

HOUSE BILL 1067

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9lr2283

By: **Delegate Rosenberg**

Introduced and read first time: February 8, 2019

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Nuisance Abatement – Penalties for Owners of Commercial**
3 **Property**

4 FOR the purpose of establishing a certain civil penalty for an owner of commercial property
5 if a court determines that a certain nuisance exists on the commercial property;
6 establishing a certain civil penalty; establishing that each day a certain nuisance
7 exists is a separate violation; and generally relating to nuisance abatement on
8 commercial property.

9 BY repealing and reenacting, without amendments,
10 Article – Real Property
11 Section 14–120(a)(2), (5), (7), and (8), (b), and (c)
12 Annotated Code of Maryland
13 (2015 Replacement Volume and 2018 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Real Property
16 Section 14–120(g)
17 Annotated Code of Maryland
18 (2015 Replacement Volume and 2018 Supplement)

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

Article – Real Property

21 14–120.

22 (a) (2) “Commercial property” does not include residential rental property.

23 (5) “Nuisance” means a property that is used:
24

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) 1. By persons who assemble for the specific purpose of
2 illegally administering a controlled dangerous substance;

3 2. For the illegal manufacture, or distribution of:

4 A. A controlled dangerous substance; or

5 B. Controlled paraphernalia, as defined in § 5–101 of the
6 Criminal Law Article; or

7 3. For the illegal storage or concealment of a controlled
8 dangerous substance in sufficient quantity to reasonably indicate under all the
9 circumstances an intent to manufacture, distribute, or dispense:

10 A. A controlled dangerous substance; or

11 B. Controlled paraphernalia, as defined in § 5–101 of the
12 Criminal Law Article; or

13 (ii) For prostitution.

14 (7) “Owner” includes an owner–occupant.

15 (8) “Owner–occupant” includes an owner of commercial property that
16 conducts business in any part of the property.

17 (b) An action under § 4–401 of the Courts Article to abate a nuisance may be
18 brought by:

19 (1) The State’s Attorney of the county in which the nuisance is located;

20 (2) The county attorney or solicitor of the county in which the nuisance is
21 located;

22 (3) A community association within whose boundaries the nuisance is
23 located; or

24 (4) A municipal corporation within whose boundaries the nuisance is
25 located.

26 (c) An action under § 4–401 of the Courts Article to abate a nuisance may be
27 brought against:

28 (1) A tenant of the property where the nuisance is located;

29 (2) An owner of the property where the nuisance is located; or

1 (3) An operator of the property where the nuisance is located.

2 (g) (1) If, after a hearing, the court determines that a nuisance exists, the court
3 may order any appropriate injunctive or other equitable relief.

4 (2) Notwithstanding any other provision of law, and in addition to or as a
5 component of any remedy ordered under paragraph (1) of this subsection, the court may
6 order:

7 (i) A tenant who knew or should have known of the existence of the
8 nuisance to vacate the property within 72 hours; or

9 (ii) An owner or operator of the property to submit for court approval
10 a plan of correction to ensure, to the extent reasonably possible, that the property will not
11 again be used for a nuisance if:

12 1. The owner or operator is a party to the action; and

13 2. The owner or operator knew or should have known of the
14 existence of the nuisance.

15 **(3) (I) IF THE COURT DETERMINES THAT A NUISANCE EXISTS ON**
16 **COMMERCIAL PROPERTY, THE OWNER OF THE COMMERCIAL PROPERTY IS SUBJECT**
17 **TO A CIVIL PENALTY NOT EXCEEDING \$1,000 PER VIOLATION.**

18 **(II) EACH DAY THAT THE NUISANCE EXISTS ON THE**
19 **COMMERCIAL PROPERTY IS A SEPARATE VIOLATION.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2019.