

CLC Testimony HB 305 Balt County Nuisance - 3.27.2

Uploaded by: Shana Roth-Gormley

Position: FAV



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.
ShanaR@communitylaw.org | 410-366-0922 x 118

MMHA - 2026 - HB 305 - Baltimore County Nuisance -

Uploaded by: Aaron Greenfield

Position: UNF



Bill Title: House Bill 305 - Baltimore County – Nuisance Actions – Community Association Standing

Committee: Senate Judicial Proceedings Committee

Date: March 31, 2026

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 members consist of owners and managers of more than 214,000 rental housing homes in over 1015 apartment communities. Our members house over 571,000 residents of the State of Maryland. MMHA also represents over 270 associate member companies who supply goods and services to the multi-housing industry.

House Bill 305 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 305:

- **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



MARYLAND MULTI-HOUSING ASSOCIATION, INC.

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 305.

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

HB 305 - JPR - Oppose.pdf

Uploaded by: Ari Plaut

Position: UNF



March 26, 2026

The Honorable Chairman Smith
The Senate Judicial Proceedings Committee

RE: **HB 305 – Baltimore County – Nuisance Actions – Community Association
Standing
Position: Oppose**

Dear Mr. Chairman Smith, Mr. Vicechair Waldstreicher, and Members of the Senate
Judicial Proceedings Committee,

The Greater Baltimore Board of REALTORS® (GBBR) is an association of
REALTORS®, brokers, and property managers advocating for homeownership and private
property rights in the greater Baltimore area.

HB 305 expands the definition of “community association” which will lead to more
nuisance lawsuits being filed against properties in Baltimore County. We have concerns that
community associations may weaponize this broad authority to target properties for minor or
subjective matters.

We appreciate Del. Grammer for making changes to the bill that addresses and lessens
some of our prior issues, but ultimately, GBBR remains opposed to this legislation.

Thank you for your time and we encourage the Committee to issue an unfavorable report
on HB 305.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Geha', is written over a white background.

John Geha, CEO

GBBR

MBIA Letter of Opposition HB 305 (JPR Crossfile) (

Uploaded by: Lori Graf

Position: UNF

March 27th, 2026

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

RE: MBIA Letter of Opposition HB 305 Baltimore County – Nuisance Actions – Community Association

Dear Chair Smith,

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **HB305 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 305 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 Senate Judicial Proceedings Committee

HB 305 - Baltimore County - Nuisance Actions - Com

Uploaded by: Tom Ballentine

Position: UNF



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
Nick Manis, Manis Canning Associates