

# **WRITTEN TESTIMONY.pdf**

Uploaded by: johnny salling

Position: FAV

JOHNNY RAY SALLING  
*Legislative District 6*  
Baltimore County

Budget and Taxation Committee  
Public Safety, Transportation,  
and Environment Subcommittee



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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

Judicial Proceedings Committee  
Senator William C. Smith, Jr.  
Senator Jeff Waldstreicher  
2 East  
Miller Senate Office Building  
Annapolis, Maryland 21401

To the Chair, Vice Chair, and esteemed Members of the Judicial Proceedings Committee:

I express my gratitude to the Chair, Vice Chair, and Members of the Judicial Proceedings Committee for permitting me to address Senate Bill 383 Baltimore County – Nuisance Actions – Community Associations. This bill is cross filed with Delegate Grammer as House Bill 417.

This bill alters the definitions of “community association” and “local code violation” used to determine the qualifications for community associations when seeking judicial relief for nuisance actions in Baltimore County. This section of code was enacted in 1997 in response to growing problems of community deterioration in Baltimore County. Our county was one of several to put in place similar language to deal with these community issues.

However, the current language of this section is counterproductive to the functional use of the statute. Specifically, the household, dues, and bonding requirements under this code make the code impractical and out-of-date with how modern community associations work.

Most communities have found it dysfunctional and have had their legitimate concerns dismissed for a lack of standing. The bill almost identically mirrors changes adopted by Baltimore City, which has found these revisions to be appropriate.

Baltimore County has growing problems with community decline. Most frequently, these detrimental issues are related to neglected properties, trash, and rats. One problematic actor can create a huge problem for a street or a community.

This was originally Senator Sydnor’s bill which Delegate Robin Grammer sponsored in the House. In past Legislative Sessions, this bill passed the full House in 2018, full House in 2019, full Senate in 2020. It is in the same posture.

Thank you for the opportunity to present Senate Bill 383. I would ask for a favorable report on this bill.

Sincerely,

A handwritten signature in red ink that reads "Johnny R. Salling".

Senator Johnny Ray Salling

# **CLC Written Testimony SB 383 Baltimore County – Nu**

Uploaded by: Shana Roth-Gormley

Position: FAV



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**SB 383**

**Baltimore County – Nuisance Actions – Community Association**

Hearing before the Senate Judicial Proceedings Committee

Feb. 8, 2024

**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 to address nuisance and vacant properties.

**CLC supports SB 383 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 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 neighborhood. 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 involving 57 nuisance properties in their neighborhoods which were owned by this property owner. By the time the case settled in 2015, the nuisance properties had been either demolished, rehabbed, or transferred 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 create a citywide 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. SB 383 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.

CLC supports SB 383. Thank you for the opportunity to testify.

For the above reasons,

**CLC urges a FAVORABLE VOTE ON SB 383.**

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

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

**2024 SB 383 testimony to Senate JPR FINAL.02062024**

Uploaded by: Scott Silverman

Position: FWA

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Robin Manougian, CIRMS, Member  
Susan Saltsman, CMCA, AMS, Member  
Scott J. Silverman, Esq., Member  
John Taylor, Member  
Tricia A. Walsh, CISR, Member

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February 6, 2024

[will.smith@senate.state.md.us](mailto:will.smith@senate.state.md.us)  
[jeff.waldstreicher@senate.state.md.us](mailto:jeff.waldstreicher@senate.state.md.us)

Senator William C. Smith, Jr., Chair  
Senator Jeff Waldstreicher, Vice-Chair  
Judicial Proceedings Committee  
2 East  
Miller Senate Office Building  
Annapolis, Maryland 21401

**Re: Senate Bill 383**  
**Baltimore County – Nuisance Actions – Community Association**  
**Hearing Date: February 8, 2024**  
**Position: Support with Amendment**

Dear Chairman Smith, Vice-Chair Waldstreicher, and Members of the Judicial Proceedings Committee:

This letter is submitted on behalf of the Maryland Legislative Action Committee (“MD-LAC”) of the Community Associations Institute (“CAI”). CAI represents individuals and professionals who reside in or work with community associations (condominiums, homeowners’ associations, and cooperatives) throughout the State of Maryland.

We write on behalf of the Maryland residents statewide who reside in common ownership communities to offer our support for the above-referenced legislation, which is scheduled for a hearing before your Committee on February 8, 2024.

**Page 2, Senate Bill 383**  
**Community Associations Institute**

The volunteer members of the boards of directors of community associations located in Baltimore County—and throughout the State of Maryland for that matter—are frequently confronted with the challenge of addressing nuisances perpetrated within their communities. The fact is that the remedies available to our constituents are limited and often ineffective. By making judicial relief available to community associations, the proposed legislation enlarges the scope of enforcement options, which will enable them to address the concerns of their constituent homeowners and residents.

