

HOUSE BILL 1093

L1, L3, N1

1lr1914

By: **Delegate Palakovich Carr**

Introduced and read first time: February 5, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Emergency Services and Nuisance Actions**

3 FOR the purpose of prohibiting a landlord from using a lease or form of lease that contains
4 a provision that limits a tenant's ability to reasonably summon, or penalizes a tenant
5 or another individual for reasonably summoning, the assistance of law enforcement
6 or emergency services; prohibiting a landlord from taking certain retaliatory actions
7 because a tenant or another individual summons the assistance of law enforcement
8 or emergency services for certain purposes; providing that circumstances under
9 which a property may be designated by a court as a nuisance be based on criminal
10 activity conducted on the property; requiring that the designation of a property as a
11 nuisance be based on the activities of certain individuals; prohibiting, subject to
12 certain conditions, the designation of a property as a nuisance based on criminal
13 activity if the criminal activity was committed by a minor; requiring that a petitioner
14 provide certain notice containing certain information to certain individuals prior to
15 bringing a nuisance action under this Act; requiring the District Court to provide
16 certain periodic reports containing certain information on its website; providing that,
17 subject to certain conditions, abatement authority for a nuisance based on criminal
18 activity is restricted to the residential unit or units in which the criminal activity
19 occurred; prohibiting a county or municipality from establishing a local law or order
20 for nuisance related to criminal activity that is more restrictive than State
21 requirements subject to certain exceptions; altering certain notice requirements
22 related to nuisances for certain local jurisdictions; prohibiting a local jurisdiction
23 from enacting certain laws; providing that a prohibited law under this Act may be
24 used as an affirmative defense or as the basis of a claim by certain individuals under
25 certain circumstances; defining certain terms; making conforming changes; making
26 stylistic changes; and generally relating to the summoning of emergency services to
27 a property and the designation of a property as a nuisance.

28 BY repealing and reenacting, with amendments,
29 Article – Real Property

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 8–208(d), 8–208.1(a), 14–120, 14–123(c)(3)(ii), 14–124(c)(3)(ii),
14–125(c)(3)(ii), 14–125.1(a)(4) and (d)(3)(ii), and 14–125.2(a)(3) and (d)(3)(ii)
Annotated Code of Maryland
(2015 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,

Article – Real Property

Section 8–208(f) and (g)(1), 8–208.1(b)(1), 14–123(b) and (c)(3)(i), 14–124(b) and
(c)(3)(i), 14–125(b) and (c)(3)(i), 14–125.1(a)(1), (b), and (d)(3)(i), and
14–125.2(a)(1), (b), and (d)(3)(i)

Annotated Code of Maryland

(2015 Replacement Volume and 2020 Supplement)

BY adding to

Article – Real Property

Section 14–126

Annotated Code of Maryland

(2015 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

Article – Real Property

8–208.

(d) A landlord may not use a lease or form of lease containing any provision that:

(1) Has the tenant authorize any person to confess judgment on a claim
arising out of the lease;

(2) Has the tenant agree to waive or to forego any right or remedy provided
by applicable law;

(3) (i) Provides for a penalty for the late payment of rent in excess of
5% of the amount of rent due for the rental period for which the payment was delinquent;
or

(ii) In the case of leases under which the rent is paid in weekly rental
installments, provides for a late penalty of more than \$3 per week or a total of no more than
\$12 per month;

(4) Has the tenant waive the right to a jury trial;

(5) Has the tenant agree to a period required for landlord's notice to quit
which is less than that provided by applicable law; provided, however, that neither party is
prohibited from agreeing to a longer notice period than that required by applicable law;

(6) Authorizes the landlord to take possession of the leased premises, or the tenant's personal property unless the lease has been terminated by action of the parties or by operation of law, and the personal property has been abandoned by the tenant without the benefit of formal legal process;

(7) Is against public policy and void pursuant to § 8–105 of this title; [or]

(8) Permits a landlord to commence an eviction proceeding or issue a notice to quit solely as retaliation against any tenant for planning, organizing, or joining a tenant organization with the purpose of negotiating collectively with the landlord; **OR**

(9) (I) LIMITS THE ABILITY OF A TENANT TO SUMMON THE ASSISTANCE OF LAW ENFORCEMENT OR EMERGENCY SERVICES OR PENALIZES A TENANT FOR REASONABLY SUMMONING THE ASSISTANCE OF LAW ENFORCEMENT OR EMERGENCY SERVICES; OR

(II) PENALIZES A TENANT FOR THE REASONABLE SUMMONING OF THE ASSISTANCE OF LAW ENFORCEMENT OR EMERGENCY SERVICES BY ANOTHER INDIVIDUAL, INCLUDING ANOTHER RESIDENT.

