

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 320

(Baltimore County Delegation)

Environment and Transportation

Judicial Proceedings

Baltimore County - Nuisance Actions - Community Association Standing

This bill alters the definitions of “community association” and “local code violation” for the purpose of authorizing a community association in Baltimore County to seek injunctive and other equitable relief in the Circuit Court for Baltimore County for nuisance abatement. The bill also repeals 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.

Fiscal Summary

State Effect: The bill is not anticipated to affect State finances or operations.

Local Effect: The bill is not anticipated to materially affect the finances or operations of the Circuit Court for Baltimore County.

Small Business Effect: None.

Analysis

Bill Summary: “Community association” means a Maryland nonprofit association, corporation, or other organization that is (1) composed of residents of a community defined by specific geographic boundaries in the bylaws or charter of the community association and within which a nuisance is located; (2) operated primarily for the promotion of social welfare and general neighborhood improvement and enhancement; (3) exempt from taxation under specified sections of the Internal Revenue Code; and (4) incorporated and in good standing with the State Department of Assessments and Taxation.

The definition of “local code violation” is expanded to include the Building and Housing Article of the Baltimore County Code, and the references are updated to include the most recent 2015 version. “Local code violation” does not include a violation of specified provisions of the Baltimore County Code related to rent escrow and lead risk reduction standards.

Current Law: Generally, in Baltimore County, a community association may seek injunctive and other equitable relief in the Circuit Court for Baltimore County for abatement of a nuisance after (1) meeting specified notice requirements and (2) showing that the nuisance has not been abated.

Community Association

In Baltimore County, “community association” means a Maryland nonprofit corporation that:

- comprises at least 20% of the total number of households as members, with a minimum membership of 25 households, of a local community that consists of 40 or more individual households as defined by specific geographic boundaries in the bylaws or charter of the community association;
- requires, as a condition of membership, the payment of monetary dues at least annually;
- is operated primarily for the promotion of social welfare and general neighborhood improvement and enhancement;
- has been in existence for at least one year when it files suit for abatement of a nuisance;
- is exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code or has been included for a period of at least one year prior to bringing an action to abate a nuisance in the “Directory of Organizations in Baltimore County” that is published by the Baltimore County Public Library; and
- is in good standing.

Other Definitions

“Local code violation” means a violation under Title 22, “Nuisances” of the Baltimore County Code of 1988.

“Nuisance” means an act or condition created, performed, or maintained on private property that constitutes a local code violation and that meets specified adverse conditions within the boundaries of the community represented by the community association.

Required Bond

The court must determine the amount and under what conditions, if any, a community association must file a bond in an action for relief.

Background: Generally, State law does not grant to a community association standing to seek injunctive and other equitable relief for nuisance abatement in Maryland. However, State law does specifically authorize community associations of specified local jurisdictions to bring an action for injunctive and other equitable relief for nuisance abatement based on local code violations, in Baltimore City, as well as in Anne Arundel, Baltimore, Harford, and Prince George's counties.

Additional Information

Prior Introductions: HB 496 of 2017, a similar bill, received an unfavorable report from the House Environment and Transportation Committee.

Cross File: None.

Information Source(s): Baltimore County; Judiciary (Administrative Office of the Courts); State Department of Assessments and Taxation; Department of Legislative Services

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