

HOUSE BILL 234

L6, N1

8lr0750

By: **Delegate Grammer**

Introduced and read first time: January 18, 2018

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Land Use – Public Nuisance – Surety Bond Requirement**
3 **(Developer Accountability Act)**

4 FOR the purpose of requiring that if a person found to be responsible for a certain public
5 nuisance is affiliated with a certain proposed development, the approval of any
6 related subdivision plat or other related zoning or land use application shall be
7 conditioned on a requirement that the applicant file a certain surety bond; applying
8 the requirement to charter counties and Baltimore City; defining certain terms; and
9 generally relating to land use and public nuisances.

10 BY repealing and reenacting, without amendments,
11 Article – Land Use
12 Section 1–101(a) and (k)
13 Annotated Code of Maryland
14 (2012 Volume and 2017 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Land Use
17 Section 1–401(b)(22) and (23) and 10–103(b)(18) and (19)
18 Annotated Code of Maryland
19 (2012 Volume and 2017 Supplement)

20 BY adding to
21 Article – Land Use
22 Section 1–401(b)(24) and 10–103(b)(20); and 11–301 to be under the new subtitle
23 “Subtitle 3. Miscellaneous Penalties and Provisions”
24 Annotated Code of Maryland
25 (2012 Volume and 2017 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Land Use**

2 1–101.

3 (a) In this division the following words have the meanings indicated.

4 (k) “Person” means an individual, receiver, trustee, guardian, personal
5 representative, fiduciary, representative of any kind, partnership, firm, association,
6 corporation, limited liability company, or other entity.

7 1–401.

8 (b) The following provisions of this division apply to a charter county:

9 (22) for Talbot County only, Title 9, Subtitle 18 (Single–County Provisions
10 – Talbot County); [and]

11 (23) Title 11, Subtitle 2 (Civil Penalty); AND

12 **(24) TITLE 11, SUBTITLE 3 (MISCELLANEOUS PENALTIES AND**
13 **PROVISIONS).**

14 10–103.

15 (b) The following provisions of this division apply to Baltimore City:

16 (18) Title 7, Subtitle 4 (Inclusionary Zoning); [and]

17 (19) Title 11, Subtitle 2 (Civil Penalty); AND

18 **(20) TITLE 11, SUBTITLE 3 (MISCELLANEOUS PENALTIES AND**
19 **PROVISIONS).**20 **SUBTITLE 3. MISCELLANEOUS PENALTIES AND PROVISIONS.**21 **11–301.**22 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
23 **INDICATED.**24 **(2) “NUISANCE PROPERTY” MEANS THE LOCATION OF A PUBLIC**
25 **NUISANCE.**26 **(3) “PUBLIC NUISANCE” MEANS A CONDITION OR USE:**

1 (I) OF A PROPERTY THAT IS VACANT OR IN SEVERE DISREPAIR;

2 (II) FOR WHICH A NOTICE OF CORRECTION OR A CITATION HAS
3 BEEN ISSUED; AND

4 (III) THAT CONTRIBUTES TO:

5 1. A SERIOUS PHYSICAL INJURY TO OR DEATH OF AN
6 INDIVIDUAL; OR

7 2. SMOKE OR OTHER FIRE-RELATED NEGATIVE EFFECTS
8 ON ANOTHER PROPERTY LOCATED WITHIN ONE-HALF MILE OF THE NUISANCE
9 PROPERTY OR ON A RESIDENT OR USER OF THE OTHER PROPERTY.

10 (4) (I) “RESPONSIBLE PERSON” MEANS A PERSON THAT IS FOUND
11 RESPONSIBLE FOR A PUBLIC NUISANCE.

12 (II) “RESPONSIBLE PERSON” INCLUDES:

13 1. AN OWNER OF A NUISANCE PROPERTY;

14 2. ANY PERSON THAT DIRECTLY OR INDIRECTLY
15 CONTROLS, OR IS CONTROLLED BY, OR IS UNDER COMMON CONTROL WITH, A
16 RESPONSIBLE PERSON;

17 3. AN INDIVIDUAL WHO IS AN OFFICER, A DIRECTOR, OR
18 A PARTNER OF A RESPONSIBLE PERSON, OR WHO OCCUPIES A SIMILAR POSITION OR
19 PERFORMS A SIMILAR FUNCTION; AND

20 4. A SPOUSE, CHILD, PARENT, BROTHER, OR SISTER OF A
21 RESPONSIBLE PERSON.

22 (B) IF A RESPONSIBLE PERSON IS AFFILIATED WITH A PROPOSED
23 DEVELOPMENT OF A NUISANCE PROPERTY OR OF ANY OTHER PROPERTY IN THE
24 STATE, THE APPROVAL OF ANY RELATED SUBDIVISION PLAT OR OTHER RELATED
25 ZONING OR LAND USE APPLICATION SHALL BE CONDITIONED ON A REQUIREMENT
26 THAT THE APPLICANT FILE A SURETY BOND THAT IS:

27 (1) INTENDED AND MAY BE USED BY THE LOCAL JURISDICTION TO
28 ENSURE THAT NECESSARY MEASURES ARE MAINTAINED TO SAFEGUARD THE
29 PROPERTY;

1 **(2) IN THE FORM AND WITH THE SURETY THAT THE LOCAL**
2 **JURISDICTION APPROVES;**

3 **(3) IN THE AMOUNT OF AT LEAST \$1,000,000; AND**

4 **(4) EXECUTED BY A SURETY COMPANY AUTHORIZED TO DO BUSINESS**
5 **IN THE STATE.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2018.