(f) No provision of this section shall be deemed to be a bar to the applicability of supplementary rights afforded by any public local law enacted by the General Assembly or any ordinance or local law enacted by any municipality or political subdivision of this State; provided, however, that no such law can diminish or limit any right or remedy granted under the provisions of this section.

(g) (1) Any lease provision which is prohibited by terms of this section shall be unenforceable by the landlord.

8–208.1.

(a) (1) For any reason listed in paragraph (2) of this subsection, a landlord of any residential property may not:

(i) Bring or threaten to bring an action for possession against a tenant;

(ii) Arbitrarily increase the rent or decrease the services to which a tenant has been entitled; or

(iii) Terminate a periodic tenancy.

(2) A landlord may not take an action that is listed under paragraph (1) of this subsection for any of the following reasons:

(i) Because the tenant or the tenant's agent has provided written or actual notice of a good faith complaint about an alleged violation of the lease, violation of law, or condition on the leased premises that is a substantial threat to the health or safety of occupants to:

1. The landlord; or
2. Any public agency against the landlord;

(ii) Because the tenant or the tenant's agent has:

1. Filed a lawsuit against the landlord; or
2. Testified or participated in a lawsuit involving the

landlord; [or]

(iii) Because the tenant has participated in any tenants' organization; OR

(IV) BECAUSE THE TENANT OR ANOTHER INDIVIDUAL, INCLUDING ANOTHER RESIDENT, REASONABLY SUMMONED THE ASSISTANCE OF LAW ENFORCEMENT OR EMERGENCY SERVICES TO THE PROPERTY.

(b) (1) A landlord's violation of subsection (a) of this section is a "retaliatory action".

14–120.

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

(2) "Commercial property" does not include residential rental property.

(3) "Community association" means:

(i) A nonprofit association, corporation, or other organization that is:

1. Comprised of residents of a community within which a nuisance is located;

2. Operated exclusively for the promotion of social welfare and general neighborhood improvement and enhancement; and

3. Exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code; or

(ii) A nonprofit association, corporation, or other organization that is:

1. Comprised of residents of a contiguous community that is defined by specific geographic boundaries, within which a nuisance is located; and

2. Operated for the promotion of the welfare, improvement and enhancement of that community.

(4) “Controlled dangerous substance” means a substance listed in Schedule I or Schedule II under § 5–402 or § 5–403 of the Criminal Law Article.

[(5) “Nuisance” means a property that is used:

(i) 1. By persons who assemble for the specific purpose of illegally administering a controlled dangerous substance;

2. For the illegal manufacture, or distribution of:

A. A controlled dangerous substance; or

B. Controlled paraphernalia, as defined in § 5–101 of the Criminal Law Article; or

3. For the illegal storage or concealment of a controlled dangerous substance in sufficient quantity to reasonably indicate under all the circumstances an intent to manufacture, distribute, or dispense:

A. A controlled dangerous substance; or

B. Controlled paraphernalia, as defined in § 5–101 of the Criminal Law Article; or

(ii) For prostitution.]

(5) “CONTROLLED PARAPHERNALIA” HAS THE MEANING STATED IN § 5–101 OF THE CRIMINAL LAW ARTICLE.

