

SENATE BILL 947

N1
SB 28/13 – JPR

4lr2848

By: **Senators Young and Shank**

Introduced and read first time: February 6, 2014

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 19, 2014

Committee Report: Favorable

Senate action: Adopted

Read second time: March 18, 2014

CHAPTER _____

1 AN ACT concerning

2 **Real Property – Blighted Property – Nuisance Abatement**

3 FOR the purpose of authorizing a local government to use a certain process to
4 remediate blighted property; requiring the owner of a blighted property, on
5 notification from the appropriate unit of local government, to remediate the
6 property's blighted condition in a certain manner and within a certain period of
7 time; requiring the appropriate unit of local government to send a certain notice
8 to certain lienholders; authorizing the appropriate unit of local government to
9 grant an extension of certain required time periods; authorizing the appropriate
10 unit of a certain local government to declare a blighted property a nuisance
11 under certain circumstances and order the owner to abate the nuisance;
12 requiring the appropriate unit of local government to grant a certain extension
13 if, within a certain period of time, the owner lists the property for sale;
14 requiring the owner to provide certain notice to potential buyers; authorizing
15 the appropriate unit of local government to grant a certain additional extension;
16 authorizing a local government to impose a fine equal to a certain amount under
17 certain circumstances; authorizing a local government to record a notice of a
18 fine in the land records; providing for the establishment of a certain lien;
19 requiring the new owner to remediate the property's blighted condition in a
20 certain manner and within a certain period of time under certain circumstances;
21 defining certain terms; providing for the construction of this Act; and generally
22 relating to nuisance abatement of blighted properties.

23 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Real Property
2 Section 14–120.1
3 Annotated Code of Maryland
4 (2010 Replacement Volume and 2013 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article – Real Property**

8 **14–120.1.**

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
10 MEANINGS INDICATED.

11 (2) (I) “BLIGHTED PROPERTY” MEANS A PROPERTY THAT:

12 1. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF
13 THIS PARAGRAPH, HAS BEEN VACANT OR BOARDED FOR AT LEAST 1 YEAR;

14 2. HAS BEEN THE SUBJECT OF NUISANCE
15 COMPLAINTS;

16 3. DOES NOT MEET THE REQUIREMENTS OF THE
17 APPLICABLE LOCAL HOUSING CODE; AND

18 4. A. HAS EXTERNAL STRUCTURAL FAILINGS,
19 INCLUDING COLLAPSING OR MISSING WALLS, ROOF, FLOORS, OR FOUNDATION;
20 OR

21 B. POSES A HEALTH OR SAFETY HAZARD, AS
22 DETERMINED BY THE APPROPRIATE CODE ENFORCEMENT, BUILDING, OR
23 HEALTH INSPECTOR.

24 (II) “BLIGHTED PROPERTY” DOES NOT INCLUDE A VACANT
25 OR BOARDED PROPERTY THAT WAS DAMAGED BY FIRE OR FLOODING WITHIN 2
26 YEARS BEFORE THE APPROPRIATE UNIT OF LOCAL GOVERNMENT ISSUES A
27 NOTICE UNDER SUBSECTION (C) OF THIS SECTION IF THE OWNER PROVIDES
28 EVIDENCE THAT THE OWNER PROMPTLY FILED AN INSURANCE CLAIM AND THE
29 OWNER’S INSURER HAS NOT PAID THE CLAIM.

30 (3) “LIENHOLDER” MEANS A PERSON WHO HAS A LIEN ON OR A
31 SECURED INTEREST IN BLIGHTED PROPERTY.

32 (4) “OWNER” MEANS:

1 **(I) A PERSON HOLDING RECORD TITLE TO BLIGHTED**
2 **PROPERTY;**

3 **(II) A SUCCESSFUL BIDDER AT A FORECLOSURE SALE OF**
4 **BLIGHTED PROPERTY, ON RATIFICATION OF THE SALE AND EXHAUSTION OF ALL**
5 **RIGHTS TO APPEAL THE RATIFICATION OR OTHERWISE TO DELAY TRANSFER OF**
6 **TITLE; OR**

7 **(III) A PERSON WHO HAS A LEGAL RIGHT UNDER A COURT**
8 **ORDER, INCLUDING A COURT ORDER EXTINGUISHING A RIGHT OF REDEMPTION,**
9 **TO POSSESSION OF PROPERTY THAT IS OR BECOMES BLIGHTED PROPERTY.**

10 **(B) (1) A LOCAL GOVERNMENT MAY USE THE PROCESS DESCRIBED IN**
11 **THIS SECTION TO REMEDIATE BLIGHTED PROPERTY.**

12 **(2) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT OR**
13 **SUPERSEDE ANY OTHER POWER OF A LOCAL GOVERNMENT TO REMEDIATE**
14 **BLIGHTED PROPERTY.**

15 **(C) (1) ON NOTIFICATION FROM THE APPROPRIATE UNIT OF LOCAL**
16 **GOVERNMENT, THE OWNER OF A BLIGHTED PROPERTY SHALL REMEDIATE THE**
17 **PROPERTY'S BLIGHTED CONDITION BY:**

