

Article - Real Property

[Previous][Next]

§7–105.11.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Certificate of property unfit for human habitation” means:
- (i) In Baltimore City, a certificate of substantial repair; or
- (ii) A certificate for residential property issued by a unit of a county or municipal corporation indicating that the county or municipal corporation has determined that the residential property is unfit for human habitation.
- (3) “Certificate of vacancy” means a certificate for a residential property issued by a unit of a county or municipal corporation indicating that the residential property is vacant.
- (b) This section applies only to a county or municipal corporation that issues a certificate of vacancy or a certificate of property unfit for human habitation.
- (c) If a mortgage or deed of trust on residential property is in default, a person with a secured interest in the residential property may request that a county or municipal corporation issue a certificate of vacancy or a certificate of property unfit for human habitation.
- (d) (1) The county or municipal corporation shall issue to a secured party a certificate of vacancy for a residential property if the county or municipal corporation determines that the residential property is vacant.
- (2) The county or municipal corporation shall issue to a secured party a certificate of property unfit for human habitation for a residential property if the county or municipal corporation determines in accordance with requirements of local, county, or State housing codes, that the residential property is unfit for human habitation.
- (3) A certificate of vacancy or certificate of property unfit for human habitation issued under this subsection is valid for 60 days after the date the certificate is issued.
- (4) A county or municipal corporation may charge a fee not exceeding \$100 to a secured party to issue a certificate of vacancy or a certificate of property unfit for human habitation.
- (e) Except as provided in subsection (f) of this section, if a certificate of vacancy or certificate of property unfit for human habitation is valid at the time of filing an order to docket or complaint to foreclose, § 7–105.1 of this subtitle does not apply to an action to foreclose a mortgage or deed of trust on the property for which the certificate

was issued.

(f) (1) The record owner or occupant of a property may challenge the certificate of vacancy or certificate of property unfit for human habitation under this section by notifying the circuit court of the challenge.

(2) A secured party filing an order to docket or complaint to foreclose based on a certificate of vacancy or a certificate of property unfit for human habitation under this section shall serve the foreclosure documents in accordance with § 7–105.1(h)(1) of this subtitle along with a description of the procedure to challenge the certificate and the form to be used to make the challenge.

(3) If a challenge under paragraph (1) of this subsection is upheld, the secured party shall comply with the requirements of § 7–105.1 of this subtitle.

(g) A county or municipal corporation may establish procedures governing the issuance of a certificate of vacancy or certificate of property unfit for human habitation under this section.

[Previous][Next]