(6) “CRIMINAL ACTIVITY” MEANS:

(I) THE ASSEMBLAGE OF INDIVIDUALS FOR THE SPECIFIC PURPOSE OF ILLEGALLY ADMINISTERING A CONTROLLED DANGEROUS SUBSTANCE;

(II) THE ILLEGAL MANUFACTURE OF OR DISTRIBUTION OF:

1. A CONTROLLED DANGEROUS SUBSTANCE; OR

1 **2. CONTROLLED PARAPHERNALIA; OR**

2 **(III) THE ILLEGAL STORAGE OR CONCEALMENT OF A**
3 **CONTROLLED DANGEROUS SUBSTANCE OR CONTROLLED PARAPHERNALIA IN**
4 **SUFFICIENT QUANTITY TO REASONABLY INDICATE UNDER ALL CIRCUMSTANCES AN**
5 **INTENT TO MANUFACTURE, DISTRIBUTE, OR DISPENSE:**

6 **1. A CONTROLLED DANGEROUS SUBSTANCE; OR**

7 **2. CONTROLLED PARAPHERNALIA;**

8 **(IV) PROSTITUTION;**

9 **(V) OPERATING AN UNLICENSED ESTABLISHMENT FOR:**

10 **1. ADULT ENTERTAINMENT; OR**

11 **2. GAMBLING;**

12 **(VI) THE STORAGE OR POSSESSION OF:**

13 **1. STOLEN PROPERTY VALUES AT \$1,500 OR MORE; OR**

14 **2. UNREGISTERED FIREARMS;**

15 **(VII) A CRIME OF VIOLENCE, AS DEFINED IN § 14–101 OF THE**
16 **CRIMINAL LAW ARTICLE; OR**

17 **(VIII) CRIMINAL GANG OFFENSES PROHIBITED UNDER TITLE 9,**
18 **SUBTITLE 8 OF THE CRIMINAL LAW ARTICLE.**

19 **(7) “GOVERNING BODY” HAS THE MEANING STATED IN § 1–101(F) OF**
20 **THE LOCAL GOVERNMENT ARTICLE.**

21 **(8) “MUNICIPALITY” HAS THE MEANING STATED IN § 1–101(G) OF**
22 **THE LOCAL GOVERNMENT ARTICLE.**

23 **[(6)] (9) (i) “Operator” means a person that exercises control over**
24 **property.**

25 **(ii) “Operator” includes a property manager or any other person that**
26 **is authorized to evict a tenant.**

1 ~~[(7)]~~ **(10)** “Owner” includes an owner–occupant.

2 ~~[(8)]~~ **(11)** “Owner–occupant” includes an owner of commercial property
3 that conducts business in any part of the property.

4 ~~[(9)]~~ **(12)** “Property” includes a mobile home.

5 ~~[(10)]~~ **(13)** “Prostitution” has the meaning stated in § 11–301 of the
6 Criminal Law Article.

7 **(14) “SHORT–TERM RENTAL UNIT” MEANS A RESIDENTIAL DWELLING**
8 **UNIT OR A PORTION OF THE UNIT USED TO PROVIDE TEMPORARY ACCOMMODATION**
9 **TO TRANSIENT GUESTS FOR LODGING PURPOSES IN EXCHANGE FOR**
10 **CONSIDERATION.**

11 ~~[(11)]~~ **(15)** (i) “Tenant” means the lessee or a person occupying property,
12 whether or not a party to a lease.

13 (ii) “Tenant” includes a lessee or a person occupying a mobile home,
14 whether or not a party to a lease.

15 (iii) “Tenant” does not include:

16 1. The owner of the property; or

17 2. A mobile home owner who leases or rents a site for
18 residential use and resides in a mobile home park.

19 **(A–1) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
20 **PARAGRAPH, A PROPERTY MAY BE DESIGNATED AS A NUISANCE BASED ON THE**
21 **CRIMINAL ACTIVITY OF AN OPERATOR, AN OWNER, AN OWNER–OCCUPANT, OR A**
22 **TENANT OF THE PROPERTY.**

23 **(II) CRIMINAL ACTIVITY COMMITTED BY A MINOR MAY NOT BE A**
24 **FACTOR IN THE DESIGNATION OF A PROPERTY AS A NUISANCE UNLESS THE MINOR:**

