

SENATE BILL 770

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1999 Regular Session
9r2562
CF 9r2561

By: **Senator McFadden (Baltimore City Administration)**

Introduced and read first time: March 4, 1999

Assigned to: Rules

A BILL ENTITLED

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;
14 providing for a certain notice to judgment creditors under certain circumstances;
15 permitting a certain issue related to a certain condemnation proceeding to be
16 removed to the Circuit Court of Baltimore City under certain circumstances;
17 authorizing the City to receive a certain judgment against the owner of
18 abandoned property under certain circumstances; authorizing a court to name a
19 certain public or quasi-public corporation designated by the City as titleholder
20 to abandoned property condemned under certain circumstances; expanding the
21 civil jurisdiction of the District Court regarding certain proceedings for
22 condemnation and immediate possession of and title to abandoned property
23 under certain circumstances; making stylistic changes; defining a certain term;
24 and generally relating to the powers of Baltimore City concerning condemnation
25 and immediate possession and title.

26 BY repealing and reenacting, with amendments,
27 The Public Local Laws of Baltimore City
28 Section 21-16
29 Article 4 - Public Local Laws of Maryland
30 (1979 Edition and 1997 Supplement, as amended)

31 BY repealing
32 The Public Local Laws of Baltimore City

1 Section 21-17
2 Article 4 - Public Local Laws of Maryland
3 (1979 Edition and 1997 Supplement, as amended)

4 BY adding to
5 The Public Local Laws of Baltimore City
6 Section 21-17
7 Article 4 - Public Local Laws of Maryland
8 (1979 Edition and 1997 Supplement, as amended)

9 BY repealing and reenacting, with amendments,
10 Article - Courts and Judicial Proceedings
11 Section 4-401(12) and (13)
12 Annotated Code of Maryland
13 (1998 Replacement Volume)

14 BY adding to
15 Article - Courts and Judicial Proceedings
16 Section 4-401(14)
17 Annotated Code of Maryland
18 (1998 Replacement Volume)

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

21 **Article 4 - Baltimore City**

22 21-16.

23 (a) Whenever any proceedings are instituted under Title 12 of the Real
24 Property Article of Public General Laws of the State of Maryland by the Mayor and
25 City Council of Baltimore for the acquisition of any property for any public purpose
26 whatsoever, the Mayor and City Council of Baltimore, simultaneously with the filing
27 of said proceedings or at any time thereafter, may file a Petition under oath stating
28 that it is necessary for the City to have immediate possession [of] OF, or immediate
29 title to[,] and possession [of] OF, said property, and the reasons therefore. The City
30 shall also set forth in said Petition for Immediate Taking of possession or immediate
31 taking of title the amount it estimates to be the fair value of the said property and/or
32 title to be acquired, and of the respective interest of each of the owners thereof if more
33 than one, which shall be substantiated by the Affidavits of two qualified appraisers,
34 attached to said Petition. The City shall deposit into Court simultaneously with the
35 filing of said Petition the amount of said estimate of the fair value of the property to
36 be acquired.

37 (b) Upon the filing of any such Petition for Immediate Taking of Possession,
38 the Court may direct the City to give such notice to the Defendants as the Court may

1 deem proper. The Court may set the matter for hearing on the Petition, but any such
2 hearing shall be held within seven days from the date of the filing of such petition;
3 otherwise, the Court shall act on said Petition ex parte within said seven day period.

4 (c) In cases where the City files a Petition for Immediate Taking of title and
5 possession to the said property in fee simple absolute or such lesser estate or interest
6 as is specified in the Petition, [possession and] title thereto shall irrevocably vest in
7 the Mayor and City Council of Baltimore ten days after personal service of the
8 Petition upon each and every Defendant [unless] OR, IF the Defendants or any of
9 them shall file an answer to the Petition within the said ten day period alleging that
10 the City does not have the right or power to condemn title to the property, THEN ON
11 THE DATE OF THE TRIAL COURT'S DECISION OR ON THE DATE OF DECISION IN ANY
12 APPEAL FROM THE TRIAL COURT. In the event the Defendants or any of them should
13 file an answer, the court shall schedule a hearing within fifteen days of the date of the
14 filing of an answer, which hearing shall be only for the purpose of contesting the right
15 or power of the City to condemn title to the property. The trial court shall render its
16 decision within fifteen days from the final day of said hearing. The City or the
17 Defendants or any of them shall have an immediate right of appeal to the Court of
18 Appeals of Maryland from the decision of the trial court. POSSESSION SHALL VEST IN
19 THE MAYOR AND CITY COUNCIL OF BALTIMORE SIMULTANEOUSLY WITH THE
20 VESTING OF TITLE, EXCEPT WHERE THE CITY HAS TAKEN POSSESSION PREVIOUSLY
21 UNDER SUBSECTION (D) OF THIS SECTION.

