

CF 7r0993

By: Delegates Hammen, Krysiak, Dypski, Rawlings, Marriott, Boston, Opara, Oaks, McIntosh, Rosenberg, Montague, Kirk, C. Mitchell, Watson, Branch, C. Davis, Harrison, T. Murphy, Klausmeier, Nathan-Pulliam, and Parker

Introduced and read first time: January 20, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - District Court - Housing Division**

3 FOR the purpose of establishing a Housing Division of the District Court of Maryland for
4 Baltimore City; increasing the number of associate judges in a certain district of the
5 District Court; authorizing the Division to conduct certain proceedings; establishing
6 the jurisdiction of the Division over certain actions seeking certain relief;
7 authorizing the Division to order certain relief; providing for the service of a certain
8 civil complaint and summons under certain circumstances; providing for the
9 assignment of judges and personnel to the Division; and generally relating to the
10 establishment of a Housing Division of the District Court of Maryland for Baltimore
11 City.

12 BY repealing and reenacting, with amendments,
13 Article - Courts and Judicial Proceedings
14 Section 1-603(b)(1)
15 Annotated Code of Maryland
16 (1995 Replacement Volume and 1996 Supplement)

17 BY adding to
18 Article - Courts and Judicial Proceedings
19 Section 4-501 through 4-505, inclusive, to be under the new subtitle "Subtitle 5.
20 Housing Division - Baltimore City"
21 Annotated Code of Maryland
22 (1995 Replacement Volume and 1996 Supplement)

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

25 **Article - Courts and Judicial Proceedings**

26 1-603.

27 (b) In each of the districts provided for in § 1-602 of this subtitle, there shall be
28 the following number of associate judges of the District Court:

2

1 (1) District [1-24] 1-26

2 SUBTITLE 5. HOUSING DIVISION - BALTIMORE CITY.

3 4-501.

4 (A) (1) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

6 (2) "DIVISION" MEANS THE HOUSING DIVISION WITHIN THE DISTRICT
7 COURT OF MARYLAND FOR BALTIMORE CITY.

8 (3) (I) "HOUSING CODES" MEANS ALL STATE AND LOCAL LAW FOR THE
9 ESTABLISHMENT AND MAINTENANCE OF HOUSING STANDARDS.

10 (II) "HOUSING CODES" INCLUDES, BUT IS NOT LIMITED TO, THE
11 HOUSING, BUILDING, ZONING, HEALTH, FIRE PREVENTION, AND SANITATION CODES
12 AND RELATED ORDINANCES OF THE CITY OF BALTIMORE.

13 (B) THERE IS A HOUSING DIVISION OF THE DISTRICT COURT OF MARYLAND
14 FOR BALTIMORE CITY.

15 4-502.

16 (A) (1) THE DIVISION HAS THE UNIFORM JURISDICTION OF THE DISTRICT
17 COURT OF MARYLAND OVER ANY ACTION OR PROCEEDING ARISING IN BALTIMORE
18 CITY FOR THE PURPOSE OF:

19 (I) IMPOSING, RECORDING, OR COLLECTING A CRIMINAL OR
20 CIVIL PENALTY FOR A VIOLATION OF THE HOUSING CODES;

21 (II) ISSUING AN ORDER FOR AN INJUNCTION OR OTHER
22 EQUITABLE RELIEF FOR A VIOLATION OF THE HOUSING CODES;

23 (III) ISSUING A JUDGMENT FOR MUNICIPAL LIENS ON PROPERTY
24 THAT IS VACANT AND ABANDONED;

25 (IV) ISSUING AN ORDER FOR THE COLLECTION OF COSTS AND
26 EXPENSES INCURRED BY THE CITY OF BALTIMORE IN THE:

27 1. ABATEMENT OF A VIOLATION OF THE HOUSING CODES;

28 2. DEMOLITION OF A BUILDING IN ACCORDANCE WITH THE
29 HOUSING CODES; OR

30 3. ENFORCEMENT OF THE HOUSING CODES;

31 (V) APPOINTING A RECEIVER OF REAL PROPERTY OR RENTS OF
32 REAL PROPERTY, IN ORDER TO REMEDY A NUISANCE IN ACCORDANCE WITH THE
33 HOUSING CODES, INCLUDING AN ABANDONED DWELLING OR OTHER UNSAFE
34 STRUCTURE, OR TO MAKE REPAIRS REQUIRED UNDER THE HOUSING CODES;

3

1 (VI) RECORDING A LIEN AND ISSUING AN ORDER FOR THE
2 COLLECTION OF COSTS AND EXPENSES INCURRED BY A COURT-APPOINTED
3 RECEIVER IN THE ABATEMENT OF A VIOLATION OF THE HOUSING CODES; AND

4 (VII) ESTABLISHING A RENT ESCROW ACCOUNT OR ISSUING AN
5 INJUNCTION TO REPAIR DANGEROUS DEFECTS IN AN ACTION BROUGHT BY A
6 TENANT UNDER:

7 1. § 9-9 OF ARTICLE 4 OF THE PUBLIC LOCAL LAWS OF
8 MARYLAND; OR

9 2. § 8-211 OF THE REAL PROPERTY ARTICLE OF THE
10 ANNOTATED CODE OF MARYLAND.

