

HOUSE BILL 1206

N1

2lr1832

By: **Delegate Wilson**

Introduced and read first time: February 10, 2012

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Charles County – Nuisance Actions – Community Associations**

3 FOR the purpose of making a certain provision of law relating to allowing certain
4 community associations to bring certain actions in the circuit court for
5 abatement of a nuisance applicable in Charles County; altering a certain
6 definition; and generally relating to the right of community associations to seek
7 judicial abatement of nuisances in Charles County.

8 BY repealing and reenacting, with amendments,
9 Article – Real Property
10 Section 14–124
11 Annotated Code of Maryland
12 (2010 Replacement Volume and 2011 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Real Property**

16 14–124.

17 (a) (1) In this section the following words have the meanings indicated.

18 (2) “Community association” means a Maryland nonprofit association,
19 corporation, or other organization that is located exclusively in an area of the county
20 that is outside of a municipal corporation and:

21 (i) Is comprised of at least 25% of adult residents of a local
22 community consisting of 40 or more individual, contiguous households as defined by
23 specific geographic boundaries in the bylaws or charter of the association;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) Requires, as a condition of membership, the voluntary
2 payment of monetary dues at least annually;

3 (iii) Is operated primarily for the promotion of social welfare and
4 general neighborhood improvement and enhancement;

5 (iv) Has been in existence for at least 2 years when it files suit
6 under this section;

7 (v) Is exempt from taxation under § 501(c)(3) or (4) of the
8 Internal Revenue Code; and

9 (vi) In the case of a Maryland corporation, is in good standing.

10 (3) "Local code violation" means [a]:

11 (I) A violation under the following provisions of the Prince
12 George's County Code as amended from time to time or under any applicable code
13 relating to the following provisions incorporated into the Prince George's County Code
14 by reference:

15 [(i)] 1. Animal control regulations (§ 3-131 et seq.) and other
16 rules, regulations, and standards (§ 3-175 et seq.) under Subtitle 3;

17 [(ii)] 2. Building Code under Subtitle 4, Division 1;

18 [(iii)] 3. Fire Prevention Code under Subtitle 11, Division 4;

19 [(iv)] 4. Pest control provisions under Subtitle 12, Division 5;

20 [(v)] 5. Housing Code, property standards and maintenance,
21 and antilitter and weed ordinance, under Subtitle 13, Divisions 1, 7, and 9,
22 respectively;

23 [(vi)] 6. Sewage disposal nuisances under Subtitle 22, Division
24 3, Subdivision 3; and

25 [(vii)] 7. Abandoned vehicles under Subtitle 26, Division 14;

26 OR

27 (II) A VIOLATION UNDER THE FOLLOWING PROVISIONS OF
28 THE CHARLES COUNTY CODE AS AMENDED FROM TIME TO TIME OR UNDER ANY
29 APPLICABLE CODE RELATING TO THE FOLLOWING PROVISIONS INCORPORATED
30 INTO THE CHARLES COUNTY CODE BY REFERENCE:

1 (3) (i) An action may not be brought under this section until 60
2 days after the tenant, if any, and owner of record receive notice from the community
3 association that a nuisance exists and that legal action may be taken if the nuisance is
4 not abated.

5 (ii) The notice shall specify:

- 6 1. The nature of the alleged nuisance;
- 7 2. The date and time of day the nuisance was first
8 discovered;
- 9 3. The location on the property where the nuisance is
10 allegedly occurring; and
- 11 4. The relief sought.

12 (iii) The notice shall be provided to the tenant, if any, and the
13 owner of record in the same manner as service of process in a civil in personam action
14 under the Maryland Rules.

15 (iv) In filing a suit under this section, an officer of the
16 community association shall certify to the court:

- 17 1. What steps the community association has taken to
18 satisfy the notice requirements under this subsection; and
- 19 2. That each condition precedent to the filing of an
20 action under this section has been met.

21 (4) A proceeding under this section shall:

- 22 (i) Take precedence on the docket;
- 23 (ii) Be heard at the earliest practicable date; and
- 24 (iii) Be expedited in every way.

25 (d) A political subdivision of the State or any agency of a political subdivision
26 may not be subject to any action brought under this section or an action resulting from
27 an action brought under this section against a private property owner.

28 (e) (1) Subject to paragraph (2) of this subsection, this section may not be
29 construed to abrogate any equitable or legal right or remedy otherwise available under
30 the law to abate a nuisance.

1 (2) This section may not be construed as granting standing for an
2 action:

3 (i) Challenging any zoning application or approval;

4 (ii) In which the alleged nuisance consists of:

5 1. A condition relating to lead paint; or

6 2. An interior physical defect of a property;

7 (iii) Involving any violation of alcoholic beverages laws under
8 Article 2B of the Code; or

9 (iv) Involving any matter in which a certificate, license, permit,
10 or registration is required or allowed under the Environment Article.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2012.