

Bond Case Briefs

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Mayor and City Council of Baltimore v. Abel

Supreme Court of Maryland - July 29, 2026 - A.3d - 2026 WL 2183533

Homeowners brought action against city for negligence and private nuisance arising from sewage backup in their basement.

The Circuit Court denied city's motions for judgment as a matter of law, and jury found city not liable for negligence but liable for private nuisance. City appealed. The Appellate Court affirmed. City petitioned for certiorari.

The Supreme Court held that city did not engage in any wrongful conduct that could give rise to liability to homeowners for private nuisance.

Single one-day backup of sewage into homeowners' basement over course of 17 hours did not constitute "continuous and unreasonable" invasion of homeowners' use and enjoyment of their property, and thus, city did not engage in any wrongful conduct that could give rise to liability to homeowners for private nuisance, even if city should have undertaken additional cleaning of upstream blockage from five days prior to prevent future backups; city responded to single instance of backup 17 hours after receiving notice from homeowners, city did not act for purpose of causing sewer backup on homeowners' property, city was not absolute insurer for any damage arising from connection to sewer system, and city's operation of sewer system was not negligent, reckless, or abnormally dangerous.