

HOUSE BILL 217

N1
HB 320/18 – ENV

9lr0660

By: ~~Delegate Sydnor~~ **Baltimore County Delegation**

Introduced and read first time: January 23, 2019

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2019

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of altering the definitions of “community association” and “local code
4 violation” for purposes of certain provisions of law authorizing community
5 associations to seek judicial relief for nuisance abatement in Baltimore County;
6 repealing a provision of law requiring a certain court to determine in what amount
7 and under what conditions a bond must be filed by a community association in a
8 certain nuisance action; and generally relating to the right of community
9 associations to seek judicial relief for nuisance abatement in Baltimore County.

10 BY repealing and reenacting, with amendments,
11 Article – Real Property
12 Section 14–125
13 Annotated Code of Maryland
14 (2015 Replacement Volume and 2018 Supplement)

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

17 **Article – Real Property**

18 14–125.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2) **(I)** “Community association” means a Maryland nonprofit
 2 ASSOCIATION, corporation, OR OTHER ORGANIZATION that IS:

3 ~~(i)~~ **1.** [Is comprised of at least 20% of the total number of
 4 households as members, with a minimum membership of 25 households, of a local
 5 community that consists of 40 or more individual households as defined by specific
 6 geographic boundaries in the bylaws or charter of the community association] **COMPOSED**
 7 **OF RESIDENTS OF A COMMUNITY DEFINED BY SPECIFIC GEOGRAPHIC BOUNDARIES**
 8 **IN THE BYLAWS OR CHARTER OF THE COMMUNITY ASSOCIATION AND WITHIN WHICH**
 9 **A NUISANCE IS LOCATED;**

10 ~~(ii)~~ **2.** [Requires, as a condition of membership, the payment of
 11 monetary dues at least annually;

12 (iii) Is operated] **OPERATED** primarily for the promotion of social
 13 welfare and general neighborhood improvement and enhancement;

14 [(iv) Has been in existence for at least 1 year when it files suit under
 15 this section;

16 (v) 1.] ~~(iii)~~ **3.** [Is exempt] **EXEMPT** from taxation under §
 17 501(c)(3) or (4) OR **§ 528** of the Internal Revenue Code; [or

18 2. Has been included for a period of at least 1 year prior to
 19 bringing an action under this section in the “Directory of Organizations in Baltimore
 20 County” that is published by the Baltimore County Public Library;] and

21 [(vi)] ~~(iv)~~ **4.** [Is] **INCORPORATED AND** in good standing WITH
 22 **THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION.**

23 **(II) “COMMUNITY ASSOCIATION” INCLUDES A MARYLAND**
 24 **NONPROFIT ASSOCIATION, CORPORATION, OR OTHER ORGANIZATION THAT:**

25 **1. MEETS THE REQUIREMENTS OF AN INDIVIDUAL**
 26 **COMMUNITY ASSOCIATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH; AND**

27 **2. REPRESENTS TWO OR MORE INDIVIDUAL COMMUNITY**
 28 **ASSOCIATIONS.**

29 (3) **(I)** “Local code violation” means a violation under **ARTICLE 13,**
 30 Title [22.] **7. “Nuisances” OR, EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
 31 **PARAGRAPH, ARTICLE 35, “BUILDING AND HOUSING”** of the Baltimore County Code
 32 [1988] **2015.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.