25 1. **IS CHARGED AS AN ADULT; AND**

26 2. **HAS PARTICIPATED IN A CRIMINAL CONSPIRACY**
27 **WITH AN ADULT WHO IS AN OPERATOR, AN OWNER, AN OWNER–OCCUPANT, OR A**
28 **TENANT OF THE PROPERTY.**

29 **(2) A COURT MAY DESIGNATE A PROPERTY AS A NUISANCE FOR**
30 **CRIMINAL ACTIVITY IF, WITHIN A 24–MONTH PERIOD:**

(I) THERE ARE TWO OR MORE SEPARATE ARRESTS OR
CONVICTIONS FOR CRIMINAL ACTIVITY THAT WAS CONDUCTED ON THE PROPERTY;
OR

(II) LAW ENFORCEMENT OFFICERS PRODUCE TWO OR MORE
WRITTEN REPORTS CITING CRIMINAL ACTIVITY CONDUCTED ON THE PROPERTY.

(b) An action under § 4–401 of the Courts Article to abate a nuisance may be
brought by:

(1) The State’s Attorney of the county in which the nuisance is located;

(2) The county attorney or solicitor of the county in which the nuisance is
located;

(3) A community association within whose boundaries the nuisance is
located; or

(4) A municipal corporation within whose boundaries the nuisance is
located.

(c) An action under § 4–401 of the Courts Article to abate a nuisance may be
brought against:

(1) A tenant of the property [where the nuisance is located] **ALLEGED TO
BE A NUISANCE;**

(2) An owner of the property [where the nuisance is located] **ALLEGED TO
BE A NUISANCE;** or

(3) An operator of the property [where the nuisance is located] **ALLEGED
TO BE A NUISANCE.**

(d) (1) (i) Except as provided in subparagraph (ii) of this paragraph, an
action may not be brought under this section concerning a [commercial] property until 30
days after the tenant, if any, and owner of record receive notice from a person entitled to
bring an action under this section that a nuisance exists.

(ii) In Baltimore City, an action may not be brought under this
section concerning a commercial property until 15 days after the tenant, if any, and owner
of record receive notice from a person entitled to bring an action under this section that a
nuisance exists.

(2) The notice shall [specify] **INCLUDE:**

(i) [The date and time of day the nuisance was first discovered; and]
**THE CRIMINAL ACTIVITY GIVING RISE TO THE ACTION, INCLUDING THE DATE OR
DATES ON WHICH THE CRIMINAL ACTIVITY OCCURRED OR IS ALLEGED TO HAVE
OCCURRED;**

(ii) The location on the property where the [nuisance is allegedly
occurring] **CRIMINAL ACTIVITY OCCURRED OR IS ALLEGED TO HAVE OCCURRED; AND**

**(III) ANY INFORMATION DISCLOSED BY A LAW ENFORCEMENT
OFFICER, AN ATTORNEY IN A MUNICIPAL OR COUNTY ATTORNEY'S OFFICE, OR AN
ATTORNEY IN AN OFFICE OF THE STATE'S ATTORNEY UNDER THE PROVISIONS OF
SUBSECTION (Q) OF THIS SECTION TO A PERSON ENTITLED TO BRING AN ACTION
UNDER THIS SECTION.**

(3) The notice shall be:

(i) Hand delivered to the tenant, if any, and the owner of record; or

(ii) Sent by certified mail to the tenant, if any, and the owner of
record.

(e) (1) In addition to any service of process required by the Maryland Rules,
the plaintiff shall cause to be posted in a conspicuous place on the property no later than
48 hours before the hearing the notice required under paragraph (2) of this subsection.

(2) The notice shall indicate:

(i) The nature of the proceedings;

(ii) The time and place of the hearing; and

(iii) The name and telephone number of the person to contact for
additional information.

(f) A plaintiff is entitled to relief under this section whether or not an adequate
remedy exists at law.

(g) (1) If, after a hearing, the court determines that a nuisance exists, the court
may order any appropriate injunctive or other equitable relief.

