

# HOUSE BILL 1448

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By: **Delegate Clippinger**

Introduced and read first time: February 22, 2022

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **District Court – Concurrent Civil Jurisdiction – Violation of Ordinances**

3 FOR the purpose of establishing that the District Court has concurrent civil jurisdiction  
4 with a governing body of a county or the Mayor and City Council of Baltimore over a  
5 proceeding for adjudication of a violation of certain ordinances; and generally  
6 relating to the District Court and concurrent civil jurisdiction.

7 BY repealing and reenacting, with amendments,  
8 Article – Courts and Judicial Proceedings  
9 Section 4–401  
10 Annotated Code of Maryland  
11 (2020 Replacement Volume and 2021 Supplement)

12 BY adding to  
13 Article – Courts and Judicial Proceedings  
14 Section 4–406  
15 Annotated Code of Maryland  
16 (2020 Replacement Volume and 2021 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article – Local Government  
19 Section 10–305(b)  
20 Annotated Code of Maryland  
21 (2013 Volume and 2021 Supplement)

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

24 **Article – Courts and Judicial Proceedings**

25 4–401.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Except as provided in § 4–402 of this subtitle, and subject to the venue provisions of  
2 Title 6 of this article, the District Court has exclusive original civil jurisdiction in:

3 (1) An action in contract or tort, if the debt or damages claimed do not  
4 exceed \$30,000, exclusive of prejudgment or postjudgment interest, costs, and attorney’s  
5 fees if attorney’s fees are recoverable by law or contract;

6 (2) An action of replevin, regardless of the value of the thing in controversy;

7 (3) A matter of attachment before judgment, if the sum claimed does not  
8 exceed \$30,000, exclusive of prejudgment or postjudgment interest, costs, and attorney’s  
9 fees if attorney’s fees are recoverable by law or contract;

10 (4) An action involving landlord and tenant, distraint, or wrongful  
11 detainer, regardless of the amount involved;

12 (5) A grantee suit brought under § 14–109 of the Real Property Article;

13 (6) A petition for injunction relating to the use, disposition, encumbrances,  
14 or preservation of property that is:

15 (i) Claimed in a replevin action, until seizure under the writ; or

16 (ii) Sought to be levied upon in an action of distress, until levy and  
17 any removal;

18 (7) A petition of injunction filed by:

19 (i) A tenant in an action under § 8–211 of the Real Property Article  
20 or a local rent escrow law; or

21 (ii) A person who brings an action under § 14–120, § 14–125.1, or §  
22 14–125.2 of the Real Property Article;

23 (8) A petition filed by a county or municipality, including Baltimore City,  
24 for enforcement of local health, housing, fire, building, electric, licenses and permits,  
25 plumbing, animal control, consumer protection, and zoning codes for which equitable relief  
26 is provided;

27 (9) Proceedings under Title 12 or Title 13 of the Criminal Procedure Article  
28 for the forfeiture or return of money involved in a gambling or controlled dangerous  
29 substances seizure where the amount involved, excluding any interest and attorney’s fees,  
30 if attorney’s fees are recoverable by law or contract, does not exceed \$20,000;

31 (10) A proceeding for adjudication of:

1 (i) A municipal infraction as described in § 6–102 of the Local  
2 Government Article;

3 (ii) A Commission infraction as defined in § 17–208 of the Land Use  
4 Article;

5 (iii) A Washington Suburban Sanitary Commission infraction under  
6 § 29–102 of the Public Utilities Article, concerning rules and regulations governing publicly  
7 owned watershed property;

8 (iv) A Washington Suburban Sanitary Commission infraction under  
9 § 29–101 of the Public Utilities Article, concerning Washington Suburban Sanitary  
10 Commission regulations governing:

11 1. Erosion and sediment control for utility construction;

12 2. Plumbing, gas fitting, and sewer cleaning;

13 3. Required permits for utility construction; and

14 4. The Washington Suburban Sanitary Commission  
15 Pretreatment Program;

16 (v) A zoning violation for which a civil penalty has been provided in  
17 accordance with Title 11, Subtitle 2 or § 20–526(c) of the Land Use Article;

18 [(vi) A violation of an ordinance enacted:

19 1. By a charter county for which a civil penalty is provided  
20 under § 10–202 of the Local Government Article;

21 2. By the Mayor and City Council of Baltimore for which a  
22 civil penalty is provided by ordinance; or

23 3. By a code county for which a civil citation is issued under  
24 Title 11, Subtitle 3 of the Local Government Article;]

25 [(vii) (VI) A citation for a Code violation issued under § 10–119 of the  
26 Criminal Law Article;

27 [(viii) (VII) A civil infraction relating to a violation of the campaign  
28 finance laws under § 13–604 of the Election Law Article;

