

HOUSE BILL 220

N1, L2
HB 712/16 – ENV

7lr0888

By: **Delegates Grammer, Aumann, Cluster, Impallaria, McDonough, Metzgar, Miele, Morhaim, Stein, Szeliga, West, and P. Young**

Introduced and read first time: January 20, 2017

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Foreclosures – Baltimore County – Certificate of Vacancy or Certificate of**
3 **Property Unfit for Human Habitation**

4 FOR the purpose of requiring Baltimore County to issue a certificate of vacancy or a
5 certificate of property unfit for human habitation under certain circumstances;
6 requiring a certificate of vacancy or a certificate of property unfit for human
7 habitation to be issued or denied in Baltimore County within a certain period of time;
8 providing for a delayed effective date; and generally relating to the issuance of a
9 certificate of vacancy or a certificate of property unfit for human habitation in
10 Baltimore County.

11 BY repealing and reenacting, with amendments,
12 Article – Real Property
13 Section 7–105.11
14 Annotated Code of Maryland
15 (2015 Replacement Volume and 2016 Supplement)

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

18 **Article – Real Property**

19 7–105.11.

20 (a) (1) In this section the following words have the meanings indicated.

21 (2) “Certificate of property unfit for human habitation” means:

22 (i) In Baltimore City, a certificate of substantial repair; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) A certificate for residential property issued by a unit of a county
2 or municipal corporation indicating that the county or municipal corporation has
3 determined that the residential property is unfit for human habitation.

4 (3) "Certificate of vacancy" means a certificate for a residential property
5 issued by a unit of a county or municipal corporation indicating that the residential
6 property is vacant.

7 (b) This section applies [only to a] TO:

8 **(1) BALTIMORE COUNTY; AND**

9 **(2) ANY** county or municipal corporation that issues a certificate of vacancy
10 or a certificate of property unfit for human habitation.

11 (c) If a mortgage or deed of trust on residential property is in default, a person
12 with a secured interest in the residential property may request that a county or municipal
13 corporation issue a certificate of vacancy or a certificate of property unfit for human
14 habitation.

15 (d) (1) The county or municipal corporation shall issue to a secured party a
16 certificate of vacancy for a residential property if the county or municipal corporation
17 determines that the residential property is vacant.

18 (2) The county or municipal corporation shall issue to a secured party a
19 certificate of property unfit for human habitation for a residential property if the county or
20 municipal corporation determines in accordance with requirements of local, county, or
21 State housing codes, that the residential property is unfit for human habitation.

22 (3) A certificate of vacancy or certificate of property unfit for human
23 habitation issued under this subsection is valid for 60 days after the date the certificate is
24 issued.

25 (4) A county or municipal corporation may charge a fee not exceeding \$100
26 to a secured party to issue a certificate of vacancy or a certificate of property unfit for
27 human habitation.

28 **(5) IN BALTIMORE COUNTY, A CERTIFICATE OF VACANCY OR A**
29 **CERTIFICATE OF PROPERTY UNFIT FOR HUMAN HABITATION SHALL BE ISSUED OR**
30 **DENIED WITHIN 14 DAYS AFTER THE DATE OF THE REQUEST FOR THE CERTIFICATE.**

31 (e) Except as provided in subsection (f) of this section, if a certificate of vacancy
32 or certificate of property unfit for human habitation is valid at the time of filing an order to
33 docket or complaint to foreclose, § 7–105.1 of this subtitle does not apply to an action to
34 foreclose a mortgage or deed of trust on the property for which the certificate was issued.

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

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

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

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 January 1, 2018.