(2) Notwithstanding any other provision of law, and in addition to or as a
component of any remedy ordered under paragraph (1) of this subsection, the court may
order:

(i) A tenant who knew or should have known of the [existence] **CRIMINAL ACTIVITY THAT RESULTED IN THE DESIGNATION** of the **PROPERTY AS A** nuisance to vacate the property within 72 hours; or

(ii) An owner or operator of the property to submit for court approval a plan of correction to ensure, to the extent reasonably possible, that the property will not again be used for [a nuisance] **CRIMINAL ACTIVITY** if:

1. The owner or operator is a party to the action; and

2. The owner or operator knew or should have known of the [existence] **CRIMINAL ACTIVITY THAT RESULTED IN THE DESIGNATION** of the **PROPERTY AS A** nuisance.

(h) (1) (i) If a tenant fails to comply with an order under subsection (g) of this section and the owner or operator, and tenant, are parties to the action, the court, after a hearing, may order restitution of the possession of the property to the owner or operator.

(ii) If the court orders restitution of the possession of the property under subparagraph (i) of this paragraph, the court shall immediately issue its warrant to the sheriff or constable commanding execution of the warrant within 5 days after issuance of the warrant.

(2) (i) This paragraph does not apply to an action brought under this section alleging the use of a property for prostitution.

(ii) If an owner, including an owner-occupant, fails to comply with an order under subsection (g) of this section, after a hearing the court may, in addition to issuing a contempt order or an order for any other relief, order that:

1. The property be sold, at the owner's expense, in accordance with the Maryland Rules governing judicial sales; or

2. The property be demolished if the property is unfit for habitation and the estimated cost of rehabilitation significantly exceeds the estimated market value of the property after rehabilitation.

(3) (i) This paragraph applies only to an action brought under this section alleging the use of a property for prostitution.

(ii) If an owner, including an owner-occupant, fails to comply with an order under subsection (g) of this section, after a hearing, the court may issue a contempt order.

(4) If an owner-occupant fails to comply with an order under subsection (g) of this section regarding a nuisance in the owner-occupied unit of the property, after a

1 hearing the court may, in addition to issuing a contempt order or an order for any other
2 relief, order that:

3 (i) The owner-occupied unit be vacated within 72 hours; and

4 (ii) The owner-occupied unit remain unoccupied for a period not to
5 exceed 1 year or until the property is sold in an arm's length transaction.

6 (i) Except as provided in subsection (g)(2) of this section, the court may order
7 appropriate relief under subsection (g) of this section without proof that a defendant knew
8 of the existence **CRIMINAL ACTIVITY THAT RESULTED IN THE DESIGNATION** of the
9 **PROPERTY AS A** nuisance.

10 (j) In any action brought under this section:

11 (1) Evidence of the general reputation of the property is admissible to
12 corroborate testimony based on personal knowledge or observation, or evidence seized
13 during the execution of a search and seizure warrant, but shall not, in and of itself, be
14 sufficient to establish the existence of a nuisance under this section; and

15 (2) Evidence that the **CRIMINAL ACTIVITY THAT RESULTED IN THE**
16 **DESIGNATION OF THE PROPERTY AS A** nuisance had been discontinued at the time of the
17 filing of the complaint or at the time of the hearing does not bar the imposition of
18 appropriate relief by the court under subsection (g) of this section.

19 (k) (1) This subsection does not apply to an action against an owner, other than
20 an owner-occupant, brought under this section alleging the use of a property for
21 prostitution.

22 (2) The court may award court costs and reasonable attorney's fees to a
23 community association that is the prevailing plaintiff in an action brought under this
24 section.

25 (l) An action under this section shall be heard within 14 days after service of
26 process on the parties.

27 (m) This section does not abrogate any equitable or legal right or remedy under
28 existing law to abate a nuisance.

29 (n) (1) An appeal from a judgment or order under this section shall be filed
30 within 10 days after the date of the order or judgment.

31 (2) If either party files a request for oral argument, the court shall hear the
32 oral argument within 7 days after the request is filed.

33 (3) (i) If the appellant files a request for oral argument, the request
34 shall be filed at the time of the filing of the appeal.

(ii) If the appellee files a request for oral argument, the request shall be filed within 2 days of receiving notice of the appeal.

(o) Provisions of this article or public local laws applicable to actions between a landlord and tenant are not applicable to actions brought against a landlord or a tenant under this section.

