

HOUSE BILL 1181

Unofficial Copy
L2

1999 Regular Session
(9lr2561)

ENROLLED BILL

-- Commerce and Government Matters/Judicial Proceedings --

Introduced by **Delegates Rosenberg and Marriott (Baltimore City Administration) and Delegates McIntosh, Krysiak, Phillips, Doory, Harrison, Branch, Oaks, Dypski, Dobson, Hammen, Rawlings, Kirk, V. Jones, Fulton, McHale, Montague, Paige, Cole, Nathan-Pulliam, A. Jones, Redmer, Ports, Klausmeier, and Burns**

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 **Baltimore City - Condemnation - Immediate Possession and Title**

3 FOR the purpose of clarifying certain provisions concerning the immediate possession
4 of and vesting of title to property condemned by the Mayor and City Council of
5 Baltimore under certain circumstances; repealing certain obsolete provisions
6 concerning certain condemnation powers of the Mayor and City Council of
7 Baltimore; authorizing the Mayor and City Council of Baltimore to file a petition
8 in the District Court for the condemnation and immediate possession of and title
9 to abandoned property under certain circumstances; requiring the City to
10 deposit with the District Court a certain sum under certain circumstances;
11 providing for service of process on an owner of abandoned property that is
12 subject to condemnation under certain circumstances; permitting a judgment
13 creditor to join a certain condemnation proceeding under certain circumstances;

1 ~~providing for a certain notice to judgment creditors under certain circumstances;~~
2 ~~permitting a certain issue related to a certain condemnation proceeding to be~~
3 ~~removed to the Circuit Court of Baltimore City under certain circumstances;~~
4 ~~providing for trial in the District Court of a certain issue related to a certain~~
5 ~~condemnation proceeding under certain circumstances;~~ authorizing the City to
6 receive a certain judgment against the owner of abandoned property under
7 certain circumstances; authorizing a court to name a certain public or
8 quasi-public corporation designated by the City as titleholder to abandoned
9 property condemned under certain circumstances; requiring that certain
10 persons be provided at least a certain level of assistance and benefits; requiring
11 a certain annual report; expanding the civil jurisdiction of the District Court
12 regarding certain proceedings for condemnation and immediate possession of
13 and title to abandoned property under certain circumstances; making stylistic
14 changes; *providing for the construction of this Act;* defining a certain term; and
15 generally relating to the powers of Baltimore City concerning condemnation and
16 immediate possession and title.

17 BY repealing and reenacting, with amendments,
18 The Public Local Laws of Baltimore City
19 Section 21-16
20 Article 4 - Public Local Laws of Maryland
21 (1979 Edition and 1997 Supplement, as amended)

22 BY repealing
23 The Public Local Laws of Baltimore City
24 Section 21-17
25 Article 4 - Public Local Laws of Maryland
26 (1979 Edition and 1997 Supplement, as amended)

27 BY adding to
28 The Public Local Laws of Baltimore City
29 Section 21-17
30 Article 4 - Public Local Laws of Maryland
31 (1979 Edition and 1997 Supplement, as amended)

32 BY repealing and reenacting, with amendments,
33 Article - Courts and Judicial Proceedings
34 Section 4-401(12) and (13)
35 Annotated Code of Maryland
36 (1998 Replacement Volume)

37 BY adding to
38 Article - Courts and Judicial Proceedings
39 Section 4-401(14)
40 Annotated Code of Maryland

1 (1998 Replacement Volume)

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

4 **Article 4 - Baltimore City**

5 21-16.

6 (a) Whenever any proceedings are instituted under Title 12 of the Real
7 Property Article of Public General Laws of the State of Maryland by the Mayor and
8 City Council of Baltimore for the acquisition of any property for any public purpose
9 whatsoever, the Mayor and City Council of Baltimore, simultaneously with the filing
10 of said proceedings or at any time thereafter, may file a Petition under oath stating
11 that it is necessary for the City to have immediate possession [of] OF, or immediate
12 title to[, and possession [of] OF, said property, and the reasons therefore. The City
13 shall also set forth in said Petition for Immediate Taking of possession or immediate
14 taking of title the amount it estimates to be the fair value of the said property and/or
15 title to be acquired, and of the respective interest of each of the owners thereof if more
16 than one, which shall be substantiated by the Affidavits of two qualified appraisers,
17 attached to said Petition. The City shall deposit into Court simultaneously with the
18 filing of said Petition the amount of said estimate of the fair value of the property to
19 be acquired.

