



Bill Title: House Bill 417 - Baltimore County – Nuisance Actions – Community Association Standing

Committee: Environment and Transportation

Date: February 27, 2024

Position: Unfavorable

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose membership consists of owners and managers of more than 207,246 rental housing homes in more than 937 apartment communities. Our members house over 667,000 residents of the State of Maryland throughout the entire State of Maryland. MMHA membership also includes more than 216 associate members that supply goods and services to the multi-housing industry. More information is available at <https://www.mmhaonline.org/>

House Bill 417 alters the definitions of "community association" and "local code violation" to authorize community associations to seek judicial relief for nuisance abatement in Baltimore County. The bill repeals a provision of law requiring the Circuit Court for Baltimore County to determine the amount and conditions of a bond filed by a community association in such a nuisance action.

MMHA has the following concerns with House Bill 417:

- **Definitions and Terms:** This bill adds “other organization” (page 1, line 21; page 2, line 21) to the definition of community association. What does it mean by “other organization” outside of a “community association”?
- **Geographic Boundaries:** The legislation loosely states that the association must be composed of residents of a community defined by specific geographic boundaries (page 2, line 5). Yet, these specific geographic boundaries are left undefined. Our concern is the bill provides potentially disassociated and distant neighborhoods the ability to claim a nuisance when they are not within a close distance to the alleged nuisance.
- **Repeal of Criteria:** The bill repeals specific criteria defining a community association (page 1, lines 22 - page 2, lines 1-3; page 2, lines 7-8; page 2, 11-12; page 2, lines 15-17). If such a serious action is undertaken by a community association(s) or other organization(s), we should make sure that these are bona fide entities (ie in existence for more than 1 year; requires as a condition of membership, the payment of monetary dues).



- Repeal of Bond Requirement: This bill repeals the requirement that a court shall determine in what amount and under what conditions, if any, a bond should be filed by a community association in seeking relief (page 4, lines 8-10). We are concerned that this repeal could result in additional and needless litigation. And, as drafted, undefined community organizations are given excessive unchecked power by repealing 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.

For the foregoing reasons, MMHA respectfully requests an unfavorable report for House Bill 417.

For additional information, please contact Aaron J. Greenfield, 410.446.1992