

SENATE BILL 451

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2000 Regular Session
0lr1594

By: **Senators Jacobs, Conway, Hooper, Colburn, Collins, Dyson, Forehand,
Lawlah, Blount, McCabe, and Middleton**

Introduced and read first time: February 4, 2000

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 16, 2000

CHAPTER_____

1 AN ACT concerning

2 **Real Property - Abatement of Nuisance Actions - Municipal Corporation**

3 FOR the purpose of authorizing a municipal corporation within whose boundaries a
4 certain nuisance is located to bring an action for abatement of nuisance; and
5 generally relating to abatement of nuisance actions.

6 BY repealing and reenacting, without amendments,
7 Article - Real Property
8 Section 14-120(a)
9 Annotated Code of Maryland
10 (1996 Replacement Volume and 1999 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article - Real Property
13 Section 14-120(b)
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 1999 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 14-120.

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

1 (2) "Community association" means:

2 (i) A nonprofit association, corporation, or other organization that
3 is:

4 1. Comprised of residents of a community within which a
5 nuisance is located;

6 2. Operated exclusively for the promotion of social welfare
7 and general neighborhood improvement and enhancement; and

8 3. Exempt from taxation under § 501(c)(3) or (4) of the
9 Internal Revenue Code; or

10 (ii) A nonprofit association, corporation, or other organization that
11 is:

12 1. Comprised of residents of a contiguous community that is
13 defined by specific geographic boundaries, within which a nuisance is located; and

14 2. Operated for the promotion of the welfare, improvement
15 and enhancement of that community.

16 (3) "Controlled dangerous substances" has the meaning stated in Article
17 27, § 279(a) and (b) of the Code.

18 (4) "Nuisance" means a property that is used:

19 (i) By persons who assemble for the specific purpose of illegally
20 administering a controlled dangerous substance;

21 (ii) For the illegal manufacture, or distribution of:

22 1. A controlled dangerous substance; or

23 2. Controlled paraphernalia, as defined in Article 27, §
24 287(d) of the Code; or

25 (iii) For the illegal storage or concealment of a controlled dangerous
26 substance in sufficient quantity to reasonably indicate under all the circumstances an
27 intent to manufacture, distribute, or dispense:

28 1. A controlled dangerous substance; or

29 2. Controlled paraphernalia, as defined in Article 27, §
30 287(d) of the Code.

31 (5) "Property" includes a mobile home.

32 (6) (i) "Tenant" means the lessee or a person occupying property,
33 whether or not a party to a lease.

1 (ii) "Tenant" includes a lessee or a person occupying a mobile home,
2 whether or not a party to a lease.

3 (iii) "Tenant" does not include a mobile home owner who leases or
4 rents a site for residential use and resides in a mobile home park.

5 (b) An action under § 4-401 of the Courts Article to abate a nuisance may be
6 brought by:

7 (1) The State's Attorney of the county in which the nuisance is located;

8 (2) The county attorney or solicitor of the county in which the nuisance is
9 located; [or]

10 (3) A community association within whose boundaries the nuisance is
11 located; OR

12 (4) A MUNICIPAL CORPORATION WITHIN WHOSE BOUNDARIES THE
13 NUISANCE IS LOCATED.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2000.