20 (b) Upon the filing of any such Petition for Immediate Taking of Possession,
21 the Court may direct the City to give such notice to the Defendants as the Court may
22 deem proper. The Court may set the matter for hearing on the Petition, but any such
23 hearing shall be held within seven days from the date of the filing of such petition;
24 otherwise, the Court shall act on said Petition ex parte within said seven day period.

25 (c) In cases where the City files a Petition for Immediate Taking of title and
26 possession to the said property in fee simple absolute or such lesser estate or interest
27 as is specified in the Petition, [possession and] title thereto shall irrevocably vest in
28 the Mayor and City Council of Baltimore ten days after personal service of the
29 Petition upon each and every Defendant [unless] OR, IF the Defendants or any of
30 them shall file an answer to the Petition within the said ten day period alleging that
31 the City does not have the right or power to condemn title to the property, THEN ON
32 THE DATE OF THE TRIAL COURT'S DECISION OR ON THE DATE OF DECISION IN ANY
33 APPEAL FROM THE TRIAL COURT. In the event the Defendants or any of them should
34 file an answer, the court shall schedule a hearing within fifteen days of the date of the
35 filing of an answer, which hearing shall be only for the purpose of contesting the right
36 or power of the City to condemn title to the property. The trial court shall render its
37 decision within fifteen days from the final day of said hearing. The City or the
38 Defendants or any of them shall have an immediate right of appeal to the Court of
39 Appeals of Maryland from the decision of the trial court. POSSESSION SHALL VEST IN
40 THE MAYOR AND CITY COUNCIL OF BALTIMORE SIMULTANEOUSLY WITH THE
41 VESTING OF TITLE, EXCEPT WHERE THE CITY HAS TAKEN POSSESSION PREVIOUSLY
42 UNDER SUBSECTION (D) OF THIS SECTION.

1 (d) If it appears from a Petition for Immediate Possession, with or without
2 supporting affidavits or sworn testimony, that the public interest requires the City to
3 have immediate possession of said property, the Court shall, within not more than
4 seven days after the filing of said Petition, pass an Order, either ex parte or after a
5 hearing, directing that the City may take possession of said property after the
6 expiration of thirty days from the filing of said Petition or earlier, in the Court's
7 discretion. Upon passing such an Order, the Court may direct the City to give such
8 notice of said Order to the Defendants as the Court may deem proper, but the Court's
9 requirement of notice shall not extend the time within which the City may take
10 possession of said property.

11 (e) After an Order has been passed as aforesaid, directing that the City may
12 either take possession of the property or take title and possession of the property, the
13 City shall no longer have the right to abandon said condemnation proceedings except
14 with the consent of all of the owners of said property.

15 (f) At any time after the Order [shall have been] IS signed directing that the
16 City may either take possession or title and possession of the property[.]:

17 (1) [the] THE property owner or owners may petition the Court who
18 shall, by order, direct the clerk to pay such sum so paid into Court unto such owner or
19 owners according to their respective interest, less any public charges, City and State
20 taxes, other assessments, and any ground rent paid by the City for and on behalf of
21 the property owner, all adjusted to the date of taking of possession or to the date of
22 taking title and possession as the case may be[. The]; AND

23 (2) THE City may upon proper petition and order, withdraw from the
24 sum so paid into Court, monies in satisfaction of such public charges, City and State
25 taxes, other assessments, and ground rents so paid by the City, all adjusted as
26 aforesaid.

