

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 577

(Senator Jacobs)

Judicial Proceedings

Environmental Matters

**Harford County - Nuisance Abatement and Local Code Enforcement -
Enforcement Authority**

This bill authorizes an action for injunctive and other equitable relief for the abatement of a “nuisance” in Harford County to be brought by the State’s Attorney for Harford County.

Fiscal Summary

State Effect: Assuming the number of cases brought under the bill is minimal, the bill would not materially affect the workload of the Judiciary. Additional resources may be required if a large number of cases is brought in the District Court for Harford County.

Local Effect: Assuming the number of cases brought under the bill is minimal, the bill’s requirements could be handled with the existing budgeted resources of Harford County.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: The State’s Attorney may bring a nuisance action under the bill after showing that the notice requirements have been satisfied and the nuisance has not been abated.

Before bringing an action, the State’s Attorney is required to give 60 days notice of the violation and of the intent to bring an action by certified mail, return receipt requested, to the applicable local enforcement agency. If the applicable code enforcement agency has

filed an action for equitable relief, the State's Attorney may not bring an action under the bill.

An action may not be brought until 60 days after the tenant (if any) and owner of record have received a notice containing specified information from the State's Attorney that a nuisance exists and that legal action may be brought if the nuisance is not abated.

When filing suit under the bill, the State's Attorney's Office must certify to the court what steps it has taken to satisfy the notice requirements and that each condition precedent to filing has been met.

A court may order a tenant to vacate the premises or grant judgment of restitution or the possession of rental property to the owner under specified circumstances. If the court orders restitution or the possession of the premises, the court must issue its warrant to the sheriff or constable commanding execution within five days after the warrant is issued. The court may also order the property owner to submit a plan of correction to ensure, to the extent reasonably possible, that the property will not again be used for a nuisance under specified circumstances.

If an owner fails to comply with an order under the bill, after a hearing, the court may order the property to be demolished if it is unfit for habitation and the estimated cost of rehabilitation significantly exceeds the property's estimated market value after rehabilitation.

The bill does not abrogate any equitable or legal right or remedy otherwise available to abate a nuisance.

Current Law: A State's Attorney, county attorney, community association, or municipal corporation may bring an action to abate a nuisance under the State's drug-related nuisance provisions. Under these provisions, the court may issue an injunction or other equitable relief whether or not there is an adequate remedy at law.

In Baltimore City and Anne Arundel, Baltimore, and Prince George's counties, a community association, State's Attorney, county attorney, or local city attorney may bring an action to abate a nuisance based on a local code violation. The requirements for bringing an action under these provisions are similar to the requirements under this bill.

Additional Information

Prior Introductions: None.

Cross File: HB 677 (Harford County Delegation) – Environmental Matters.

Information Source(s): Judiciary (Administrative Office of the Courts), Harford County, Town of Bel Air, Department of Legislative Services

Fiscal Note History: First Reader - March 6, 2007
mll/hlb Revised - Senate Third Reader - March 27, 2007

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