

FIGHT BLIGHT USING THE COMMUNITY BILL OF RIGHTS

An alley full of garbage. A breeding ground for rats. An empty lot that now resembles a landfill. A collapsed, dangerous row home. These are just a few of the various manifestations of blight that can come from just a single nuisance property. Fortunately, community associations can do something about these properties, even if the owner refuses to take responsibility or City code enforcement is unable to address it. The Community Bill of Rights statute (Md. Code Ann., Real Prop. § 14-123) authorizes Baltimore City community associations to seek the enforcement of many Baltimore City Code provisions.

Qualifying to Use the Community Bill of Rights

- Articles of Incorporation** should state that community association operates exclusively to promote social welfare and general neighborhood improvement.
- Bylaws or articles should **define the specific geographic boundaries** of the community association.
- Maintain a list of residential members**
- Apply for and maintain **tax-exemption under §501(c)(3) or (4)** of the Internal Revenue Code and / or **maintain good standing as a Maryland corporation.**

Determining Whether the Problem is Covered by the Community Bill of Rights

- Make sure the problem qualifies as a nuisance:** An act or condition knowingly created, performed, or maintained, on private property within the boundaries of the community association, which also significantly affects other residents of the neighborhood and is injurious to public health, safety, or welfare of neighboring residents or obstructs the reasonable use of other property in the neighborhood.
- Make sure the problem violates a relevant provision of the local code,** such as the Health Code or the Building Code, and that it is not a nuisance or a code violation outside of the scope of the Community Bill of Rights such as a lead hazard or a city-owned property.

Deciding Whether to Use the Law or an Alternative

- Call and send a letter to the owner** and/or tenant in an attempt to work with them to solve the problem. Solving the problem without a lawsuit will likely be more efficient and effective. If the homeowner lacks resources to fix the property, a lawsuit is unlikely to solve the problem. Consider encouraging the owner to apply for renovation funding (see <http://www.livebaltimore.com/resources/incentives/renovation>).

Gathering Evidence to Build a Case

- Watch** and record everything.
- Pull together records, photos, logs, documentation, and testimony** to prove that the problem is a nuisance.
- Hire an attorney.** Contact Community Law Center for help: <http://communitylaw.org/applyforservices>

Notice Requirements

- Work with an attorney to **give 60 days' notice to the owner,** the tenant, and the appropriate code enforcement agency.

Consider the Possible Solutions to the Problem

- End the nuisance before filing the lawsuit.** Do not forget the real goal – to end the nuisance permanently and swiftly. Sometimes an agreement out of court will be the best way.
- End the nuisance shortly after filing the lawsuit.** Pursue a preliminary injunction or a consent agreement.
- Have a solution in mind.** It is best to know specifically what you want to ask the court to do.
- Be patient. The judicial process may take a long time.**



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