18 **(I) SUBMITTING A REMEDIATION PLAN FOR APPROVAL BY**
19 **THE APPROPRIATE UNIT OF LOCAL GOVERNMENT ON A FORM PROVIDED BY THE**
20 **APPROPRIATE UNIT;**

21 **(II) BEGINNING THE REMEDIATION WITHIN 90 DAYS AFTER**
22 **THE PLAN IS APPROVED; AND**

23 **(III) COMPLETING THE REMEDIATION WITHIN 120 DAYS**
24 **AFTER THE REMEDIATION HAS BEGUN.**

25 **(2) THE APPROPRIATE UNIT OF LOCAL GOVERNMENT MAY GRANT**
26 **AN EXTENSION OF THE TIME PERIOD REQUIRED FOR REMEDIATION UNDER**
27 **PARAGRAPH (1)(II) OF THIS SUBSECTION.**

28 **(3) (I) AT THE SAME TIME THE NOTIFICATION TO THE OWNER**
29 **OF A BLIGHTED PROPERTY IS SENT UNDER PARAGRAPH (1) OF THIS**
30 **SUBSECTION, THE UNIT OF LOCAL GOVERNMENT SHALL SEND WRITTEN NOTICE**
31 **TO ALL LIENHOLDERS OF RECORD OR OTHERWISE KNOWN TO THE UNIT OF**
32 **LOCAL GOVERNMENT.**

1 **(II) THE WRITTEN NOTICE TO LIENHOLDERS SHALL**
2 **INCLUDE A COPY OF THE NOTIFICATION SENT TO THE OWNER AND SHALL**
3 **DESCRIBE THE REQUIREMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

4 **(D) (1) IF AN OWNER OF A BLIGHTED PROPERTY VIOLATES**
5 **SUBSECTION (C) OF THIS SECTION, THE APPROPRIATE UNIT OF LOCAL**
6 **GOVERNMENT IN THE JURISDICTION IN WHICH THE BLIGHTED PROPERTY IS**
7 **LOCATED MAY DECLARE THE PROPERTY A NUISANCE AND ORDER THE OWNER**
8 **PROMPTLY TO ABATE THE NUISANCE.**

9 **(2) (I) THE APPROPRIATE UNIT OF LOCAL GOVERNMENT**
10 **SHALL GRANT THE OWNER OF A BLIGHTED PROPERTY A 6-MONTH EXTENSION**
11 **FOR COMPLIANCE WITH AN ORDER ISSUED UNDER PARAGRAPH (1) OF THIS**
12 **SUBSECTION IF, WITHIN 30 DAYS AFTER RECEIVING THE ORDER ISSUED UNDER**
13 **PARAGRAPH (1) OF THIS SUBSECTION, THE OWNER LISTS THE PROPERTY FOR**
14 **SALE.**

15 **(II) IN ADDITION TO AN EXTENSION GRANTED UNDER**
16 **SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE APPROPRIATE UNIT OF LOCAL**
17 **GOVERNMENT MAY APPROVE AN ADDITIONAL REASONABLE EXTENSION FOR**
18 **THE OWNER TO SELL OR CONCLUDE SETTLEMENT OF THE SALE OF THE**
19 **BLIGHTED PROPERTY.**

20 **(III) IF AN OWNER OF BLIGHTED PROPERTY LISTS THE**
21 **PROPERTY FOR SALE, THE OWNER SHALL PROVIDE WRITTEN NOTICE TO**
22 **POTENTIAL BUYERS THAT:**

23 **1. THE PROPERTY HAS BEEN DECLARED A**
24 **NUISANCE;**

25 **2. THE OWNER HAS BEEN ORDERED TO ABATE THE**
26 **NUISANCE; AND**

27 **3. THE PROPERTY IS BEING SOLD "AS IS".**

28 **(3) (I) UNLESS THE PROPERTY IS SOLD IN ACCORDANCE WITH**
29 **PARAGRAPH (2) OF THIS SUBSECTION, IF THE OWNER OF A BLIGHTED**
30 **PROPERTY FAILS TO COMPLY WITH AN ORDER ISSUED UNDER THIS SECTION BY**
31 **A LOCAL GOVERNMENT TO ABATE A NUISANCE, THE LOCAL GOVERNMENT MAY**
32 **IMPOSE A FINE ON THE OWNER EQUAL TO THREE TIMES THE AMOUNT OF THE**
33 **LOCAL PROPERTY TAX IMPOSED ON THE PROPERTY.**

34 **(II) 1. THE LOCAL GOVERNMENT MAY RECORD A NOTICE**
35 **OF THE FINE AMONG THE LAND RECORDS OF THE COUNTY WHERE THE**

1 PROPERTY IS LOCATED, INDEXED IN THE NAME OF THE RECORD OWNER AS
2 GRANTOR.

3 2. ON RECORDATION OF THE NOTICE, THE FINE
4 SHALL CONSTITUTE A LIEN ON THE PROPERTY EFFECTIVE AS OF THE DATE OF
5 RECORDATION.

6 (4) IF THE PROPERTY IS SOLD UNDER PARAGRAPH (2) OF THIS
7 SUBSECTION, THE NEW OWNER SHALL REMEDIATE THE PROPERTY'S BLIGHTED
8 CONDITION IN ACCORDANCE WITH SUBSECTION (C)(1) OF THIS SECTION.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2014.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.