

# HOUSE BILL 1084

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11r1758

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By: **Delegates Alston, Barnes, Beidle, Braveboy, Carter, Clippinger, Cullison, Dumais, Holmes, Howard, Mizeur, Pena–Melnik, Ross, V. Turner, Valderrama, Valentino–Smith, Vaughn, Walker, and Washington**

Introduced and read first time: February 11, 2011

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Community Improvement Organizations – Liens for**  
3 **Nuisance Abatement**

4 FOR the purpose of authorizing a certain community improvement organization to  
5 summarily abate a nuisance on vacant, unoccupied property; requiring a county,  
6 community improvement organization, or homeowners association to serve an  
7 abatement order in a certain manner before a community improvement  
8 organization may summarily abate a nuisance; authorizing a community  
9 improvement organization to summarily abate a nuisance after a certain period  
10 of time under certain circumstances; authorizing a community improvement  
11 organization to obtain a certain lien in a certain manner under certain  
12 circumstances; defining certain terms; and generally relating to liens by a  
13 community improvement organization for nuisance abatement.

14 BY adding to

15 Article – Real Property

16 Section 9–401 and 9–402 to be under the new subtitle “Subtitle 4.  
17 Improvements to Vacant Property”

18 Annotated Code of Maryland

19 (2010 Replacement Volume and 2010 Supplement)

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

22 **Article – Real Property**

23 **SUBTITLE 4. IMPROVEMENTS TO VACANT PROPERTY.**

24 **9–401.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3           (B) “COMMUNITY IMPROVEMENT ORGANIZATION” MEANS A NONPROFIT  
4 ORGANIZATION, INCLUDING A CIVIC ASSOCIATION, ORGANIZED TO:

5                 (1) ADVANCE, ENCOURAGE, AND PROMOTE THE INDUSTRIAL,  
6 ECONOMIC, COMMERCIAL, OR CIVIC DEVELOPMENT OF A COMMUNITY;

7                 (2) FACILITATE THE RECLAMATION, REHABILITATION, AND  
8 REUTILIZATION OF VACANT, ABANDONED, FORECLOSED, OR OTHER REAL  
9 PROPERTY;

10                (3) MANAGE VACANT, ABANDONED, OR FORECLOSED REAL  
11 PROPERTY PENDING ITS RECLAMATION, REHABILITATION, AND REUTILIZATION;

12                (4) ASSIST GOVERNMENTAL UNITS OR OTHER ORGANIZATIONS TO  
13 ASSEMBLE, CLEAR, AND CLEAR THE TITLE OF VACANT, ABANDONED, OR  
14 FORECLOSED REAL PROPERTY; OR

15                (5) PROMOTE ECONOMIC AND HOUSING DEVELOPMENT IN THE  
16 COUNTY OR REGION.

17           (C) “NUISANCE” MEANS AN ACT OR CONDITION KNOWINGLY CREATED,  
18 PERFORMED, OR MAINTAINED EXTERNALLY ON PRIVATE PROPERTY THAT  
19 CONSTITUTES A LOCAL CODE VIOLATION AND THAT:

20                 (1) SIGNIFICANTLY AFFECTS OTHER RESIDENTS OF THE  
21 NEIGHBORHOOD;

22                 (2) DIMINISHES THE VALUE OF NEIGHBORING PROPERTY; AND

23                 (3) (I) IS INJURIOUS TO PUBLIC HEALTH, SAFETY, OR  
24 WELFARE OF NEIGHBORING RESIDENTS; OR

25                 (II) OBSTRUCTS THE REASONABLE USE OF OTHER  
26 PROPERTY IN THE NEIGHBORHOOD.

27 **9-402.**

28           (A) SUBJECT TO THE REQUIREMENTS OF THIS SECTION, A COMMUNITY  
29 IMPROVEMENT ORGANIZATION MAY SUMMARILY ABATE A NUISANCE ON  
30 VACANT, UNOCCUPIED PROPERTY.

1           **(B) BEFORE A COMMUNITY IMPROVEMENT ORGANIZATION MAY**  
2 **SUMMARILY ABATE A NUISANCE UNDER THIS SECTION, A COUNTY, COMMUNITY**  
3 **IMPROVEMENT ORGANIZATION, OR HOMEOWNERS ASSOCIATION SHALL:**

4           **(1) SERVE AN ABATEMENT ORDER SENT BY CERTIFIED MAIL TO**  
5 **THE OWNER OF THE PROPERTY WHERE THE NUISANCE EXISTS; OR**

6           **(2) IF THE OWNER CANNOT BE FOUND, POST AN ABATEMENT**  
7 **ORDER ON THE PROPERTY WHERE THE NUISANCE EXISTS.**

8           **(C) IF THE OWNER FAILS TO ABATE OR ONLY PARTIALLY ABATES THE**  
9 **NUISANCE WITHIN 14 DAYS, A COMMUNITY IMPROVEMENT ORGANIZATION MAY:**

10           **(1) ENTER ON THE PROPERTY; AND**

11           **(2) AT THE EXPENSE OF THE OWNER, DO ANY WORK AND USE ANY**  
12 **MATERIALS NECESSARY TO ABATE THE NUISANCE.**

13           **(D) IF, WITHIN 90 DAYS AFTER THE COMMUNITY IMPROVEMENT**  
14 **ORGANIZATION HAS COMPLETED AN ABATEMENT UNDER THIS SECTION, THE**  
15 **OWNER DOES NOT PAY TO THE COMMUNITY IMPROVEMENT ORGANIZATION THE**  
16 **COST OF THE ABATEMENT, THE COMMUNITY IMPROVEMENT ORGANIZATION**  
17 **MAY OBTAIN A LIEN ON THE REAL PROPERTY FOR THE COST OF THE**  
18 **ABATEMENT IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN §§ 9-105**  
19 **AND 9-106 OF THIS ARTICLE.**

20           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2011.