act or condition [knowingly] created,
7 performed, or maintained on private property that constitutes a local code violation
8 and that:

- 9 (i) Significantly affects [other] residents of the neighborhood;
- 10 (ii) [Diminishes the value of neighboring property; and
- 11 (iii)] 1. Is injurious to public health, safety, or welfare of
12 neighboring residents; or
- 13 2. Obstructs the reasonable use of other property in the
14 [neighborhood] COMMUNITY.

15 (b) This section only applies to a nuisance located within the boundaries of
16 Baltimore City.

17 (c) (1) A community association may seek injunctive and other equitable
18 relief in the circuit court for abatement of a nuisance upon showing:

- 19 (i) The notice requirements of this subsection have been satisfied;
20 and
- 21 (ii) The nuisance has not been abated.

22 (2) (i) An action may not be brought under this section [based on a
23 nuisance] until 60 days after the community association gives notice of the violation
24 and of the community association's intent to bring an action under this section by
25 certified mail, return receipt requested, to the applicable local enforcement agency.

26 (ii) An action under this section may not be brought if the
27 applicable code enforcement agency has filed an action for equitable relief from the
28 nuisance.

29 (3) (i) An action may not be brought under this section until 60 days
30 after the tenant, if any, and owner of record receive notice BY CERTIFIED MAIL,
31 RETURN RECEIPT REQUESTED, from the community association that a nuisance
32 exists and that legal action may be taken if the nuisance is not abated.

33 (ii) The notice shall specify:

- 34 1. The nature of the alleged nuisance;

1 (7) A proceeding under this section shall:

2 (i) Take precedence on the docket;

3 (ii) Be heard at the earliest practicable date; and

4 (iii) Be expedited in every way.

5 (d) A political subdivision of the State or any agency of a political subdivision
6 may not be subject to any action brought under this section or an action resulting
7 from an action brought under this section against a private property owner.

8 (e) (1) Subject to paragraph (2) of this subsection, this section may not be
9 construed as to abrogate any equitable or legal right or remedy otherwise available
10 under the law to abate a nuisance.

11 (2) This section may not be construed as to grant standing for an action:

12 (i) Challenging any zoning application or approval;

13 (ii) In which the alleged nuisance consists of:

14 1. A condition relating to lead paint;

15 2. An interior physical defect of a property, EXCEPT FOR
16 SITUATIONS THAT PRESENT A THREAT TO NEIGHBORING PROPERTIES; OR

17 3. A vacant dwelling that is maintained in a boarded
18 condition, free from trash and debris, and secure against trespassers and weather
19 entry;

20 (iii) Involving any violation of alcoholic beverages laws under Article
21 2B of the Code; or

22 (iv) Involving any matter in which a certificate, license, permit, or
23 registration is required or allowed under the Environment Article.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 1998.