(p) All proceedings under this section are equitable in nature.

(q) (1) Except as provided in paragraph (2) of this subsection, when necessary to accomplish the purposes of this section, a law enforcement officer, an attorney in a municipal or county attorney's office, or an attorney in an office of the State's Attorney may disclose the contents of an executed search warrant and papers filed in connection with the search warrant to:

(i) An officer or director of the community association in which the nuisance is located, or the attorney representing the community association;

(ii) An owner, tenant, or operator of the searched property or an agent of the owner, tenant, or operator of the searched property; or

(iii) An attorney in a municipal or county attorney's office.

(2) An affidavit may not be disclosed under this subsection while under seal in accordance with § 1–203 of the Criminal Procedure Article.

(R) EACH MONTH THE DISTRICT COURT SHALL PUBLISH ON ITS WEBSITE:

(1) THE TOTAL NUMBER OF PROPERTIES DESIGNATED AS NUISANCES UNDER THIS SECTION;

(2) THE CRIMINAL ACTIVITIES SUPPORTING THE DESIGNATION OF THE PROPERTIES AS NUISANCES;

(3) THE NUMBER OF EVICTION ACTIONS RESULTING FROM ENFORCEMENT OF THIS SECTION; AND

(4) THE NUMBER OF INDIVIDUALS REPRESENTING PROTECTED CLASSES IDENTIFIED UNDER TITLE 20, SUBTITLE 7 OF THE STATE GOVERNMENT ARTICLE EVICTED AS A RESULT OF ENFORCEMENT UNDER THIS SECTION.

(S) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF A PROPERTY CONSISTS OF MULTIPLE RESIDENTIAL UNITS, AND THE CRIMINAL ACTIVITY IS CONFINED TO ONE OR MORE OF THE RESIDENTIAL UNITS, ABATEMENT

1 AUTHORITY IS RESTRICTED TO THE RESIDENTIAL UNIT OR UNITS IN WHICH THE
2 CRIMINAL ACTIVITY THAT RESULTED IN THE DESIGNATION OF THE PROPERTY AS A
3 NUISANCE OCCURRED.

4 (2) A COUNTY OR MUNICIPALITY MAY EXCLUDE A BOARDING HOUSE
5 OR ROOMING HOUSE FROM THE PROVISIONS OF PARAGRAPH (1) OF THIS
6 SUBSECTION.

7 (T) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
8 LOCAL NUISANCE LAW OR ORDER MAY NOT BE MORE RESTRICTIVE THAN THE
9 REQUIREMENTS OF THIS SECTION.

10 (2) THIS SUBSECTION DOES NOT APPLY TO A LOCAL LAW OR ORDER:

11 (I) REGULATING SOCIAL GATHERINGS WHERE ALCOHOLIC
12 BEVERAGES ARE FURNISHED TO, CONSUMED BY, OR IN THE POSSESSION OF MINORS;
13 OR

14 (II) RELATING TO A MOTEL, HOTEL, OR PROPERTY USED AS A
15 SHORT-TERM RENTAL UNIT.

16 14-123.

17 (b) This section only applies to a nuisance located within the boundaries of
18 Baltimore City.

19 (c) (3) (i) An action may not be brought under this section until 60 days
20 after the community association sends notice to the tenant, if any, and the owner of record
21 that a nuisance exists and that legal action may be taken if the nuisance is not abated.

22 (ii) The notice shall [specify] INCLUDE:

- 23 1. The nature of the alleged nuisance;
- 24 2. The date and time of day the nuisance was first discovered;
- 25 3. The location on the property where the nuisance is
26 allegedly occurring;

27 4. INFORMATION REQUIRED UNDER § 14-120(D)(2)(III)
28 OF THIS SUBTITLE; and

29 [4.] 5. The relief sought in the action.

30 14-124.

(b) This section only applies to a nuisance located within the boundaries of Prince George's County.

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

(ii) The notice shall [specify] **INCLUDE:**

1. The nature of the alleged nuisance;
2. The date and time of day the nuisance was first discovered;
3. The location on the property where the nuisance is

allegedly occurring;

4. INFORMATION REQUIRED UNDER § 14-120(D)(2)(III)

OF THIS SUBTITLE; and

[4.] 5. The relief sought.

