

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 954 (Delegate Petzold. *et al.*)

Economic Matters

Real Property - Abatement of Nuisance

This bill authorizes a business owners organization to bring an action for abatement of a nuisance caused by a controlled substance, a controlled dangerous substance, or controlled paraphernalia. The bill also authorizes a business owners organization, a community association, a local State's Attorney, or a local county attorney or solicitor to bring an action for abatement of a nuisance caused by persons providing sexual services. Prevailing plaintiffs in these actions are entitled to injunctive or other equitable relief, regardless of whether there is an adequate remedy at law. A court may order a tenant who knew of the nuisance to vacate the property within 72 hours and may order return of the premises to the landlord. A court may award reasonable attorney's fees and court costs to a prevailing plaintiff that is a community association or business owners organization.

Fiscal Summary

State Effect: Assuming the number of cases brought is minimal, any increase in workload could be handled with the existing budgeted resources of the Judiciary.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: A community association, a local State's Attorney, or a local county attorney or solicitor may bring an action in the District Court for abatement of a nuisance caused by a controlled substance, a controlled dangerous substance, or controlled paraphernalia. Prevailing plaintiffs in a drug nuisance action are entitled to injunctive or other equitable relief, regardless of whether there is an adequate remedy at law. A court may order a tenant

who knew of the nuisance to vacate the property within 72 hours and may order return of the premises to the landlord. A court may order an owner to submit a plan for court approval to ensure that the property will not again be used for a nuisance. A court may award reasonable attorney's fees and court costs to a prevailing plaintiff that is a community association.

In Baltimore County, a neighborhood association may bring an action in circuit court for nuisance on private property that: (1) negatively impacts the well-being of other neighborhood residents and is injurious to public health, safety, or welfare of neighboring residents; or (2) obstructs the reasonable use of other property in the neighborhood. Prevailing plaintiffs are entitled to injunctive or other equitable relief.

In Prince George's County, a neighborhood association may bring an action in circuit court for nuisance on private property that: (1) significantly affects other neighborhood residents; negatively impacts neighboring property values; and is injurious to public health, safety, or welfare of neighboring residents; or (2) obstructs the reasonable use of other property in the neighborhood. Such cases take precedence on the docket and must be heard at the earliest possible date. Prevailing plaintiffs are entitled to injunctive or other equitable relief.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (District Court), Department of Legislative Services

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