

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE
Revised

House Bill 387 (Delegate Dvorski, *et al.*)

Commerce and Government Matters

Real Property - Nuisance Abatement and Local Code Enforcement - Community Associations

This bill makes it easier for a local neighborhood to qualify and have standing as a community association in Baltimore City by broadening the definition of a “community association” under provisions of law relating to standing of community associations to seek judicial relief for the abatement of qualifying nuisances. This bill also alters notice requirements relating to nuisance abatement actions.

Fiscal Summary

State Effect: None.

Local Effect: Any increase in the number of nuisance abatement cases filed could be handled with existing resources of the Baltimore City Circuit Court. Any increase in fine revenue would be minimal.

Small Business Effect: None.

Fiscal Analysis

Bill Summary: This bill alters the definition of a “community association” to provide that it may be comprised of at least 25 households or 25% of the households, whichever is less, of a local neighborhood consisting of 40 or more individual households as defined by specific geographic boundaries in the bylaws or charter of the association.

In addition, the bill alters the notice requirements that must be satisfied before a community

association may bring an action in the circuit court for abatement of a nuisance. An action may not be brought against the person causing the nuisance until 60 days after the community association sends, rather than gives, the owner and/or tenant notice of a nuisance and that legal action may be brought against them. Also, if the notice was sent to the person causing the nuisance by certified mail, but was: (1) returned unclaimed or refused; (2) was deemed undeliverable by the Post Office; or (3) signed for by a person other than the addressee, a notice is considered a proper notice if sent by regular mail and a copy is posted on the property where the nuisance is allegedly occurring.

The bill further provides that if a violation notice is an essential element of the action, a copy of the notice signed by an official of the appropriate code enforcement agency, rather than the Department of Housing and Community Development (DHCD) as currently provided, shall be prima facie evidence of the facts contained in the notice. In addition, a notice of abatement issued by the appropriate code enforcement agency, rather than DHCD as currently provided, in regard to the violation notice is prima facie evidence that the plaintiff is not entitled to the relief requested.

Information Source(s): Baltimore City, Judiciary (Administrative Office of the Courts)

Fiscal Note History: First Reader - February 16, 1999
lnc/jr Revised - House Third Reader - March 27, 1999

Analysis by: Joanna Rooney

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510