



HB 305

Baltimore County – Nuisance Actions – Community Association

Hearing before the Baltimore County Senate Delegation

March 27, 2026

POSITION: Favorable

Community Law Center (CLC) is a 501(c)(3) nonprofit organization, which is a legal partner to Maryland neighborhoods and nonprofits in pursuit of more just and vibrant communities. CLC provides direct legal representation to communities and nonprofits on issues like tax exemption and organizational governance, real estate, contracts, intellectual property, employment law, and more. We advocate on issues that impact our Maryland neighborhood and nonprofit clients, including nuisance and vacant properties.

CLC supports HB 305 to make it easier for Baltimore County communities to address nuisance issues in their neighborhoods.

In 2012, CLC supported a similar bill giving Baltimore City community associations the power to bring an action in Circuit Court against the owner of a nuisance property. The year after the legislation passed, CLC represented six Baltimore City community associations in a lawsuit brought under the newly enacted statute. A man from Texas had acquired over 200 properties in Baltimore City and was failing to maintain them. The properties were left to deteriorate in nuisance conditions, posing a danger to neighbors and passersby; damaging adjoining properties; requiring additional support from the City in police, fire, and code enforcement resources; and lowering the value of properties in the surrounding neighborhoods and property tax revenue to the City. An expert witness report prepared during the litigation found that the presence of a nuisance, vacant property within 1/8 of a mile of a home measurably reduced the value of the home.

The six Baltimore City community associations brought an action under the statute (Case # 24-C-13-002570, Coldstream-Homestead-Montebello Community Corporation, et al vs Scott Wizig, et al) involving 57 nuisance properties in their neighborhoods which were owned by this property owner. By the time the case settled in 2015, the owner of the nuisance properties had either demolished, rehabbed, or transferred them to a new owner. In addition, the property owner paid a settlement to the community associations, allowing them to support and expand their work for Baltimore neighborhoods and to create a Baltimore City-wide effort to address nuisance and vacant properties.

The success of this legislation in Baltimore City demonstrates the effectiveness of this tool for communities to address nuisance issues in their neighborhoods. HB 305 would remove barriers for Baltimore County community associations seeking to bring actions under the statute. It would empower these associations and their residents to fight back against property owners who have allowed their properties to be a blight and a burden on the surrounding neighborhood and on the County as a whole. In response to concerns about HB 305:

- The language including “other organization” in the definition of a “community association” allows for the inclusion of organizations that are essentially community associations meeting this definition, but which may self-define or be named in other ways (e.g. block associations, neighborhood associations, or umbrella organizations representing multiple communities). The definition still clearly defines these organizations as community based and composed of residents, by adding language that the

“community association” must be “composed of residents of a community that is defined by specific geographic boundaries in the bylaws or charter of the community association” and “operated primarily for the promotion of social welfare and general neighborhood improvement and enhancement.”

- HB 305 identifies the essential corporate and tax-exempt aspects of “community associations” as legal entities, by requiring that they must be incorporated and in good standing with Maryland SDAT and recognized by the IRS as tax exempt as a 501(c)(3) or 501(c)(4) entity or under section 528 of the Internal Revenue Code. The process of organizing and applying for recognition of these statuses from Maryland SDAT and the IRS is not always quick, and can take months or longer. Functionally, these statuses (which must be maintained with regular tax and other state and federal filings) are better indicators of whether a community association is a “bona fide entity” than existence for more than one year or the payment of monetary dues (which some organizations may not require in order to allow all residents to participate regardless of their income).
- HB 305 appropriately leaves the definition of “specific geographic boundaries” to the community associations themselves. In Community Law Center’s 40 year experience of working with community associations, we have seen that these associations routinely define their geographic boundaries in good faith and according to residents’ understanding of association boundaries at a neighborhood level. Community associations with limited resources and capacity are unlikely to go through the process of filing a lawsuit against nuisances which are far away from or do not impact their own communities.
- Removing the bond requirement was one of the important amendments which Community Law Center supported in the 2012 legislation amending similar legislation impacting Baltimore City community associations. A bond requirement was cost prohibitive and prevented community associations in Baltimore City from bringing lawsuits against legitimate nuisance issues in their neighborhoods. Most community associations operate on a very grassroots basis – often being run entirely by volunteers, many of whom are retired seniors, and with only minimal operating funds, generally from small donations and resident dues. It is worth noting that since the legislation passed in 2012 to remove the bond requirement for Baltimore City community associations, Community Law Center is only aware of one lawsuit brought by community associations under the amended statute – the one which in which we were the attorneys, and which also required significant legal and organizing assistance from Venable LLP, the University of Maryland Francis King Carey School of Law Community Development Clinic, and Citizens Planning and Housing Association. Bringing litigation is already a complex and daunting endeavor for community associations, which are unlikely to bring needless or baseless litigation when they already face so many issues impacting their residents.

CLC supports HB 305. Thank you for the opportunity to testify.

For the above reasons,
CLC urges a FAVORABLE VOTE ON HB 305.

Please contact Shana Roth-Gormley, Staff Attorney at Community Law Center, with any questions.
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