

# HOUSE BILL 253

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HB 511/20 – ENT

(PRE-FILED)

11r0689

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By: **Delegate Grammer**

Requested: September 18, 2020

Introduced and read first time: January 13, 2021

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

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

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 2020 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.

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

22 [(i) Is comprised of at least 20% of the total number of households as

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 members, with a minimum membership of 25 households, of a local community that  
 2 consists of 40 or more individual households as defined by specific geographic boundaries  
 3 in the bylaws or charter of the community association;]

4 **1. COMPOSED OF RESIDENTS OF A COMMUNITY**  
 5 **DEFINED BY SPECIFIC GEOGRAPHIC BOUNDARIES IN THE BYLAWS OR CHARTER OF**  
 6 **THE COMMUNITY ASSOCIATION AND WITHIN WHICH A NUISANCE IS LOCATED;**

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

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

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

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

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

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

20 **(II) “COMMUNITY ASSOCIATION” INCLUDES A MARYLAND**  
 21 **NONPROFIT ASSOCIATION, CORPORATION, OR OTHER ORGANIZATION THAT:**

22 **1. MEETS THE REQUIREMENTS OF AN INDIVIDUAL**  
 23 **COMMUNITY ASSOCIATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH; AND**

24 **2. REPRESENTS TWO OR MORE INDIVIDUAL COMMUNITY**  
 25 **ASSOCIATIONS.**

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

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

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

4 (i) Negatively impacts the well-being of other residents of the  
5 neighborhood; and

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

8 2. Obstructs the reasonable use of other property in the  
9 neighborhood.

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

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

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

16 (ii) The nuisance has not been abated.

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

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

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

27 (ii) The notice shall specify:

28 1. The nature of the alleged nuisance;

29 2. The date and time of day the nuisance was first  
30 documented;

31 3. The location on the property where the nuisance is  
32 allegedly occurring; and