27 (g) Payment into Court by the Mayor and City Council of Baltimore and
28 receipt of such money by the property owner or owners shall be without prejudice to
29 either party and shall not be construed to prevent either party from requiring a
30 subsequent [trial] TRIAL to determine the value of the property. If the amount of the
31 final award for any property owner, after trial, is more than the amount that was paid
32 into Court by the City for the interest of such property owner, such property owner
33 shall be entitled to a judgment against the City for the difference between such
34 amounts. If the final award for any property owner, after trial, is less than the
35 amount that was paid into Court by the City for the interest of such property owner,
36 the City shall be entitled to a judgment against such property owner, for the
37 difference between such amounts.

38 [21-17.

39 None of the provisions of Sections 21-15 to 21-17 shall apply to or in any
40 manner affect any case or cases now pending in any of the Courts of the State of
41 Maryland. All such case or cases shall be heard and tried to final judgment or
42 inquisition under the law or laws in force on June 1, 1948.]

1 21-17.

2 (A) IN THIS SECTION, "ABANDONED PROPERTY" MEANS:

3 (1) AN UNOCCUPIED STRUCTURE OR VACANT LOT ON WHICH ~~NO TAXES~~
4 ~~OR ASSESSMENTS HAVE BEEN PAID FOR MORE THAN~~ ARE IN ARREARS FOR AT LEAST
5 2 YEARS;

6 (2) A BUILDING:

7 (I) THAT IS UNOCCUPIED BY OWNER OR TENANT;

8 (II) THAT IS UNFIT FOR HABITATION;

9 (III) THAT HAS DETERIORATED TO THE POINT WHERE:

10 1. THE BUILDING IS STRUCTURALLY UNSOUND; OR

11 2. THE COST OF REHABILITATION SIGNIFICANTLY EXCEEDS
12 THE POSTREHABILITATION MARKET VALUE; AND

13 (IV) REGARDING WHICH THE OWNER HAS BEEN ISSUED A
14 VIOLATION NOTICE FROM THE CITY REQUIRING THE OWNER TO:

15 1. REHABILITATE THE BUILDING TO CONFORM TO MINIMUM
16 CODE HABITABILITY REQUIREMENTS; OR

17 2. DEMOLISH THE BUILDING FOR HEALTH AND SAFETY
18 REASONS;

19 (3) A VACANT LOT ON WHICH ~~BUILDINGS HAVE~~ A BUILDING HAS BEEN
20 DEMOLISHED; OR

21 (4) ANY BUILDING IN A BLOCK OF ROW HOUSES WHERE THE BLOCK:

22 (I) AS A WHOLE CONTAINS 70% ABANDONED PROPERTY AS
23 DEFINED UNDER PARAGRAPH (1), (2), OR (3) OF THIS SUBSECTION; AND

24 (II) IS DETERMINED BY THE CITY TO REQUIRE A WHOLE-BLOCK
25 REMEDY, PROVIDED THAT ANY TENANT OR OWNER-OCCUPANT HAS BEEN OFFERED
26 RELOCATION ASSISTANCE UNDER AVAILABLE PROGRAMS ASSISTANCE IN
27 ACCORDANCE WITH SUBSECTION (K) OF THIS SECTION.

28 (B) THE MAYOR AND CITY COUNCIL OF BALTIMORE MAY FILE A PETITION IN
29 THE DISTRICT COURT, FOR THE PUBLIC PURPOSE OF ALLEVIATING NUISANCE AND
30 BLIGHT, THAT SEEKS:

31 (1) THE CONDEMNATION OF ABANDONED PROPERTY; AND

32 (2) THE IMMEDIATE POSSESSION OF, OR THE IMMEDIATE POSSESSION
33 OF AND TITLE TO, THE ABANDONED PROPERTY.

1 (C) WHEN THE CITY FILES A PETITION UNDER THIS SECTION, ~~IF THE FAIR~~
2 ~~MARKET VALUE OF THE ABANDONED PROPERTY, AS SUBSTANTIATED BY AFFIDAVIT~~
3 ~~FROM A LICENSED REAL ESTATE APPRAISER, EXCEEDS THE SUM OF THE PUBLIC~~
4 ~~CHARGES, CITY AND STATE TAXES, OTHER ASSESSMENTS, AND ANY LIENS OF~~
5 ~~SECURED CREDITORS REGARDING THE ABANDONED PROPERTY, THE CITY SHALL~~
6 ~~DEPOSIT WITH THE DISTRICT COURT THE AMOUNT OF MONEY ESTIMATED BY A~~
7 LICENSED APPRAISER TO BE THE FULL FAIR MARKET VALUE OF THE ABANDONED
8 PROPERTY.

