



Senate Bill 214

Local Government – Public Nuisances – Restrictions on Padlock Laws

MACo Position: **OPPOSE**

Date: February 2, 2017

To: Judicial Proceedings Committee

From: Natasha Mehu

The Maryland Association of Counties (MACo) **OPPOSES** SB 214. This bill unreasonably restricts local governments' ability to address chronic public nuisances.

Counties are concerned that SB 214 prohibits them from enacting or enforcing local padlock laws unless the local law provides a hearing before a circuit court judge without the owner of the premises being required to request one first. This limits local government's ability to address public nuisances in a timely and efficient manner.

Local padlock laws afford county governments the ability to address chronic public nuisances. But a temporary closure is typically the end of a substantial series of actions. Most often, a set number of specific nuisance violations within a set time period are required before the most extreme penalty of a temporary closing, or "padlocking" of a premises occurs. While each county law is different the laws usually include: specific definitions for nuisance violations; time frames in which the nuisance violations must occur; notice, hearings, and appeals procedures; and escalating penalties and/or enforcement actions.

Governments do not take this power lightly. Local laws contain notice, hearing, and appeals procedures. Hearings are often administrative in nature, but overall the process in some jurisdictions may involve public participation or the opportunity for judicial review. Action is not taken without thorough consideration and property owners are afforded an opportunity for appeal. Requiring the circuit court to review a nuisance complaint before any action can be taken can cause delays in responding to threats to community and removes the local knowledge and discretion in effectively addressing the concerns of their residents.

Local governments are in the best position to address public safety and health nuisances that threaten the residents of their communities. They have longstanding statutory authority to prevent, abate, and remove these nuisances in the public interest. For these reasons, MACo requests an **UNFAVORABLE** report on SB 214.