

HOUSE BILL 335

N1
HB 417/24 – ENT

5lr0885

By: **Delegate Grammer**

Introduced and read first time: January 13, 2025

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2025

CHAPTER _____

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” to authorize community associations to seek judicial relief for nuisance
5 abatement in Baltimore County; requiring certain notices relating to nuisance
6 actions to be provided to the county code enforcement agency and certain tenants
7 and property owners; repealing a provision of law requiring a certain court to
8 determine the amount and conditions of a bond filed by a community association in
9 a certain nuisance action; and generally relating to the right of community
10 associations to seek judicial relief for nuisance abatement in Baltimore County.

11 BY repealing and reenacting, with amendments,
12 Article – Real Property
13 Section 14–125
14 Annotated Code of Maryland
15 (2023 Replacement Volume and 2024 Supplement)

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

18 **Article – Real Property**

19 14–125.

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

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

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 § 501(c)(3) or
17 (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, “BUILDINGS AND HOUSING” of the Baltimore County Code
32 [1988] 2015, AS AMENDED.

1 (II) "LOCAL CODE VIOLATION" DOES NOT INCLUDE A
2 VIOLATION UNDER:

3 1. ARTICLE 35, TITLE 4. "RENT ESCROW LAW" OF THE
4 BALTIMORE COUNTY CODE 2015, AS AMENDED; OR

5 2. ANY STORMWATER MANAGEMENT PROVISION OF THE
6 BALTIMORE COUNTY CODE.

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

10 (i) Negatively impacts the well-being of other residents of the
11 neighborhood; and

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

14 2. Obstructs the reasonable use of other property in the
15 neighborhood.

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

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

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

22 (ii) The nuisance has not been abated.

23 (2) (i) 1. An action may not be brought under this section based on
24 a nuisance until 60 days after the community association gives notice of the violation and
25 of the community association's intent to bring an action under this section by certified mail,
26 return receipt requested, to the County Code enforcement agency.

27 2. IF THE APPROPRIATE COUNTY CODE ENFORCEMENT
28 AGENCY IS THE BALTIMORE COUNTY DEPARTMENT OF HOUSING AND COMMUNITY
29 DEVELOPMENT, AN ACTION UNDER THIS SECTION MAY NOT BE BROUGHT IF THE
30 BALTIMORE COUNTY DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
31 PROVIDES A WRITTEN RESPONSE TO THE COMMUNITY ASSOCIATION WITHIN 60 DAYS
32 AFTER RECEIVING THE NOTICE REQUIRED UNDER THIS SUBPARAGRAPH THAT THE

1 PROPERTY THAT IS THE SUBJECT OF THE VIOLATION IS PART OF AN ACTIVE CODE
 2 ENFORCEMENT PLAN.

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

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

9 (ii) The notice shall specify:

- 10 1. The nature of the alleged nuisance;
- 11 2. The date and time of day the nuisance was first
 12 documented;
- 13 3. The location on the property where the nuisance is
 14 allegedly occurring; and
- 15 4. The relief sought.

16 (iii) 1. THE NOTICE SHALL BE PROVIDED TO THE TENANT, IF
 17 ANY, AND THE OWNER OF RECORD IN THE SAME MANNER AS SERVICE OF PROCESS
 18 IN A CIVIL IN PERSONAM ACTION UNDER THE MARYLAND RULES.

19 2. ADEQUATE AND SUFFICIENT NOTICE MAY BE GIVEN
 20 TO THE TENANT, IF ANY, AND THE OWNER OF RECORD BY SENDING A COPY OF THE
 21 NOTICE BY REGULAR MAIL AND POSTING A COPY OF THE NOTICE ON THE PROPERTY
 22 WHERE THE NUISANCE IS ALLEGEDLY OCCURRING, IF NOTICE SENT BY CERTIFIED
 23 MAIL IS:

24 A. RETURNED UNCLAIMED OR REFUSED;

25 B. DESIGNATED BY THE POST OFFICE TO BE
 26 UNDELIVERABLE FOR ANY OTHER REASON; OR

27 C. SIGNED FOR BY A PERSON OTHER THAN THE
 28 ADDRESSEE.

29 (IV) In filing a suit under this section, an officer of the community
 30 association shall certify to the court:

- 31 1. What steps the community association has taken to satisfy
 32 the notice requirements under this subsection; and

1 (iv) Involving any matter in which a certificate, license, permit, or
2 registration is required or allowed under the Environment Article.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.