However, the proposed legislation creates a new definition for community association which includes the requirement that the association be an incorporated entity in good standing. The issue there is that condominium associations are not otherwise required by Maryland law to be incorporated, whereas that requirement does exist with respect to cooperative housing and homeowners associations.

Because condominium associations are not otherwise required to be incorporated, they should not be disqualified from taking advantage of the relief afforded by the proposed legislation merely because they choose to remain unincorporated. Therefore, we suggest that Section 14-125(a)(2)(I)(4) be revised to read as follows:

**“4. Incorporated, if otherwise required pursuant to Maryland law; and, if so, in good standing with the State Department of Assessments and Taxation.”**

Provided that revision is made, we request a **favorable** recommendation by this Committee. Thank you for your time and attention to this important legislation.

We are available to answer any questions the Committee Members may have. Please feel free to contact Lisa Harris Jones, lobbyist for the MD-LAC, at 410-366-1500, or by e-mail at [lisa.jones@mdlobbyist.com](mailto:lisa.jones@mdlobbyist.com), or Scott Silverman, of the MD-LAC, at [301-251-1414](tel:301-251-1414), or by e-mail at [ssilverman@schildlaw.com](mailto:ssilverman@schildlaw.com).

Sincerely,

*Scott J. Silverman*

Scott J. Silverman, Esq.  
Member, CAI MD-LAC

*Vickie Caine*

Vicki Caine  
Chair, CAI MD-LAC

# **MMHA - 2024 - SB 383 - Baltimore County Nuisance -**

Uploaded by: Aaron Greenfield

Position: UNF





**Bill Title: Senate Bill 383 - Baltimore County – Nuisance Actions – Community Association Standing**

**Delegation: Baltimore County Delegation**

**Date: February 5, 2024**

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/>

Senate Bill 383 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 reached out to the Sponsor and looks forward to a more in-depth conversation about the bill. However, at present, MMHA has the following concerns with Senate Bill 383.

- 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



MARYLAND MULTI-HOUSING ASSOCIATION, INC.

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.

MMHA hopes we can address these concerns during the legislative process.

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

**MBIA Letter of Opposition SB 383.pdf**

Uploaded by: Lori Graf

Position: UNF

February 7, 2024

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

**RE: MBIA Letter of Opposition SB 383 Baltimore County – Nuisance Actions – Community Association**

Dear Chairman Smith,

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **SB 383 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 Senate Bill 383 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](mailto:lgraf@marylandbuilders.org).

cc: Members of the Senate Judicial Proceedings Committee

**2024-SB0383-UNFav.pdf**

Uploaded by: Nelda Fink

Position: UNF

## SB0383 – UNFAVORABLE

Nelda Fink

MD District 32

The boards of directors of common ownership properties do not have authority to **govern**. They only have authority to **administer**. The problem is that too many of the BOD's currently think they have this authority and they do not. If there is a dispute as is listed in this bill, the judge will have to rule against it because the BOD nor the community has standing and cannot prove any actual damages. The damages are not to the common property. If the damages are to the common property, the BOD already has that authority for file a lawsuit making this bill mute.

The owners in the common ownership community are the people with the standing, not the boards. So if I complain about the pot smell coming from my neighbor's back yard, then I need to take that to the proper authority which is the county not the board.

Approving this bill really gives the boards far too much authority exactly what we are trying to control in other bills such as HB266.

Also approving this bill will require many more changes than is being listed here as each common ownership governing documents will need to be changed to show a governing role rather than an administrative role. The bod's are mostly volunteer. They do not get paid to do the work of the municipality. Let the municipality do it's job, and let the unit/home owners take their disputes to the proper authorities.

100% OPPOSE this bill.

Thank you.

Nelda Fink

# **SB 383 - Baltimore County - Nuisance Actions - Com**

Uploaded by: Tom Ballentine

Position: UNF



February 7, 2024

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

**Oppose: SB 383 Baltimore County Nuisance Actions – Community Association Standing**

Dear, Chair Smith 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 SB 383. 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 community groups. The bill also broadens the scope of local code violations that can be petitioned to the court.

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.
- 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 SB 383 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 should be implemented by county agencies rather than the Circuit Court.

**For these reasons, NAIOP respectfully requests your unfavorable report on SB 383.**

Sincerely,



Tom Ballentine, Vice President for Policy

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

cc: Senate Judicial Proceedings Committee Members

Nick Manis – Manis, Canning Assoc.