

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 1353 (Delegate Healey)
Environmental Matters

Real Property - Blighted Property - Required Sale or Nuisance Abatement

This bill requires the owner of a blighted property to (1) list the property for sale with a licensed real estate broker at a price equal to or less than the value of the property as assessed for the purposes of applying property tax; or (2) remediate the property's code violations by taking specified actions. If an owner violates the bill's provisions, the local government may declare the property a nuisance and order the owner to abate the nuisance. If the owner fails to abate the nuisance, the bill authorizes the local government to impose a fine on the owner equal to three times the amount of the local property tax imposed on the property.

Fiscal Summary

State Effect: The bill does not directly affect governmental operations or finances.

Local Effect: Local expenditures increase to reflect additional personnel and administrative costs from reviewing and approving remediation plans and performing inspections to confirm the completion of a remediation. Local revenues may increase due to the imposition of new penalty provisions. Any increase in revenues from the receipt of transfer taxes paid by owners of blighted property is expected to be minimal. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Minimal.

Analysis

Bill Summary: "Blighted property" is defined as property that (1) has been vacant or boarded for at least one year; (2) has been the subject of nuisance complaints; and

(3) does not meet the requirements of the applicable local housing code or the Minimum Livability Code.

To remediate the blighted property's code violations, the owner must (1) submit a remediation plan for approval by the local government; (2) begin the remediation within 30 days after approval of the plan; and (3) complete the remediation within 90 days after the remediation has begun. The bill authorizes the local government to grant an extension of these time periods and prohibits the owner from listing the property for lease until the property meets the applicable local housing code or the Minimum Livability Code.

Current Law:

In General: The concept of “nuisance” originates under common law and is something that causes offense, annoyance, trouble, or injury. A private nuisance obstructs the rights of a specific individual or group, while a public nuisance is an act or omission that obstructs, damages, or inconveniences the rights of the community.

Several types of nuisances are specifically addressed in State law, including:

- conditions that are dangerous to health or safety, including an inadequately protected swimming pool, an unprotected open ditch, an unsanitary outhouse, a foul pigpen, an improperly functioning sewage system, an unkempt junkyard or scrap metal processing facility, an excessive accumulation of trash or garbage, a dead animal, a contaminated or inadequately protected water supply, a rodent harborage, poor housekeeping that could endanger an individual's health, or any condition that may endanger health and may be transmitted by means including surface drainage and air currents (Health-General Article);
- the presence of mosquitoes, pests, and noxious weeds (Agriculture Article);
- dwellings, buildings, vehicles, vessels, aircraft, or any other place(s) used by individuals to administer illegally controlled substances or where controlled dangerous substances or controlled substances or controlled paraphernalia are manufactured, distributed, dispensed, stored, or concealed illegally (Criminal Law Article);
- nuisances affecting public health and involving plumbing, drainage, water supplies, and disposal of any waste material (Environment Article);
- the presence of nonnative aquatic organisms (Natural Resources Article); and

- property that is used for prostitution or for the administration, manufacture, distribution, or storage of a controlled dangerous substance or related paraphernalia (Real Property Article).

Each department charged with abating the above nuisances is authorized to enter onto private property to determine its existence.

Additionally, each county board of health is authorized to adopt and enforce rules and regulations on any nuisance or cause of disease in the county. If a county health officer investigates and finds a nuisance, the health officer is required to serve a written notice to the person who is causing the nuisance, ordering the person to abate the nuisance within a specified period of time.

Additional Information

Prior Introductions: None.

Cross File: SB 753 (Senator Young) - Judicial Proceedings.

Information Source(s): Allegany and Talbot counties; State Department of Assessments and Taxation; Baltimore City; Office of the Attorney General (Consumer Protection Division); Department of Housing and Community Development; Judiciary (Administrative Office of the Courts); Department of Labor, Licensing, and Regulation; Montgomery County; Department of Legislative Services

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mm/kdm

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