14-125.

(b) This section only applies to a nuisance located within the boundaries of Baltimore County.

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

(ii) The notice shall [specify] **INCLUDE:**

1. The nature of the alleged nuisance;
2. The date and time of day the nuisance was first
3. The location on the property where the nuisance is

allegedly occurring;

4. INFORMATION REQUIRED UNDER § 14-120(D)(2)(III)

OF THIS SUBTITLE; and

[4.] 5. The relief sought.

1 14–125.1.

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

3 (4) “Nuisance” means:

4 (i) An act or condition knowingly created, performed, or maintained
5 on private property that constitutes a local code violation and that:

6 1. Significantly affects other residents of the neighborhood;

7 2. Diminishes the value of neighboring property; and

8 3. A. Is injurious to public health, safety, or welfare of
9 neighboring residents; or

10 B. Obstructs the reasonable use of other property in the
11 neighborhood; **OR**

12 (ii) A property where the tenant, owner, or other occupant has been
13 convicted of violations of § 10–201 or § 10–202 of the Criminal Law Article for conduct
14 occurring on, in, or in relation to the property[; or

15 (iii) A property to which police or other law enforcement agencies
16 have responded to complaints or calls for service 10 or more times within any 30 day
17 period].

18 (b) This section only applies to a nuisance located within the boundaries of Anne
19 Arundel County.

20 (d) (3) (i) An action may not be brought under this section until 60 days
21 after the tenant, if any, and owner of record receive notice from the plaintiff that a nuisance
22 exists and that legal action may be taken if the nuisance is not abated.

23 (ii) The notice shall [specify] **INCLUDE**:

24 1. The nature of the alleged nuisance;

25 2. The date and time of day the nuisance was first discovered;

26 3. The location on the property where the nuisance is
27 allegedly occurring;

28 4. **INFORMATION REQUIRED UNDER § 14–120(D)(2)(III)**
29 **OF THIS SUBTITLE**; and

1 [4.] 5. The relief sought.

2 14–125.2.

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

4 (3) “Nuisance” means:

5 (i) An act or condition created, performed, or maintained on private
6 property that constitutes a local code violation and that:

7 1. Negatively impacts the well-being of other residents; and

8 2. A. Is injurious to public health, safety, or welfare; or

9 B. Obstructs the reasonable use of property;

10 (ii) A property where the tenant, owner, or other occupant has been
11 convicted of violations of § 10–201 or § 10–202 of the Criminal Law Article for conduct
12 occurring on, in, or in relation to the property;

13 (iii) A property [to which police or other law enforcement agencies
14 have responded to complaints or calls for service 4 or more times within any 30–day period
15 and] that:

16 1. Negatively impacts the well-being of other residents; and

17 2. A. Is injurious to public health, safety, or welfare; or

18 B. Obstructs the reasonable use of property;

19 (iv) A property where the tenant, owner, or other occupant has been
20 convicted of violations of any criminal law occurring on, in, or in relation to the property
21 and is related to the activities of a criminal organization as defined in § 9–801 of the
22 Criminal Law Article; or

23 (v) A building, structure, dwelling, dwelling unit, or accessory
24 structure that:

25 1. Contains defects due to inadequate maintenance,
26 obsolescence, or abandonment that increase the hazard of fire, accident, or other calamity;
27 or

28 2. Is unsafe, unsanitary, dangerous, or detrimental to the
29 health, safety, or general welfare of the community due to lack of maintenance, inadequate
30 ventilation, light, sanitary facilities, or other conditions.

(b) This section only applies to a nuisance located within the boundaries of Harford County.

(d) (3) (i) An action may not be brought under this section until 60 days after the tenant, if any, and owner of record receive notice from the State's Attorney that a nuisance exists and that legal action may be taken if the nuisance is not abated.

(ii) The notice shall [specify] **INCLUDE:**

1. The nature of the alleged nuisance;
2. The date and time of day the nuisance was first discovered;
3. The location on the property where the nuisance is allegedly occurring;

4. **INFORMATION REQUIRED UNDER § 14-120(D)(2)(III) OF THIS SUBTITLE;** and

[4.] 5. The relief sought.

