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HEARING DATE: February 22, 2023

BILL: SB0563

TITLE: Tax Sales - Property Maintenance and Nuisance Condition Violation
Judgments and Foreclosure Proceedings

SDAT POSITION: SUPPORT WITH AMENDMENTS

The Department supports the desire of the counties to expedite the process of returning nuisance properties to productive use.

However, notice is an important part of any governmental action, and notice to a property owner of an action as serious as foreclosure should not be waived when it may only add 60 days to the process.

Current law would already allow the counties to initiate this bill's proposed foreclosure 60 days after the tax sale if they sent a first notice immediately after the sale, and a second notice 30 days later.

When a property is vacant, current law would already permit the counties to foreclose without prior notice after the tax sale.

Waiving the foreclosure notice requirement for properties that are not designated vacant would give a homeowner very little opportunity to prepare to defend against foreclosure, or to assemble the funds or access assistance resources, to pay off any county debt to avoid it.

Thus the Department suggests amending SB0563, striking the final provision that permits the county to foreclose without prior notice.

(2) THE NOTICE REQUIREMENTS UNDER SUBSECTION (A-1) OF THIS SECTION DO NOT APPLY UNLESS A COMPLAINT IS FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION MORE THAN 6 MONTHS AFTER THE DATE OF SALE.