



March 31, 2026

The Honorable, William C. Smith, Jr., Chair
Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401

Unfavorable: HB 305 Baltimore County Nuisance Actions – Community Association Standing

Dear Chair, Smith, and Committee Members:

The NAIOP Maryland Chapters represent more than 700 companies involved in all aspects of commercial, industrial, and mixed-use real estate including some of the largest commercial property owners in Baltimore County. NAIOP members maintain their properties and understand the negative impacts that a nuisance property can have on quality of life in a community. Nevertheless, based on the rationale set out below, we respectfully recommend your unfavorable report on HB 305.

Major Provisions of HB 305

HB 305 expands the scope of activities that community associations may take to the Circuit Court of Baltimore County under nuisance complaints to include building permits. The bill also removes existing minimum membership requirements, demonstrated local support and tenure that a community associations must establish in order to qualify for standing to seek injunctive relief from the court.

Rationale for NAIOP’s Position

- **Community association standing to petition the court is expanded to include building permits.** Expanded standing would apply to activities permitted under Article 35, Building and Housing of the Baltimore County Code. (p.2 lines 29-32) Current law limits standing to activities under Article 13, Title 7, Nuisances. By adding Article 35 the bill applies to the issuance and enforcement of building permits by the Department of Permits, Approvals, and Inspections. Building permits are not currently appealable under the Baltimore County Code and we do not see a public policy reason to include them in the scope of a bill focused on nuisance abatement.
- **Minimum association membership and dues payment requirements are removed.** Existing requirements that a community association achieves minimum membership levels of at least 20% of the households in the neighborhood and demonstrates local support in the form of annual dues payments are removed. (p. 2 lines 3-20) Despite being presented as based on the Baltimore City nuisance abatement law, HB 305 does not contain important characteristics of a qualifying community association such as that the association is composed of residents of a contiguous community where the nuisance is located and that the association is operated exclusively for the promotion and improvement of that neighborhood.
- **The bill also grants standing to umbrella organizations or “association of associations.”** (p.2 lines 27-28) The removal of requirements that the association demonstrate a neighborhood constituency and purpose, means that the bill could grant standing to regional policy organizations that are not neighborhood improvement organizations. HB 305 specifically allows association organizers to determine their own geographic scope by declaring it in the by-laws of the organization. This sets the stage for more than one organization to claim representation of the same geographic area.
- **Tenure requirements for community associations are repealed.** The bill removes the requirement that an association be in existence for at least one year before it qualifies for standing to seek court intervention. (p.2

lines 14-15) By removing the tenure requirements to qualify for standing, the bill would open the door for entities to be formed for the sole purpose of initiating litigation.

- **Notice and right to cure provisions do not apply to commercial property or building permits.** The notice and right to cure provisions (p. 5 lines 6-15) apply to residential not commercial property. The 60 day waiting period on an action (p4 line 27- p. 5 line2) only applies only to enforcement action within the jurisdiction of the Baltimore County Department of Housing and Community Development. Even then, the community association is only barred from bringing court action if the property is part of an active code enforcement plan. There is no contemplation of a circumstance where the agency did not recommend enforcement. Furthermore, even though the bill applies to the issuance and enforcement of building permits under Article 35, Building and Housing there is no requirement or authority for the Baltimore County Department of Permits, Approvals, and Inspections – which has enforcement responsibility - to provide notice or make determinations about the appropriateness of complaints or nuisance actions.

Enacting HB 305 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 and be implemented by the appropriate county agencies rather than petitioning the Circuit Court to intervene.

Accordingly, NAIOP strongly recommends your unfavorable report on HB 305. However, during the 2025 session our organization and other real estate stakeholders offered amendments, which included the removal of building permits from the scope of the bill and reinstated provisions related to the local constituency of community associations. These amendments were not accepted by the bill sponsor but could be redrafted to HB 305 should the committee wish to narrow the scope of the bill to nuisance actions and be more selective in the types of nonprofit associations that are granted the rights to seek relief in the circuit court.

Thank you for considering NAIOP's point of view.

Sincerely,



Tom Ballentine, Vice President for Policy

NAIOP Maryland Chapters -*The Association for Commercial Real Estate*

cc: Judicial Proceedings Committee Members
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