

Bond Case Briefs

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Madison Park North Apartments, L.P. v. Commissioner of Housing and Community Development

Court of Special Appeals of Maryland - May 3, 2013 - A.3d - 2013 WL 1859040

Owner of residential development filed petition for writ of administrative mandamus and seeking judicial review of decision of city commissioner of housing and community development, revoking owner's multiple family dwelling license. The circuit court denied the petition, and owner appealed.

The court of special appeals held that:

- Regulation requiring owner to prevent crime was not void for vagueness;
- Owner's due process rights were not violated; and
- Evidence supported revocation of license.

City regulation, allowing revocation of a multiple family dwelling license upon a finding that the owner has either "allowed" the property to be used for "prostitution, drug trafficking, or other criminal activity that creates or constitutes a nuisance" or "knew or should have known that the premises were being used for one of these purposes and failed to prevent them from being so used," was not void for vagueness. The regulation enumerated types of prohibited activities and created two avenues that permit revocation, if the owner allowed the prohibited activities, which required affirmative action by the owner, or if the owner failed to act to prevent such use of which it had actual or constructive knowledge.