14-126.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "EMERGENCY SERVICES" INCLUDES FIRE, RESCUE, AND AMBULANCE SERVICES.

(3) "GOVERNING BODY" HAS THE MEANING STATED IN § 1-101(F) OF THE LOCAL GOVERNMENT ARTICLE.

(4) "MUNICIPALITY" HAS THE MEANING STATED IN § 1-101(G) OF THE LOCAL GOVERNMENT ARTICLE.

(5) "RENTAL LICENSE" MEANS ANY CERTIFICATE, LICENSE, OR PERMIT REQUIRED TO RENT RESIDENTIAL REAL PROPERTY ISSUED BY A COUNTY OR A MUNICIPALITY.

(B) (1) THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY MAY NOT ENACT A LOCAL LAW OR ORDER THAT:

1 **(I) ESTABLISHES A QUOTA FOR THE NUMBER OF REQUESTS TO**
2 **SUMMON LAW ENFORCEMENT OR EMERGENCY SERVICES TO A RESIDENTIAL**
3 **PROPERTY AS A COMPONENT OF THE DEFINITION OF A NUISANCE;**

4 **(II) PENALIZES A HOMEOWNER, TENANT, OR LANDLORD FOR:**

5 1. **LAWFULLY SUMMONING LAW ENFORCEMENT OR**
6 **EMERGENCY SERVICES TO A RESIDENTIAL PROPERTY; OR**

7 2. **THE LAWFUL SUMMONING BY AN INDIVIDUAL WHO IS**
8 **NOT THE HOMEOWNER, TENANT, OR LANDLORD OF LAW ENFORCEMENT OR**
9 **EMERGENCY SERVICES TO A RESIDENTIAL PROPERTY.**

10 **(2) THERE IS A PRESUMPTION THAT A LOCAL LAW OR ORDER IS**
11 **PROHIBITED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION IF THE LOCAL LAW OR**
12 **ORDER AUTHORIZES OR REQUIRES:**

13 **(I) THE ASSESSMENT OF A MONETARY PENALTY OR FINE ON A**
14 **HOMEOWNER, LANDLORD, OR TENANT;**

15 **(II) THE USE OF AN ACTION FOR REPOSSESSION OF A RENTED**
16 **DWELLING FROM A TENANT OR TERMINATION OR NONRENEWAL OF A TENANT'S**
17 **LEASE; OR**

18 **(III) THE REVOCATION, SUSPENSION, OR NONRENEWAL OF A**
19 **RENTAL LICENSE.**

20 **(C) A HOMEOWNER, TENANT, OR LANDLORD MAY RAISE THE ISSUE THAT A**
21 **LOCAL LAW OR ORDER IS PROHIBITED UNDER SUBSECTION (B) OF THIS SECTION:**

22 **(1) AS A DEFENSE TO AN ACTION TO ENFORCE THE LOCAL LAW OR**
23 **ORDER; OR**

24 **(2) AS AN AFFIRMATIVE CLAIM FOR DAMAGES RESULTING FROM THE**
25 **ENFORCEMENT OF THE LAW OR ORDER.**

26 **(D) IF IN ANY PROCEEDING THE COURT FINDS IN FAVOR OF THE**
27 **HOMEOWNER, TENANT, OR LANDLORD, THE COURT MAY ENTER A JUDGMENT**
28 **AGAINST THE COUNTY OR MUNICIPALITY ATTEMPTING TO ENFORCE THE**
29 **PROHIBITED LOCAL LAW OR ORDER AND AWARD THE HOMEOWNER, TENANT, OR**
30 **LANDLORD:**

31 **(1) REASONABLE DAMAGES;**

- 1 **(2) REASONABLE ATTORNEY’S FEES;**
- 2 **(3) COURT COSTS;**
- 3 **(4) REINSTATEMENT OF A RENTAL LICENSE; AND**
- 4 **(5) OTHER RELIEF AS DEEMED APPROPRIATE BY THE COURT.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2021.