

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE
Revised

Senate Bill 717 (Senator McFadden. *et al.*)
(Baltimore City Administration)

Judicial Proceedings

Real Property - Abatement of Nuisance - Controlled Dangerous Substances

This bill clarifies that owner-occupants are subject to current provisions of law relating to drug nuisance property. The bill also provides that, in addition to any other equitable relief, a court in a drug nuisance abatement case may order a tenant who knew or should have known of the existence of the nuisance to vacate the property within 72 hours and grant possession of the property to the owner. If an owner fails to comply with a nuisance abatement order, a court may order the property to be demolished if the cost of rehabilitation significantly exceeds the market value after rehabilitation. The bill establishes requirements for requests for oral argument in an appeal. The bill provides that provisions of the Real Property Article or public local laws applicable to actions between a landlord and tenant are not applicable to actions brought under the bill.

Fiscal Summary

State Effect: The bill's requirements could be handled with the existing budgeted resources of the Judiciary.

Local Effect: The bill would not materially affect local finances or operations.

Small Business Effect: Minimal.

Analysis

Current Law: In a drug nuisance abatement case, a court may issue an injunction or order other equitable relief whether or not 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 costs and reasonable attorney's fees to a prevailing plaintiff, if the plaintiff is a community association. A drug nuisance action may be brought by a community association, the local State's Attorney, or the local county attorney or solicitor.

Additional Information

Prior Introductions: None.

Cross File: HB 742 (Delegate Marriott) - Economic Matters.

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

Fiscal Note History: First Reader - February 22, 2000
mld/jr Revised - Senate Third Reader - March 22, 2000
Revised - Enrolled Bill - May 2, 2000

Analysis by: Ryan Wilson

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