

SB0509/149031/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 509
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Washington” and substitute “Washington, and Salling”; in line 2, strike “and Sale”; in lines 6 and 8, in each instance, strike “requiring” and substitute “authorizing”; in line 11, after “period” insert “and the right to appeal a certain notice has tolled”; strike beginning with “requiring” in line 11 down through “time;” in line 14; strike beginning with “requiring” in line 15 down through “action;” in line 16; in line 18, after “court” insert “and send notice and a copy of the complaint to each interested party within a certain period of time and in a certain manner”; in line 20, after “purposes;” insert “providing that an interested party has a certain right to cure certain delinquent taxes and liens on the real property under certain circumstances;”; and in line 23, after “finding;” insert “requiring the judgment to be recorded in certain land records; providing that title acquired in a certain foreclosure proceeding shall be a certain absolute or fee simple title except under certain circumstances; providing that a judgment in an action under this Act is binding and conclusive, regardless of legal disability, on certain persons;”.

On pages 1 and 2, strike beginning with “requiring” in line 23 on page 1 down through “rules;” in line 3 on page 2.

On page 2, in line 4, strike “and sale”; and in line 18, strike “14-878” and substitute “14-876”.

AMENDMENT NO. 2

On page 3, in line 13, after “PROPERTY;” insert:

“(4) A TAXING AGENCY THAT HAS THE AUTHORITY TO COLLECT TAX ON THE REAL PROPERTY;”;

(Over)

**SB0509/149031/1 Budget and Taxation Committee
Amendments to SB 509
Page 2 of 5**

in line 14, strike “(4)” and substitute “(5)”; strike in their entirety lines 22 through 27, inclusive; in line 28, strike “(C)” and substitute “(A)”; and in the same line, strike “SHALL” and substitute “MAY”.

On page 4, in lines 1, 2, 5, and 11, in each instance, strike “AND SALE”; in line 7, strike “AND SOLD”; after line 11, insert:

“(B) (1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A COUNTY OR MUNICIPAL CORPORATION MAY AUTHORIZE, BY LAW, THE SALE OF REAL PROPERTY AFTER AN IN REM FORECLOSURE AND DESIGNATE REAL PROPERTY TO BE SOLD UNDER THIS PART.

(2) A LAW THAT AUTHORIZES A SALE OF REAL PROPERTY AFTER AN IN REM FORECLOSURE SHALL:

(i) STATE THE DATE AFTER WHICH THE REAL PROPERTY MAY BE SUBJECT TO SALE AFTER AN IN REM FORECLOSURE UNDER THIS PART;

(ii) ESTABLISH CRITERIA FOR DESIGNATING REAL PROPERTY TO BE SOLD UNDER THIS PART; AND

(iii) INCLUDE ADMINISTRATIVE RULES AND PROCEDURES NECESSARY TO CARRY OUT A SALE UNDER THIS PART.

(c) ONLY REAL PROPERTY THAT CONSISTS OF A VACANT LOT OR IMPROVED PROPERTY CITED AS VACANT AND UNSAFE OR UNFIT FOR HABITATION OR OTHER AUTHORIZED USE ON A HOUSING OR BUILDING VIOLATION NOTICE MAY BE SOLD UNDER THIS PART.”;

**SB0509/149031/1 Budget and Taxation Committee
Amendments to SB 509
Page 3 of 5**

strike beginning with “**AFTER**” in line 13 down through “**THE**” in line 14 and substitute “**A**”; in line 14, strike “**SHALL**” and substitute “**MAY**”; in line 17, after “**UNLESS**” insert “:

(1)”;

in line 18, after “**MONTHS**” insert “;**AND**

(2) THE RIGHT TO APPEAL THE NOTICE OF THE PROPERTY AS VACANT AND UNSAFE OR UNFIT HAS TOLLED”;

strike beginning with “**(1)**” in line 19 down through “**(3)**” in line 28; strike beginning with “**CERTIFIED**” in line 28 down through “**SUBSECTION**” in line 29; and in lines 30 and 31, strike “**(I)**” and “**(II)**”, respectively, and substitute “**(1)**” and “**(2)**”, respectively.

