

Department of Legislative Services  
Maryland General Assembly  
2001 Session

**FISCAL NOTE**  
**Revised**

House Bill 1344 (Delegate Cadden, *et al.*)

Commerce and Government Matters

Judicial Proceedings

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**Anne Arundel County - Nuisance Abatement and Local Code Enforcement -  
Enforcement Authority**

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This bill authorizes the County Attorney or State's Attorney for Anne Arundel County, the Annapolis City Attorney, or a community association within whose boundaries a nuisance exists to bring an action in the District Court for injunctive or other equitable relief for abatement of a nuisance.

The bill is effective July 1, 2001.

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**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:** Minimal effect on Anne Arundel County and the City of Annapolis.

**Small Business Effect:** Minimal.

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**Analysis**

**Bill Summary:** A nuisance is defined as: (1) a property where an occupant has been convicted of specified crimes relating to disturbances of the peace; (2) a property to which police or other law enforcement agencies have responded to complaints or calls 10 or more times in a 30-day period; or (3) an act or condition knowingly created, performed, or maintained on private property that constitutes a local code violation and that: (a) significantly affects other residents of the neighborhood; (b) diminishes the value

of neighboring property; and (c) either is injurious to public health, safety, or welfare of neighboring residents; or obstructs the reasonable use of other property in the neighborhood.

The plaintiff in an action must show that the plaintiff has complied with the bill's required notice provisions and that the nuisance has not been abated. An action cannot be brought until 60 days after: (1) the plaintiff gives notice of the violation and of the plaintiff's intent to bring an action by certified mail to the applicable local enforcement agency; and (2) the owner of record and any tenant receive notice from the plaintiff that a nuisance exists and that legal action may be taken. A prospective plaintiff may not bring an action if the applicable code enforcement agency has filed an action for equitable relief from the nuisance.

Actions brought under the bill do not abrogate any other equitable or legal right or remedy otherwise available to abate a nuisance.

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 political subdivision of the State or any agency of a political subdivision may not be subject to any action brought under the bill or an action resulting from an action brought under the bill against a private property owner.

The bill is effective July 1, 2001.

**Current Law:** A community association, a local State's Attorney, a municipal corporation, or a local county attorney or solicitor may bring an action in District Court for abatement of a nuisance caused by a controlled substance, a controlled dangerous substance, or controlled paraphernalia. 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 attorneys' fees 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.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 587 (Senator Jimeno) – Judicial Proceedings.

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

**Fiscal Note History:** First Reader – March 8, 2001  
mld/jr Revised – Enrolled Bill – April 30, 2001

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Analysis by: Ryan Wilson

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