

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

Senate Bill 247

(Senator Sydnor, *et al.*)

Judicial Proceedings

Environment and Transportation

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**Baltimore County - Nuisance Actions - Community Association Standing**

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This bill alters the definitions of “community association” and “local code violation” in statutory provisions that authorize a community association in Baltimore County to seek injunctive and other equitable relief in the Circuit Court for Baltimore County for nuisance abatement. The bill also repeals 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.

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**Fiscal Summary**

**State Effect:** The bill does not materially affect State finances or operations.

**Local Effect:** The bill does not materially affect the finances or operations of the Circuit Court for Baltimore County.

**Small Business Effect:** Minimal.

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**Analysis**

**Bill Summary:** A “community association” is a Maryland nonprofit association, corporation, or other organization that is (1) composed of residents of a community defined by specific geographic boundaries in the bylaws or charter of the community association and within which a nuisance is located; (2) operated primarily for the promotion of social welfare and general neighborhood improvement and enhancement; (3) exempt from taxation under specified sections of the Internal Revenue Code; and (4) incorporated and in good standing with the State Department of Assessments and Taxation. “Community association” also includes a Maryland nonprofit association, corporation, or

other organization that otherwise meets the definition of an individual community association but that represents two or more individual community associations.

The definition of “local code violation” is expanded to include the Buildings and Housing Article of the Baltimore County Code, and the references are updated to include the most recent 2015 version. “Local code violation” does not include a violation of specified provisions of the Baltimore County Code related to rent escrow and lead risk reduction standards.

**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, for the purpose of seeking injunctive relief for the abatement of a nuisance, a “community association” is a Maryland nonprofit corporation that:

- comprises 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 in a specified Baltimore County publication for a period of at least one year prior to bringing an action to abate a nuisance; and
- is in good standing.

### *Other Definitions*

“Local code violation” is a violation under Title 22, “Nuisances” of the Baltimore County Code of 1988.

“Nuisance” is 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 conditions, if any, for a bond filed by the community association in an action for relief.

**Background:** Generally, State law does not grant to a community association standing to seek injunctive and 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 and 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.

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### **Additional Information**

**Prior Introductions:** HB 217 of 2019 as amended by the House received an unfavorable report from the Senate Judicial Proceedings Committee. HB 320 of 2018, a similar bill as amended by the House, was heard by the Senate Judicial Proceedings Committee, but no further action was taken. HB 496 of 2017, a similar bill, received an unfavorable report from the House Environment and Transportation Committee.

**Designated Cross File:** HB 511 (Delegate Grammer) - Environment and Transportation.

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

**Fiscal Note History:** First Reader - January 30, 2020  
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