

# SENATE BILL 247

N1  
HB 217/19 – ENT

0lr0792  
CF HB 511

---

By: **Senators Sydnor, Kelley, and Lam**  
Introduced and read first time: January 20, 2020  
Assigned to: Judicial Proceedings

---

Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 5, 2020

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Baltimore County – Nuisance Actions – Community Association Standing**

3 FOR the purpose of altering the definitions of “community association” and “local code  
4 violation” for purposes of certain provisions of law authorizing community  
5 associations to seek judicial relief for nuisance abatement in Baltimore County;  
6 repealing a provision of law requiring a certain court to determine in what amount  
7 and under what conditions a bond must be filed by a community association in a  
8 certain nuisance action; and generally relating to the right of community  
9 associations to seek judicial relief for nuisance abatement in Baltimore County.

10 BY repealing and reenacting, with amendments,  
11 Article – Real Property  
12 Section 14–125  
13 Annotated Code of Maryland  
14 (2015 Replacement Volume and 2019 Supplement)

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

17 **Article – Real Property**

18 14–125.

19 (a) (1) In this section the following words have the meanings indicated.

---

### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1           (2) (I) “Community association” means a Maryland nonprofit  
2 ASSOCIATION, corporation, OR OTHER ORGANIZATION that IS:

3                   [(i) Is comprised of at least 20% of the total number of households as  
4 members, with a minimum membership of 25 households, of a local community that  
5 consists of 40 or more individual households as defined by specific geographic boundaries  
6 in the bylaws or charter of the community association;]

7                   1. COMPOSED OF RESIDENTS OF A COMMUNITY  
8 DEFINED BY SPECIFIC GEOGRAPHIC BOUNDARIES IN THE BYLAWS OR CHARTER OF  
9 THE COMMUNITY ASSOCIATION AND WITHIN WHICH A NUISANCE IS LOCATED;

10                   [(ii) Requires, as a condition of membership, the payment of  
11 monetary dues at least annually;]

12                   [(iii) 2. [Is operated] OPERATED primarily for the promotion of  
13 social welfare and general neighborhood improvement and enhancement;

14                   [(iv) Has been in existence for at least 1 year when it files suit under  
15 this section;]

16                   [(v) 1.] 3. [Is exempt] EXEMPT from taxation under §  
17 501(c)(3) or (4) OR § 528 of the Internal Revenue Code; [or

18                   2. Has been included for a period of at least 1 year prior to  
19 bringing an action under this section in the “Directory of Organizations in Baltimore  
20 County” that is published by the Baltimore County Public Library;] and

21                   [(vi) 4. [Is] INCORPORATED AND in good standing WITH THE  
22 STATE DEPARTMENT OF ASSESSMENTS AND TAXATION.

23           (II) “COMMUNITY ASSOCIATION” INCLUDES A MARYLAND  
24 NONPROFIT ASSOCIATION, CORPORATION, OR OTHER ORGANIZATION THAT:

25                   1. MEETS THE REQUIREMENTS OF AN INDIVIDUAL  
26 COMMUNITY ASSOCIATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH; AND

27                   2. REPRESENTS TWO OR MORE INDIVIDUAL COMMUNITY  
28 ASSOCIATIONS.

29           (3) (I) “Local code violation” means a violation under ARTICLE 13,  
30 Title [22.] 7. “Nuisances” OR, EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
31 PARAGRAPH, ARTICLE 35, “~~BUILDING~~ BUILDINGS AND HOUSING” of the Baltimore  
32 County Code [1988] 2015.

1                   **(II) “LOCAL CODE VIOLATION” DOES NOT INCLUDE A**  
2 **VIOLATION UNDER ARTICLE 35, TITLE 4. “RENT ESCROW LAW” OF THE BALTIMORE**  
3 **COUNTY CODE 2015.**

4                   (4) “Nuisance” means, within the boundaries of the community  
5 represented by the community association, an act or condition created, performed, or  
6 maintained on private property that constitutes a local code violation and that:

7                   (i) Negatively impacts the well-being of other residents of the  
8 neighborhood; and

9                   (ii) 1. Is injurious to public health, safety, or welfare of  
10 neighboring residents; or

11                   2. Obstructs the reasonable use of other property in the  
12 neighborhood.

13                   (b) This section only applies to a nuisance located within the boundaries of  
14 Baltimore County.

15                   (c) (1) A community association may seek injunctive and other equitable relief  
16 in the Circuit Court for Baltimore County for abatement of a nuisance upon showing that:

17                   (i) The notice requirements under paragraphs (2) and (3) of this  
18 subsection have been satisfied; and

19                   (ii) The nuisance has not been abated.

20                   (2) (i) An action may not be brought under this section based on a  
21 nuisance until 60 days after the community association gives notice of the violation and of  
22 the community association’s intent to bring an action under this section by certified mail,  
23 return receipt requested, to the County Code enforcement agency.

24                   (ii) An action under this section may not be brought if the County  
25 Code enforcement agency has filed an action for equitable relief from the nuisance.

26                   (3) (i) An action may not be brought under this section until 60 days  
27 after the tenant, if any, and owner of record receive notice by certified mail, return receipt  
28 requested, from the community association that a nuisance exists and that legal action may  
29 be taken if the nuisance is not abated.

30                   (ii) The notice shall specify:

31                   1. The nature of the alleged nuisance;

32                   2. The date and time of day the nuisance was first  
33 documented;



1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2020.

Approved:

---

Governor.

---

President of the Senate.

---

Speaker of the House of Delegates.