

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 547 (Delegate Montague)

Commerce and Government Matters

Community Associations - Abatement of Nuisances

This bill authorizes a community association to bring a civil action in District Court for the abatement of a nuisance caused by: (1) unlawful possession of controlled substances or non-controlled substances believed to be controlled substances; (2) prostitution and related crimes; or (3) unlawful wearing, carrying, or transport of a handgun. Defendants found liable may be assessed damages from \$5,000 to \$25,000 for the first time being found liable and damages from \$10,000 to \$25,000 for subsequent liability. A court may award reasonable attorney's fees and court costs to prevailing plaintiffs. An action brought under this section must be heard within 14 days after service of process. The bill does not abrogate any other equitable or legal right or remedy.

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: None.

Analysis

Current Law: 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: SB 805 (Senator Mitchell, *et al.*) - Judicial Proceedings.

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

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dnscjr

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