

MMHA - 2025 - HB 335 - Baltimore County Nuisance.p

Uploaded by: Aaron Greenfield

Position: UNF



Bill Title: House Bill 335 - Baltimore County – Nuisance Actions – Community Association Standing

Committee: Environment and Transportation

Date: February 25, 2025

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 335 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 335:

- **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 335.

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

MBIA Letter of Opposition HB 335.pdf

Uploaded by: Lori Graf

Position: UNF

January 22, 2025

The Honorable Marc Korman
Chair, Environment & Transportation Committee
House Office Building, Room 251
6 Bladen St., Annapolis, MD, 21401

RE: MBIA Letter of Opposition HB335 Baltimore County – Nuisance Actions – Community Association

Dear Chairman Korman,

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **HB335 Baltimore County – Nuisance Actions – Community Association**. MBIA opposes the Act in its current version.

This bill significantly expands the definition of "community association" beyond the traditional Homeowners' Association to include any group promoting social welfare in a general neighborhood. We believe the impact of House Bill 335 on our members could be significant and will potentially affect projects in various stages of development. For example, ongoing projects might face increased scrutiny for activities like truck traffic in the morning, which could be perceived as nuisances by newly empowered community associations. These associations, formed by a small number of residents, may not represent the broader community but could still bring legal actions against our members.

Additionally, we believe that the County's current process for deciding to pursue code violation cases works. Allowing community associations to bypass this process could create a loophole that undermines the county's regulatory framework. We are concerned that these associations, comprising of a few individuals, could seek damages through nuisance actions, potentially leading to costly legal battles for our members.

While the bill aims to address community concerns, it raises questions about fairness and the potential for abuse by allowing small, newly formed associations to potentially hold significant legal power against builders.

For these reasons, MBIA respectfully urges the Committee to give this measure an unfavorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the House Environment & Transportation Committee

Community Association Standing - HB 335 - Baltimor

Uploaded by: Tom Ballentine

Position: UNF



February 21, 2025

The Honorable Marc Korman, Chair
House Environment and Transportation Committee
House Office Building, Room 251
6 Bladen St., Annapolis, MD 21401

Unfavorable: HB 335 Baltimore County Nuisance Actions – Community Association Standing

Dear, Chair Korman and Committee Members:

The NAIOP Maryland Chapters representing more than 700 companies involved in all aspects of commercial, industrial, and mixed-use real estate opposes HB 335. This bill expands the types of organizations granted standing to seek injunctive relief and nuisance abatement in the Circuit Court of Baltimore County beyond what we consider to be community groups. The bill also broadens the scope of local code violations that can be petitioned to the court beyond nuisances.

NAIOP's opposition is based on the following rationale:

- The scope of activities that can be enforced through the Circuit Court is expanded beyond Article 13, Title 7, Nuisances of the Baltimore County Code, to include Article 35, Building and Housing. Article 35 includes requirements related to the Building Engineer's issuance and enforcement of building permits which are not currently appealable under the Baltimore County Code.
- In addition to building permits, Article 35 also contains requirements related to adequate storm drainage that open the door to challenges of stormwater management. The language at the bottom of page four likely does not exclude stormwater management activities from community challenges under the bill because those activities are authorized under a general permit and proceed under a notice of intent not a permit, certificate, registration, or license.
- Proponents incorrectly argue this change is consistent with long-standing provisions that apply in Baltimore City. We would respectfully note that among the differences between the HB 335 and the City provision is 14-123 (c) (4)(ii) which reads, ***"in the case of a nuisance based on a housing or building code violation other than a recurrent sanitation violation, relief may not be granted under this section unless a violation notice related to the nuisance has been issued by the Department of Housing and Community Development and remains outstanding after a period of 75 days."*** There is no equivalent provision in HB 335.
- The definition of eligible community association is made overly broad by removing existing requirements that an organization achieve minimum household membership levels and demonstrate local support in the form of annual dues payments before it qualifies for broadened standing.

- Without membership thresholds, community associations are permitted to self-define the areas they represent by establishing geographic boundaries in their bylaws. This sets the stage for more than one organization to claim representation of the same geographic area.
- The bill allows a community association to take court action after providing notice, even if the County Code enforcement agency decides enforcement action is not warranted. The community association action can also proceed if the enforcement agency seeks code compliance in a way that does not include filing an action for equitable relief.
- Repealing the requirement that an organization be listed in the Directory of Organizations in Baltimore County and that it be in existence for more than one year before petitioning the court, allows entities to be formed for the sole purpose of taking enforcement action to court.

Enacting HB 335 would require accepting the notion that code enforcement and nuisance abatement by Baltimore County government is grossly ineffective and that citizen suits are the best solution. Our members do not accept either premise and believe improvements to code enforcement should take place within the framework established in the Baltimore County Code, its rental registration programs and should be implemented by county agencies rather than the Circuit Court.

For these reasons, NAIOP respectfully requests your unfavorable report on HB 335.

Sincerely,



Tom Ballentine, Vice President for Policy
NAIOP Maryland Chapters -*The Association for Commercial Real Estate*

cc: House Environment and Transportation Committee Members
Nick Manis – Manis, Canning Assoc.