

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 496 (Delegate Sydnor, *et al.*)
Environment and Transportation

Baltimore County - Nuisance Actions - Community Association Standing

This bill broadens the definitions of “community association” and “nuisance” in Baltimore County for the purpose of authorizing a community association to seek injunctive or other equitable relief in the Circuit Court for Baltimore County for nuisance abatement. The bill also repeals (1) the requirement that the circuit court determine the amount and conditions of a specified bond to be filed by a community association that is seeking relief and (2) a provision denying standing to a community association for an action in which the alleged nuisance consists of a vacant dwelling that is maintained in acceptable condition, as specified. Finally, the bill corrects a reference to the Baltimore County Code.

Fiscal Summary

State Effect: The bill is not anticipated to affect State finances or operations.

Local Effect: The bill is not anticipated to materially affect the finances or operations of the Circuit Court for Baltimore County.

Small Business Effect: None.

Analysis

Bill Summary: “Community association” means a Maryland nonprofit association, corporation, or other organization that is (1) composed of residents of a community defined by specific geographic boundaries; (2) operated primarily for the promotion of social welfare and general neighborhood improvement and enhancement; and (3) in good standing with the State Department of Assessments and Taxation.

“Nuisance” means an act or condition created, performed, or maintained on private property that constitutes a local code violation and that meets specified adverse conditions within the boundaries of the community represented by the community association or within the boundaries of a contiguous community.

Current Law: Generally, in Baltimore County, a community association may seek injunctive and other equitable relief in the Circuit Court for Baltimore County for abatement of a nuisance after (1) meeting specified notice requirements and (2) showing that the nuisance has not been abated.

Community Association

In Baltimore County, “community association” means a Maryland nonprofit corporation that:

- is comprised of at least 20% of the total number of households as members, with a minimum membership of 25 households, of a local community that consists of 40 or more individual households as defined by specific geographic boundaries in the bylaws or charter of the community association;
- requires, as a condition of membership, the payment of monetary dues at least annually;
- is operated primarily for the promotion of social welfare and general neighborhood improvement and enhancement;
- has been in existence for at least one year when it files suit for abatement of a nuisance;
- is exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code or has been included for a period of at least one year prior to bringing an action to abate a nuisance in the “Directory of Organizations in Baltimore County” that is published by the Baltimore County Public Library; and
- is in good standing.

Nuisance

“Nuisance” means an act or condition created, performed, or maintained on private property that constitutes a local code violation and that meets specified adverse conditions within the boundaries of the community represented by the community association.

Required Bond

The court must determine the amount and under what conditions, if any, a community association must file a bond in an action for relief.

Limitations on Rights and Remedies

Statute generally prohibits standing for a community association in an action challenging any zoning, development, special exception, or variance application or approval in which the alleged nuisance consists of (among other things) a vacant dwelling that is maintained in a boarded condition, free from trash and debris, and secure against trespassers and weather entry.

Background: Generally, State law does not grant to a community association standing to seek injunctive or other equitable relief for nuisance abatement in Maryland. However, State law does specifically authorize community associations of specified local jurisdictions to bring an action for injunctive or other equitable relief for nuisance abatement based on local code violations, in Baltimore City, as well as in Anne Arundel, Baltimore, Harford, and Prince George's counties.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore County; Judiciary (Administrative Office of the Courts); State Department of Assessments and Taxation; Department of Legislative Services

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mm/kdm

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