

## Prince George's County Council Agenda Item Summary

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**Meeting Date:** 7/24/2013  
**Reference No.:** CB-026-2013  
**Draft No.:** 2  
**Proposer(s):** Franklin, Campos, Davis, Harrison, Olson, Toles, Turner  
**Sponsor(s):** Franklin, Campos, Davis, Harrison, Olson, Toles, Patterson, Turner, Lehman  
**Item Title:** An Act concerning Nuisances for the purpose of amending the definition of public nuisance to include prostitution, human trafficking, and activities involving a criminal gang.

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**Drafter:** Colette R. Gresham, Legislative Officer  
**Resource Personnel:** Brendon L. Laster, Legislative Aide District 9

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### LEGISLATIVE HISTORY:

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|----------------------------|------------------|--------------------------|------------|
| <b>Date Presented:</b>     | 5/14/2013        | <b>Executive Action:</b> | 8/6/2013 S |
| <b>Committee Referral:</b> | 5/14/2013 - PSFM | <b>Effective Date:</b>   | 9/23/2013  |

**Committee Action:** 6/18/2013 - FAV(A)

**Date Introduced:** 7/2/2013  
**Public Hearing:** 7/24/2013 - 10:00 AM

**Council Action (1)** 7/24/2013 - ENACTED  
**Council Votes:** WC:A, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:A  
**Pass/Fail:** P  
**Remarks:**

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### AFFECTED CODE SECTIONS:

14-170, 14-171, 14-172, 14-173

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### COMMITTEE REPORTS:

#### Public Safety and Fiscal Management

**Date 6/18/2013**

REPORT: COMMITTEE VOTE: Favorable as amended 5-0 (Councilmembers: Toles, Franklin, Davis, Harrison and Lehman)

This bill will expand the definition of what is considered a public nuisance for the purpose of providing adequate protection to the public as it applies to prostitution, human trafficking and activities involving a criminal gang and extends to activity on residential premises. Staff gave an overview of the bill which expands the authority of the County Nuisance Abatement Board to include nuisances occurring on residential and commercial premises, and broaden the types of nuisances for which the Board may impose sanctions. The Committee members discussed the functioning of the Nuisance Abatement Board and whether a restructuring of the Board is needed. Ron Wineholt, a representative from the Apartment and Office Building Association of Metropolitan Washington (AOBA), stated that AOBA had no opposition to the purpose of the bill and recommended amendments to ensure that property owners receive fair treatment.

During the worksession the bill was amended as follows:

1. On page 3, line 20 delete “service or posting of the notice” and insert “the Board has mailed a copy of the notice and complaint to the property owner”
2. On page 4, line 5 insert “(5) The Board shall stay their proceedings against a landlord if the tenant’s actions are the basis for the complaint and the landlord provides evidence that they have filed a complaint in the District Court to repossess the leased premises.”

The Office of Law has reviewed this bill and finds it to be in proper legislative form with no legal impediments to its enactment.

The enactment of CB-26-2013 will not have an adverse fiscal impact on the County.

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

(Includes reason for proposal, as well as any unique statutory requirements)

On October 19, 1993, the County Council enacted CB-63-1993 which provided for the abatement of nuisances where commercial property is used for unlawful purposes involving controlled dangerous substances, established a civil administrative process and created the Nuisance Abatement Board. The proposed legislation will expand the definition of what is considered a public nuisance for the purpose of providing adequate protection to the public as it applies to prostitution, human trafficking and activities involving a criminal gang.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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