29 [(ix) (VIII) A violation of an ordinance or regulation enacted by a  
30 county without home rule, under authority granted under the Local Government Article,  
31 or any provision of the Code of Public Local Laws for that county, for which a civil penalty  
32 is provided;

1                    ~~[(x)]~~ **(IX)**     A civil infraction that is authorized by law to be prosecuted  
2 by a sanitary commission;

3                    ~~[(xi)]~~ **(X)**     A violation under Title 10, Subtitle 1, Part III of the  
4 Criminal Law Article; or

5                    ~~[(xii)]~~ **(XI)**    A civil infraction relating to the storage or distribution of  
6 tobacco products under Title 1, Subtitle 12 of the Local Government Article;

7                    (11)    A proceeding for adjudication of a civil penalty for any violation under  
8 § 5–1001 of the Environment Article, § 15–113, § 15–113.1, § 21–1122, or § 21–1414 of the  
9 Transportation Article, or § 14–304 of the Public Safety Article, or any rule or regulation  
10 issued pursuant to those sections;

11                    (12)    A proceeding to enforce a civil penalty assessed by the Maryland  
12 Division of Labor and Industry under Title 5 of the Labor and Employment Article where  
13 the amount involved does not exceed \$20,000;

14                    (13)    A proceeding for a civil infraction under § 21–202.1, § 21–704.1, §  
15 21–706.1, § 21–809, § 21–810, or § 24–111.3 of the Transportation Article or § 10–112 of  
16 the Criminal Law Article;

17                    (14)    A proceeding for a temporary peace order or a final peace order under  
18 Title 3, Subtitle 15 of this article;

19                    (15)    A proceeding for condemnation and immediate possession of and title  
20 to abandoned, blighted, distressed, and deteriorated property under authority granted in  
21 the Code of Public Local Laws of a county, including Baltimore City, where the estimated  
22 value of the property does not exceed \$25,000;

23                    (16)    A proceeding for a replacement motor vehicle under § 14–1502(c)(1)(i)  
24 of the Commercial Law Article;

25                    (17)    An action for damages for a dishonored check or other instrument under  
26 Title 15, Subtitle 8 of the Commercial Law Article, regardless of the amount in controversy;  
27 and

28                    (18)    A civil action for an injunction or for a civil penalty for a violation of §  
29 8–605(f) of the Transportation Article.

30 **4–406.**

31                    **(A)    THE DISTRICT COURT HAS CONCURRENT CIVIL JURISDICTION WITH A**  
32 **GOVERNING BODY OF A COUNTY OR THE MAYOR AND CITY COUNCIL OF BALTIMORE**

1 OVER A PROCEEDING FOR ADJUDICATION OF A VIOLATION OF AN ORDINANCE  
2 ENACTED:

3 (1) BY A CHARTER COUNTY FOR WHICH A CIVIL PENALTY IS  
4 PROVIDED UNDER § 10–202 OF THE LOCAL GOVERNMENT ARTICLE;

5 (2) BY THE MAYOR AND CITY COUNCIL OF BALTIMORE FOR WHICH A  
6 CIVIL PENALTY IS PROVIDED BY ORDINANCE; OR

7 (3) BY A CODE COUNTY FOR WHICH A CIVIL CITATION IS ISSUED  
8 UNDER TITLE 11, SUBTITLE 3 OF THE LOCAL GOVERNMENT ARTICLE.

9 (B) THE GOVERNING BODY OF A COUNTY OR THE MAYOR AND CITY  
10 COUNCIL OF BALTIMORE MAY DELEGATE ITS AUTHORITY UNDER SUBSECTION (A)  
11 OF THIS SECTION TO A BOARD, A COMMISSION, AN AGENCY, OR AN OFFICER UNDER  
12 ITS JURISDICTION AND CONTROL.

13 **Article – Local Government**

14 10–305.

15 (b) The county board of appeals may have original jurisdiction or jurisdiction to  
16 review the action of an administrative officer or unit of county government over matters  
17 arising under any law, ordinance, or regulation of the county council that concerns:

18 (1) an application for a zoning variation or exception or amendment of a  
19 zoning map;

20 (2) the issuance, renewal, denial, revocation, suspension, annulment, or  
21 modification of any license, permit, approval, exemption, waiver, certificate, registration,  
22 or other form of permission or of any adjudicatory order; [or]

23 (3) the assessment of any special benefit tax; OR

24 (4) THE ADJUDICATION OF A VIOLATION OF AN ORDINANCE  
25 DELEGATED IN ACCORDANCE WITH § 4–406(B) OF THE COURTS ARTICLE.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
27 1, 2022.