

SENATE BILL 805

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2000 Regular Session
0lr0801
CF 0lr1355

By: **Senators Mitchell, Hughes, Colburn, Sfikas, Conway, and McFadden**
Introduced and read first time: February 14, 2000
Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Community Associations - Abatement of Nuisances**

3 FOR the purpose of authorizing certain community associations to bring an action to
4 abate certain nuisances; providing for exclusive original civil jurisdiction for the
5 District Court for actions filed under this Act; authorizing the District Court to
6 award certain monetary damages to abate certain nuisances; authorizing the
7 District Court to award certain costs and fees; providing for the relevance of
8 certain evidence; requiring that a certain hearing take place within a certain
9 amount of time; defining certain terms; providing for the scope of this Act; and
10 generally relating to the abatement of nuisances based on the possession or
11 purchase of controlled dangerous substances, prostitution, or the possession of a
12 handgun without a permit.

13 BY repealing and reenacting, without amendments,
14 Article - Courts and Judicial Proceedings
15 Section 4-401(1)
16 Annotated Code of Maryland
17 (1998 Replacement Volume and 1999 Supplement)

18 BY adding to
19 Article - Real Property
20 Section 14-126
21 Annotated Code of Maryland
22 (1996 Replacement Volume and 1999 Supplement)

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

1 **Article - Courts and Judicial Proceedings**

2 4-401.

3 Except as provided in § 4-402 of this subtitle, and subject to the venue
4 provisions of Title 6 of this article, the District Court has exclusive original civil
5 jurisdiction in:

6 (1) An action in contract or tort, if the debt or damages claimed do not
7 exceed \$25,000, exclusive of prejudgment or postjudgment interest, costs, and
8 attorney's fees if attorney's fees are recoverable by law or contract;

9 **Article - Real Property**

10 14-126.

11 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
12 INDICATED.

13 (1) "COMMUNITY ASSOCIATION" HAS THE MEANING STATED IN § 14-120
14 OF THIS SUBTITLE.

15 (2) "NUISANCE" MEANS:

16 (I) A VIOLATION OF ARTICLE 27, § 287 OR § 287B OF THE CODE;

17 (II) A VIOLATION OF ARTICLE 27, § 15 OF THE CODE; OR

18 (III) A VIOLATION OF ARTICLE 27, § 36B(B) OF THE CODE.

19 (B) AN ACTION UNDER § 4-401 OF THE COURTS ARTICLE TO ABATE A
20 NUISANCE MAY BE BROUGHT BY A COMMUNITY ASSOCIATION WITHIN WHOSE
21 BOUNDARIES THE NUISANCE OCCURRED.

22 (C) IF THE COMMUNITY ASSOCIATION IS THE PREVAILING PLAINTIFF IN A
23 NUISANCE ACTION BROUGHT UNDER THIS SECTION, THE COURT MAY:

24 (1) (I) IF THE DEFENDANT HAS NOT PREVIOUSLY BEEN FOUND
25 LIABLE IN A NUISANCE ACTION BROUGHT UNDER THIS SECTION, AWARD THE
26 COMMUNITY ASSOCIATION DAMAGES OF NOT LESS THAN \$5,000 BUT NOT MORE
27 THAN \$25,000, EXCLUSIVE OF PREJUDGMENT OR POSTJUDGMENT INTEREST; OR

28 (II) IF THE DEFENDANT HAS BEEN PREVIOUSLY FOUND LIABLE IN
29 A NUISANCE ACTION BROUGHT UNDER THIS SECTION, AWARD THE COMMUNITY
30 ASSOCIATION DAMAGES OF NOT LESS \$10,000 BUT NOT MORE THAN \$25,000,
31 EXCLUSIVE OF PREJUDGMENT OR POSTJUDGMENT INTEREST; AND

32 (2) AWARD COURT COSTS AND REASONABLE ATTORNEY'S FEES TO THE
33 COMMUNITY ASSOCIATION.

1 (D) IN ANY ACTION BROUGHT UNDER THIS SECTION, EVIDENCE THAT THE
2 NUISANCE HAS BEEN DISCONTINUED AT THE TIME OF THE FILING OF THE
3 COMPLAINT OR AT THE TIME OF THE HEARING DOES NOT BAR THE IMPOSITION OF
4 APPROPRIATE RELIEF BY THE COURT UNDER SUBSECTION (C) OF THIS SECTION.

5 (E) AN ACTION UNDER THIS SECTION SHALL BE HEARD WITHIN 14 DAYS
6 AFTER SERVICE OF PROCESS ON THE PARTIES.

7 (F) THIS SECTION DOES NOT ABROGATE ANY EQUITABLE OR LEGAL RIGHT OR
8 REMEDY UNDER EXISTING LAW TO ABATE A NUISANCE.

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