9 (D) (1) SERVICE OF PROCESS ON AN OWNER OF ABANDONED PROPERTY
10 UNDER THIS SECTION SHALL BE MADE IN ACCORDANCE WITH THE PROVISIONS OF §
11 16-16A OF THE CODE OF PUBLIC LOCAL LAWS OF BALTIMORE CITY.

12 (2) IF AN OWNER HAS PROPERLY REGISTERED A CURRENT LOCAL
13 AGENT AND LOCAL ADDRESS FOR SERVICE OF PROCESS UNDER THE
14 REQUIREMENTS OF THE BALTIMORE CITY CODE RELATING TO RENTAL PROPERTY
15 REGISTRATION, AND SERVICE IS EFFECTED BY MAIL AND POSTING AT A LAST
16 KNOWN ADDRESS OTHER THAN THAT PROVIDED IN THE OWNER'S RENTAL
17 PROPERTY REGISTRATION FORM, THEN NOTICE OF THE PROCEEDING SHALL BE
18 SENT BY CERTIFIED MAIL TO THE OWNER AT THE RENTAL PROPERTY REGISTRATION
19 ADDRESS.

20 (E) (1) A JUDGMENT CREDITOR IS NOT A REQUIRED PARTY TO A
21 PROCEEDING INITIATED UNDER THIS SECTION.

22 (2) A JUDGMENT CREDITOR MAY JOIN A PROCEEDING INITIATED
23 UNDER THIS SECTION BY FILING A MOTION UNDER SUBSECTION ~~(G)~~ (F) OF THIS
24 SECTION WITHIN 10 DAYS OF NOTICE BEING GIVEN AS REQUIRED ~~UNDER THIS~~
25 SECTION BY LAW.

26 ~~(F) IF THE FAIR MARKET VALUE OF AN ABANDONED PROPERTY SUBJECT TO A~~
27 ~~PROCEEDING INITIATED UNDER THIS SECTION IS LESS THAN THE SUM OF THE~~
28 ~~PUBLIC CHARGES, CITY AND STATE TAXES, OTHER ASSESSMENTS, AND ANY LIENS OF~~
29 ~~SECURED CREDITORS REGARDING THE ABANDONED PROPERTY, NOTICE BY POSTING~~
30 ~~AND PUBLICATION OF THE STREET ADDRESS AND BLOCK AND LOT DESIGNATIONS~~
31 ~~OF THE ABANDONED PROPERTY IS SUFFICIENT NOTICE TO JUDGMENT CREDITORS.~~

32 ~~(G)~~ (F) (1) ON MOTION OF ANY PERSON WITH AN INTEREST IN
33 ABANDONED PROPERTY THAT IS THE SUBJECT OF A PROCEEDING INITIATED UNDER
34 THIS SECTION, THE ISSUE OF COMPENSATION RELATED TO THE PROCEEDING MAY
35 BE REMOVED TO THE CIRCUIT COURT OF BALTIMORE CITY FOR TRIAL ON THAT
36 ISSUE.

37 (2) THE MOTION FOR REMOVAL TO THE CIRCUIT COURT OF BALTIMORE
38 CITY FOR TRIAL ON THE ISSUE OF COMPENSATION SHALL BE FILED WITHIN 30 DAYS
39 OF THE DATE THE TITLE TO THE ABANDONED PROPERTY VESTS WITH THE CITY
40 UNDER § 21-16(C) OF THIS SUBHEADING.

41 (G) IF THE PARTIES AGREE, TRIAL ON THE ISSUE OF COMPENSATION MAY BE
42 HELD IN THE DISTRICT COURT.

