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By: **Delegates Dypski, Hammen, and Krysiak**  
Introduced and read first time: February 8, 1999  
Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Real Property - Nuisance Abatement and Local Code Enforcement -**  
3                                   **Community Associations**

4 FOR the purpose of altering the definition of "community association" under certain  
5 provisions of law relating to standing of certain community associations in  
6 Baltimore City to seek judicial relief for abatement of certain nuisances; altering  
7 certain notice provisions; altering the unit authorized to provide a copy of a  
8 certain notice; making stylistic changes; and generally relating to abatement of  
9 certain nuisances in Baltimore City.

10 BY repealing and reenacting, without amendments,  
11 Article - Real Property  
12 Section 14-123(a)(1)  
13 Annotated Code of Maryland  
14 (1996 Replacement Volume and 1998 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article - Real Property  
17 Section 14-123(a)(2) and (c)  
18 Annotated Code of Maryland  
19 (1996 Replacement Volume and 1998 Supplement)

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

22                                   **Article - Real Property**

23 14-123.

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

25 (2) "Community association" means a Maryland nonprofit association,  
26 corporation, or other organization that:

- 1 (i) Is comprised of at least [25% of adult residents] 25  
2 HOUSEHOLDS of a local [community] NEIGHBORHOOD consisting of 40 or more  
3 individual households as defined by specific geographic boundaries in the bylaws or  
4 charter of the association;
- 5 (ii) Requires, as a condition of membership, the voluntary payment  
6 of monetary dues at least annually;
- 7 (iii) Is operated primarily for the promotion of social welfare and  
8 general neighborhood improvement and enhancement;
- 9 (iv) Has been in existence for at least 2 years when it files suit  
10 under this section;
- 11 (v) 1. Is exempt from taxation under § 501(c)(3) or (4) of the  
12 Internal Revenue Code; or
- 13 2. Has been included for a period of at least 2 years prior to  
14 bringing an action under this section in Baltimore City's Community Association  
15 Directory published by the Baltimore City Department of Planning; and
- 16 (vi) In the case of a Maryland corporation, is in good standing.
- 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]SENDS notice of the  
24 violation and of the community association's intent to bring an action under this  
25 section by certified mail, return receipt requested, to the [applicable local]  
26 APPROPRIATE CODE enforcement agency.
- 27 (ii) An action under this section may not be brought if the  
28 [applicable] APPROPRIATE code enforcement agency has filed an action for equitable  
29 relief from the nuisance.
- 30 (3) (i) An action may not be brought under this section until 60 days  
31 after THE COMMUNITY ASSOCIATION SENDS NOTICE TO the tenant, if any, and THE  
32 owner of record [receive notice from the community association] that a nuisance  
33 exists and that legal action may be taken if the nuisance is not abated.
- 34 (ii) The notice shall specify:
- 35 1. The nature of the alleged nuisance;



1 Department of Housing and Community Development and remains outstanding after  
2 a period of 75 days.

3           (6)     (i)       If a violation notice is an essential element of the action, a copy  
4 of the notice signed by an official of the [Department of Housing and Community  
5 Development] APPROPRIATE CODE ENFORCEMENT AGENCY shall be prima facie  
6 evidence of the facts contained in the notice.

7                   (ii)       A notice of abatement issued by the [Department of Housing  
8 and Community Development] APPROPRIATE CODE ENFORCEMENT AGENCY in  
9 regard to the violation notice shall be prima facie evidence that the plaintiff is not  
10 entitled to the relief requested.

11           (7)     A proceeding under this section shall:

12                   (i)       Take precedence on the docket;

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

14                   (iii)       Be expedited in every way.

15     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 1999.