

HOUSE BILL 676

J1, N1, L2

3lr0469

By: **Montgomery County Delegation**

Introduced and read first time: February 1, 2013

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Nuisances in Multidwelling Buildings – Private Right**
3 **of Action**

4 **MC 10–13**

5 FOR the purpose of authorizing an individual who resides in Montgomery County who
6 has been harmed by a certain type of nuisance to bring an action to abate the
7 nuisance or for other compensatory or equitable relief against the person found
8 to have created the nuisance; altering the definition of “nuisance” to include, in
9 Montgomery County only, tobacco smoke that drifts from certain units into a
10 certain residential dwelling unit in a multidwelling building more than a
11 certain number of times in a certain period of time; and generally relating to
12 creating a private right of action for a nuisance in multidwelling buildings in
13 Montgomery County.

14 BY repealing and reenacting, with amendments,
15 Article – Health – General
16 Section 20–301
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2012 Supplement)

19 BY adding to
20 Article – Health – General
21 Section 20–305.1
22 Annotated Code of Maryland
23 (2009 Replacement Volume and 2012 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

26 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 20–301.

2 (a) In this subtitle, “nuisance” means a condition that is dangerous to health
3 or safety including:

4 (1) An inadequately protected swimming pool;

5 (2) An unprotected open ditch;

6 (3) An unsanitary outhouse;

7 (4) A foul pigpen;

8 (5) An improperly functioning sewage system;

9 (6) An unkempt junkyard;

10 (7) An unkempt scrap metal processing facility;

11 (8) An excessive accumulation of trash or garbage;

12 (9) A dead animal;

13 (10) A contaminated water supply;

14 (11) An inadequately protected water supply;

15 (12) A rodent harborage;

16 (13) Poor housekeeping that could endanger the health of the owner,
17 occupant, employee, or a neighbor; or

18 (14) Any condition that may endanger health that may be transmitted
19 by means including:

20 (i) Running streams;

21 (ii) Surface drainage;

22 (iii) Air currents;

23 (iv) Birds;

24 (v) Domestic animals; or

25 (vi) Human beings.

1 (b) “Nuisance” does not include any condition resulting from a farm
2 operation following generally accepted agricultural practices that are not creating a
3 condition dangerous to health or safety.

4 **(c) IN MONTGOMERY COUNTY ONLY, “NUISANCE” INCLUDES TOBACCO**
5 **SMOKE THAT, MORE THAN ONCE IN A CONSECUTIVE 14-DAY PERIOD, DRIFTS**
6 **INTO A RESIDENTIAL DWELLING UNIT OF A BUILDING CONTAINING TWO OR**
7 **MORE RESIDENTIAL DWELLING UNITS THAT A PERSON RENTS, LEASES, OR**
8 **OWNS, FROM ANOTHER RESIDENTIAL DWELLING UNIT OR A COMMERCIAL UNIT**
9 **IN THE SAME BUILDING.**

10 **20-305.1.**

11 **AN INDIVIDUAL WHO RESIDES IN MONTGOMERY COUNTY AND HAS BEEN**
12 **HARMED BY THE NUISANCE UNDER § 20-301(C) OF THIS SUBTITLE MAY BRING**
13 **AN ACTION TO ABATE THE NUISANCE OR FOR ANY OTHER COMPENSATORY OR**
14 **EQUITABLE RELIEF AGAINST THE PERSON FOUND TO HAVE CREATED THE**
15 **NUISANCE.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2013.