On page 5, strike in their entirety lines 3 through 8, inclusive; in line 9, after “**SHALL**” insert “:

(1)”;

in line 11, after “**LOCATED**” insert “;**AND**

(2) WITHIN 5 DAYS AFTER FILING THE COMPLAINT, SEND NOTICE AND A COPY OF THE COMPLAINT TO EACH INTERESTED PARTY BY FIRST-CLASS MAIL AND CERTIFIED MAIL, POSTAGE PREPAID, RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE UNITED STATES POSTAL SERVICE”;

in line 29, after “**AND**” insert “**UNSAFE OR**”; and in the same line, after “**HABITATION**” insert “**OR OTHER AUTHORIZED USE**”.

(Over)

SB0509/149031/1 Budget and Taxation Committee
Amendments to SB 509
Page 4 of 5

On page 6, in line 8, after “ORDERS” insert “OWNERSHIP OF”; in the same line, strike “SOLD AT PUBLIC AUCTION” and substitute “TRANSFERRED TO THE COUNTY OR MUNICIPAL CORPORATION”; after line 11, insert:

“(G) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN INTERESTED PARTY HAS THE RIGHT TO CURE THE DELINQUENT TAXES AND LIENS ON THE REAL PROPERTY BY PAYING ALL PAST DUE FEES, PAYMENTS, AND PENALTIES AT ANY TIME BEFORE THE ENTRY OF THE FORECLOSURE JUDGMENT.

(2) THE RIGHT TO CURE THE DELINQUENT TAXES AND LIENS ON THE REAL PROPERTY EXTINGUISHES ONCE THE FORECLOSURE JUDGMENT IS ENTERED.”;

in line 19, after “THAT” insert “THE COUNTY OR MUNICIPAL CORPORATION SENT NOTICE AND A COPY OF THE COMPLAINT TO EACH INTERESTED PARTY IN ACCORDANCE WITH § 14-875(D) OF THIS SUBTITLE AND THAT”; in line 25, after “AND” insert “UNSAFE OR”; in the same line, after “HABITATION” insert “OR OTHER AUTHORIZED USE”; in line 27, after “THAT” insert “OWNERSHIP OF”; strike beginning with “SOLD” in line 27 down through “PART” in line 28 and substitute “TRANSFERRED TO THE COUNTY OR MUNICIPAL CORPORATION ON BEHALF OF WHICH THE COMPLAINT WAS FILED”; and after line 28, insert:

“(D) (1) THE ENTRY OF A JUDGMENT UNDER SUBSECTION (C) OF THIS SECTION SHALL BE RECORDED IN THE LAND RECORDS OF THE COUNTY OR BALTIMORE CITY.

(2) THE TITLE ACQUIRED IN AN IN REM FORECLOSURE PROCEEDING SHALL BE AN ABSOLUTE OR FEE SIMPLE TITLE INCLUDING THE RIGHT, TITLE, AND INTEREST OF EACH OF THE DEFENDANTS IN THE PROCEEDING

WHOSE PROPERTY HAS BEEN FORECLOSED UNLESS A DIFFERENT TITLE IS SPECIFIED IN THE JUDGMENT ENTERED.

(3) A JUDGMENT IN AN ACTION UNDER THIS PART IS BINDING AND CONCLUSIVE, REGARDLESS OF LEGAL DISABILITY, ON:

(I) ALL PERSONS, KNOWN AND UNKNOWN, WHO WERE PARTIES TO THE ACTION AND WHO HAD A CLAIM TO THE PROPERTY, WHETHER PRESENT OR FUTURE, VESTED OR CONTINGENT, LEGAL OR EQUITABLE, OR SEVERAL OR UNDIVIDED; AND

(II) ALL PERSONS WHO WERE NOT PARTIES TO THE ACTION AND HAD A CLAIM TO THE PROPERTY THAT WAS NOT RECORDED AT THE TIME THAT THE ACTION WAS COMMENCED.”.

On pages 6 through 8, strike in their entirety the lines beginning with line 29 on page 6 through line 5 on page 8, inclusive.

On page 8, in line 6, strike “4.” and substitute “2.”.