

# HOUSE BILL 78

N1, L6

(8lr0503)

## ENROLLED BILL

— *Environment and Transportation/Judicial Proceedings* —

Introduced by **Delegate Holmes**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Foreclosed Property Registry – Updated Information – Notice to Local**  
3 **Governments**

4 FOR the purpose of requiring the Department of Labor, Licensing, and Regulation to  
5 establish procedures that require a foreclosure purchaser to submit to the Foreclosed  
6 Property Registry any change to certain information within a certain number of days  
7 after the change is known to the purchaser; requiring the Department to notify, by  
8 electronic means, certain authorized users from certain counties and municipal  
9 corporations on receipt through the Foreclosed Property Registry of an initial  
10 registration or a change to certain information; *providing for a delayed effective date*;  
11 and generally relating to the Foreclosed Property Registry.

12 BY repealing and reenacting, with amendments,  
13 Article – Real Property  
14 Section 14–126.1

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#### 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.

*Italics* indicate opposite chamber/conference committee amendments.



1 Annotated Code of Maryland  
2 (2015 Replacement Volume and 2017 Supplement)  
3 (As enacted by Chapters 348 and 349 of the Acts of the General Assembly of 2017)

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

6 **Article – Real Property**

7 14–126.1.

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

9 (2) “Department” means the Department of Labor, Licensing, and  
10 Regulation.

11 (3) “Foreclosed Property Registry” means the Foreclosed Property Registry  
12 established by the Department under subsection (b) of this section.

13 (4) “Foreclosure purchaser” means the person identified as the purchaser  
14 on the report of sale required by Maryland Rule 14–305 for a foreclosure sale of residential  
15 property.

16 (5) “Fund” means the Foreclosed Property Registry Fund established by  
17 the Department under subsection (i) of this section.

18 (6) “Local jurisdiction” means:

19 (i) A county; or

20 (ii) A municipal corporation.

21 (7) “Residential property” means real property improved by four or fewer  
22 dwelling units that are designed principally and are intended for human habitation.

23 (b) The Department shall establish and maintain an Internet–based Foreclosed  
24 Property Registry for information relating to foreclosure sales of residential property.

25 (c) At the time of a foreclosure sale of residential property, the person responsible  
26 for conducting the foreclosure shall obtain from the foreclosure purchaser a written  
27 acknowledgment of the requirements of this section.

28 (d) (1) Within 30 days after a foreclosure sale of residential property, a  
29 foreclosure purchaser shall submit an initial registration to the Foreclosed Property  
30 Registry.

31 (2) The initial registration shall:

- 1 (i) Be in the form the Department requires; and
- 2 (ii) Contain the following information:
- 3 1. The name, telephone number, and address of the  
4 foreclosure purchaser;
- 5 2. The street address of the property that is the subject of the  
6 foreclosure sale;
- 7 3. The date of the foreclosure sale;
- 8 4. Whether the property is a single-family or multifamily  
9 property;
- 10 5. The name and address of the person, including a  
11 substitute purchaser, who is authorized to accept legal service for the foreclosure  
12 purchaser;
- 13 6. To the best of the foreclosure purchaser's knowledge at the  
14 time of registration:
- 15 A. Whether the residential property is vacant; and
- 16 B. The name, telephone number, and street address of the  
17 person who is responsible for the maintenance of the property; and
- 18 7. Whether the foreclosure purchaser has possession of the  
19 property.
- 20 (3) Within 30 days after a deed transferring title to the residential property  
21 has been recorded, the foreclosure purchaser shall submit a final registration to the  
22 Foreclosed Property Registry.
- 23 (4) The final registration shall:
- 24 (i) Be in the form the Department requires; and
- 25 (ii) Contain the following information as of the date of final  
26 registration:
- 27 1. The name, telephone number, and address of the owner on  
28 the deed;
- 29 2. The date of the ratification of the sale; and



1                                   2.     The person identified in the registry who is responsible for  
2 the maintenance of the property.

3                                   (ii)    The notice described in subparagraph (i) of this paragraph shall:

4                                   1.     Describe the intended abatement or other action the local  
5 jurisdiction intends to take; and

6                                   2.     Be provided:

7                                   A.     In accordance with the notice provisions of the applicable  
8 building code or local ordinance; or

9                                   B.     If the applicable building code or local ordinance does not  
10 provide for notice, at least 30 days before the local jurisdiction abates the nuisance or takes  
11 action to maintain the property.

12                   (g)    (1)    The Foreclosed Property Registry:

13                                   (i)     Is not a public record as defined by § 4–101 of the General  
14 Provisions Article; and

15                                   (ii)    Is not subject to Title 4 of the General Provisions Article.

16                                   (2)    The Department may authorize access to the Foreclosed Property  
17 Registry only to local jurisdictions, their agencies, and representatives and State agencies.

18                                   (3)    Notwithstanding paragraphs (1) and (2) of this subsection, the  
19 Department or a local jurisdiction may provide information for a specific property in the  
20 Foreclosed Property Registry to:

21                                   (i)     A person who owns property on the same block; or

22                                   (ii)    A homeowners association or condominium in which the property  
23 is located.

24                   (h)    Revenue collected from the filing fees required under subsection (e)(1) of this  
25 section shall be distributed to the Fund.

26                   (i)    (1)    There is a Foreclosed Property Registry Fund in the Department.

27                                   (2)    The purpose of the Fund is to support the development, administration,  
28 and maintenance of the Foreclosed Property Registry established under this section.

29                                   (3)    The Department shall administer the Fund.

1 (4) (i) The Fund is a special, nonlapsing fund that is not subject to §  
2 7-302 of the State Finance and Procurement Article.

3 (ii) The State Treasurer shall hold the Fund separately, and the  
4 Comptroller shall account for the Fund.

5 (5) The Fund consists of:

6 (i) Revenue distributed to the Fund under subsection (h) of this  
7 section;

8 (ii) Investment earnings of the Fund;

9 (iii) Money appropriated in the State budget to the Fund; and

10 (iv) Any other money from any other source accepted for the benefit  
11 of the Fund.

12 (6) (i) The State Treasurer shall invest the money of the Fund in the  
13 same manner as other State money may be invested.

14 (ii) Any investment earnings of the Fund shall be paid into the Fund.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 ~~October 1, 2018~~ January 1, 2019.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.