1 (H) IF THE VALUE OF THE ABANDONED PROPERTY, ~~AS ESTIMATED BY A~~
2 ~~LICENSED REAL ESTATE APPRAISER OR BY THE CIRCUIT COURT IF THE ISSUE OF~~
3 ~~COMPENSATION IS REMOVED TO THE CIRCUIT COURT, IS DETERMINED TO BE LESS~~
4 THAN THE SUM OF THE PUBLIC CHARGES, CITY AND STATE TAXES, AND OTHER
5 ASSESSMENTS REGARDING THE ABANDONED PROPERTY, THE CITY IS ENTITLED TO A
6 JUDGMENT AGAINST THE OWNER OF THE ABANDONED PROPERTY FOR THE
7 DIFFERENCE.

8 (I) WHEN A COURT VESTS TITLE TO THE ABANDONED PROPERTY TO THE
9 CITY, AT THE REQUEST OF THE CITY, THE COURT MAY NAME AS TITLEHOLDER A
10 PUBLIC OR QUASI-PUBLIC CORPORATION THAT HAS BEEN DESIGNATED BY THE CITY
11 TO HOLD TITLE TO PROPERTY ACQUIRED UNDER THIS SECTION.

12 (J) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE PROVISIONS OF
13 § 21-16 OF THIS SUBHEADING APPLY TO A PROCEEDING ~~FOR A TAKING~~ UNDER THIS
14 SECTION.

15 (K) IF AN OWNER-OCCUPANT OR TENANT IS DISPLACED UNDER SUBSECTION
16 (A)(4) OF THIS SECTION, REGARDLESS OF WHETHER THE DISPLACEMENT INVOLVES
17 THE USE OF FEDERAL FINANCIAL ASSISTANCE, THE CITY SHALL ASSURE THAT THE
18 OWNER-OCCUPANT OR TENANT IS OFFERED, AT A MINIMUM, ASSISTANCE AND
19 PAYMENTS TO THE EXTENT THAT THE OWNER-OCCUPANT OR TENANT WOULD
20 QUALIFY FOR ASSISTANCE AND PAYMENTS AS A DISPLACED PERSON UNDER THE
21 FEDERAL UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION
22 POLICIES ACT OF 1970.

23 (L) THIS SECTION DOES NOT AFFECT THE AUTHORITY OF THE MAYOR AND
24 CITY COUNCIL TO CONDEMN PRIVATE PROPERTY FOR PUBLIC USE UNDER OTHER
25 PROVISIONS OF LAW.

26 **Article - Courts and Judicial Proceedings**

27 4-401.

28 Except as provided in § 4-402 of this subtitle, and subject to the venue
29 provisions of Title 6 of this article, the District Court has exclusive original civil
30 jurisdiction in:

31 (12) A proceeding to enforce a civil penalty assessed by the Maryland
32 Division of Labor and Industry under Title 5 of the Labor and Employment Article
33 where the amount involved does not exceed \$20,000; [and]

34 (13) A proceeding for a civil infraction under § 21-202.1 of the
35 Transportation Article; AND

36 (14) A PROCEEDING FOR CONDEMNATION AND IMMEDIATE POSSESSION
37 OF AND TITLE TO ABANDONED, BLIGHTED, AND DETERIORATED PROPERTY UNDER
38 AUTHORITY GRANTED IN THE CODE OF PUBLIC LOCAL LAWS OF A COUNTY,
39 INCLUDING BALTIMORE CITY, WHERE THE ESTIMATED VALUE OF THE PROPERTY
40 DOES NOT EXCEED \$25,000.

1 SECTION 2. AND BE IT FURTHER ENACTED, That, the Mayor of the City of
2 Baltimore shall report to the General Assembly, in accordance with § 2-1246 of the
3 State Government Article, on or before December 1, 2000, and on or before December
4 1 of each year thereafter, on the number of homeowners and the number of tenants
5 displaced from occupied dwellings under this Act and the cost and success of
6 relocating persons displaced in alternative, more suitable housing.

7 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
8 effect October 1, 1999.