11 (B) IN A CIVIL PROCEEDING BEFORE THE DIVISION, IF THE COURT
12 DETERMINES THAT ANY APPROPRIATE ALTERNATIVE RELIEF AUTHORIZED BY LAW
13 IS MORE EFFECTIVE IN ABATING A CODE VIOLATION OR IN ACHIEVING
14 COMPLIANCE WITH HOUSING MAINTENANCE STANDARDS THAN THE RELIEF
15 REQUESTED BY THE PLAINTIFF AND IF THE PLAINTIFF CONSENTS, THE COURT MAY
16 ORDER THE APPROPRIATE ALTERNATIVE RELIEF.

17 (C) IF A CIVIL CITATION PROCESS IN THE CITY OF BALTIMORE IS OTHERWISE
18 AUTHORIZED BY LAW, A CIVIL ACTION IN THE DIVISION MAY BE CONDUCTED BY
19 MEANS OF A CIVIL CITATION PROCESS.

20 4-503.

21 (A) MOTIONS FOR SUMMARY JUDGMENT AND SHOW CAUSE ORDERS MAY BE
22 MADE IN THE DIVISION.

23 (B) A PARTY TO AN ACTION OR PROCEEDING BEFORE THE DIVISION THAT IS:

24 (1) A CORPORATION MAY BE REPRESENTED BY AN OFFICER,
25 DIRECTOR, OR PRINCIPAL STOCKHOLDER OF THE CORPORATION; OR

26 (2) A LIMITED LIABILITY PARTNERSHIP, LIMITED LIABILITY LIMITED
27 PARTNERSHIP, OR LIMITED LIABILITY COMPANY MAY BE REPRESENTED BY A
28 MEMBER.

29 (C) IN A PROCEEDING BEFORE THE DIVISION IN WHICH A DEFENDANT HAS
30 BEEN SERVED WITH A CITATION, IF THE PRESENCE OF THE ISSUING ENFORCEMENT
31 OFFICER IS NOT REQUESTED AND THE ISSUING OFFICER IS NOT PRESENT, A
32 CITATION SWORN TO OR AFFIRMED BY THE OFFICER SHALL BE CONSIDERED PRIMA
33 FACIE EVIDENCE OF THE FACTS CONTAINED IN THE CITATION.

34 4-504.

35 (A) ANY CRIMINAL SUMMONS AND CHARGING DOCUMENT, INCLUDING A
36 CITATION, SHALL BE SERVED IN ACCORDANCE WITH THE MARYLAND RULES OF
37 CRIMINAL PROCEDURE.

38 (B) A CIVIL COMPLAINT AND SUMMONS SHALL BE SERVED ON THE
39 DEFENDANT:

4

1 (1) IN ACCORDANCE WITH MARYLAND RULE 3-121; OR

2 (2) FOR VIOLATIONS RELATED TO REAL PROPERTY, IF PROOF IS MADE
3 BY AFFIDAVIT THAT A GOOD FAITH EFFORT TO SERVE THE DEFENDANT BY
4 PERSONAL DELIVERY OR BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, HAS
5 NOT SUCCEEDED OR THAT THE DEFENDANT HAS ATTEMPTED TO EVADE SERVICE
6 BY FAILING TO REGISTER AS REQUIRED BY THE BALTIMORE CITY CODE, BY:

7 (I) REGULAR MAIL TO THE DEFENDANT'S LAST KNOWN ADDRESS;
8 AND

9 (II) 1. IF THE LAST KNOWN ADDRESS OF THE DEFENDANT IN
10 THE STATE IS NOT A POST OFFICE BOX:

11 A. DELIVERY TO AN ADULT AT THE LAST KNOWN ADDRESS
12 OF THE DEFENDANT; OR

13 B. POSTING AT THE LAST KNOWN ADDRESS OF THE
14 DEFENDANT; OR

15 2. IF THE LAST KNOWN ADDRESS OF THE DEFENDANT IS
16 OUTSIDE THE STATE OR IS A POST OFFICE BOX, POSTING THE CITATION AT THE
17 PROPERTY WHERE THE VIOLATION OCCURRED.

18 (C) FOR THE PURPOSES OF SERVICE OF A CIVIL COMPLAINT AND SUMMONS
19 AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION:

20 (1) THE ADDRESS PROVIDED IN THE RENTAL PROPERTY
21 REGISTRATION RECORDS OF BALTIMORE CITY MAY BE USED AS THE LAST KNOWN
22 ADDRESS OF A DEFENDANT WHO IS AN ABSENTEE OWNER OF RESIDENTIAL REAL
23 PROPERTY; OR

24 (2) THE MAIL-TO ADDRESS PROVIDED IN THE REAL PROPERTY TAX
25 RECORDS OF BALTIMORE CITY MAY BE USED AS THE LAST KNOWN ADDRESS OF A
26 DEFENDANT WHO:

27 (I) IS AN ABSENTEE OWNER OF RESIDENTIAL REAL PROPERTY;
28 AND

29 (II) HAS FAILED TO REGISTER IN THE RENTAL PROPERTY
30 REGISTRATION RECORDS OF BALTIMORE CITY.

31 4-505.

32 (A) THERE SHALL BE TWO JUDGES ASSIGNED FULL-TIME TO THE DIVISION
33 BY THE ADMINISTRATIVE JUDGE OF THE DISTRICT COURT FOR BALTIMORE CITY.

34 (B) ADDITIONAL JUDGES AND OTHER PERSONNEL SHALL BE ASSIGNED TO
35 THE DIVISION AS NEEDED.

36 (C) A JUDGE ASSIGNED TO THE DIVISION SHALL HAVE:

37 (1) KNOWLEDGE AND EXPERIENCE IN HOUSING LAW; AND

38 (2) AN INTEREST IN ASSIGNMENT TO THE DIVISION.

5

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1997.