22 (d) If it appears from a Petition for Immediate Possession, with or without
23 supporting affidavits or sworn testimony, that the public interest requires the City to
24 have immediate possession of said property, the Court shall, within not more than
25 seven days after the filing of said Petition, pass an Order, either ex parte or after a
26 hearing, directing that the City may take possession of said property after the
27 expiration of thirty days from the filing of said Petition or earlier, in the Court's
28 discretion. Upon passing such an Order, the Court may direct the City to give such
29 notice of said Order to the Defendants as the Court may deem proper, but the Court's
30 requirement of notice shall not extend the time within which the City may take
31 possession of said property.

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

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

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

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

5 (g) Payment into Court by the Mayor and City Council of Baltimore and
6 receipt of such money by the property owner or owners shall be without prejudice to
7 either party and shall not be construed to prevent either party from requiring a
8 subsequent [trail] TRIAL to determine the value of the property. If the amount of the
9 final award for any property owner, after trial, is more than the amount that was paid
10 into Court by the City for the interest of such property owner, such property owner
11 shall be entitled to a judgment against the City for the difference between such
12 amounts. If the final award for any property owner, after trial, is less than the
13 amount that was paid into Court by the City for the interest of such property owner,
14 the City shall be entitled to a judgment against such property owner, for the
15 difference between such amounts.

16 [21-17.

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

21 21-17.

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

23 (1) AN UNOCCUPIED STRUCTURE OR VACANT LOT ON WHICH NO TAXES
24 OR ASSESSMENTS HAVE BEEN PAID FOR MORE THAN 2 YEARS;

25 (2) A BUILDING:

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

27 (II) THAT IS UNFIT FOR HABITATION;

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

29 1. THE BUILDING IS STRUCTURALLY UNSOUND; OR

30 2. THE COST OF REHABILITATION SIGNIFICANTLY EXCEEDS
31 THE POSTREHABILITATION MARKET VALUE; AND

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

34 1. REHABILITATE THE BUILDING TO CONFORM TO MINIMUM
35 CODE HABITABILITY REQUIREMENTS; OR

1 2. DEMOLISH THE BUILDING FOR HEALTH AND SAFETY
2 REASONS;

3 (3) A VACANT LOT ON WHICH BUILDINGS HAVE BEEN DEMOLISHED; OR

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

5 (I) AS A WHOLE CONTAINS 70% ABANDONED PROPERTY AS
6 DEFINED UNDER THIS SUBSECTION; AND

7 (II) IS DETERMINED BY THE CITY TO REQUIRE A WHOLE-BLOCK
8 REMEDY, PROVIDED THAT ANY TENANT OR OWNER-OCCUPANT HAS BEEN OFFERED
9 RELOCATION ASSISTANCE UNDER AVAILABLE PROGRAMS.

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

13 (1) THE CONDEMNATION OF ABANDONED PROPERTY; AND

14 (2) THE IMMEDIATE POSSESSION OF, OR THE IMMEDIATE POSSESSION
15 OF AND TITLE TO, THE ABANDONED PROPERTY.

16 (C) WHEN THE CITY FILES A PETITION UNDER THIS SECTION, IF THE FAIR
17 MARKET VALUE OF THE ABANDONED PROPERTY, AS SUBSTANTIATED BY AFFIDAVIT
18 FROM A LICENSED REAL ESTATE APPRAISER, EXCEEDS THE SUM OF THE PUBLIC
19 CHARGES, CITY AND STATE TAXES, OTHER ASSESSMENTS, AND ANY LIENS OF
20 SECURED CREDITORS REGARDING THE ABANDONED PROPERTY, THE CITY SHALL
21 DEPOSIT WITH THE DISTRICT COURT THE AMOUNT OF MONEY ESTIMATED TO BE
22 THE FULL FAIR MARKET VALUE OF THE ABANDONED PROPERTY.

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

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

28 (2) A JUDGMENT CREDITOR MAY JOIN A PROCEEDING INITIATED UNDER
29 THIS SECTION BY FILING A MOTION UNDER SUBSECTION (G) OF THIS SECTION
30 WITHIN 10 DAYS OF NOTICE BEING GIVEN AS REQUIRED UNDER THIS SECTION.

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

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

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

9 (H) IF THE VALUE OF THE ABANDONED PROPERTY, AS ESTIMATED BY A
 10 LICENSED REAL ESTATE APPRAISER OR BY THE CIRCUIT COURT IF THE ISSUE OF
 11 COMPENSATION IS REMOVED TO THE CIRCUIT COURT, IS LESS THAN THE SUM OF
 12 THE PUBLIC CHARGES, CITY AND STATE TAXES, AND OTHER ASSESSMENTS
 13 REGARDING THE ABANDONED PROPERTY, THE CITY IS ENTITLED TO A JUDGMENT
 14 AGAINST THE OWNER OF THE ABANDONED PROPERTY FOR THE DIFFERENCE.

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

19 (J) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE PROVISIONS OF
 20 § 21-16 OF THIS SUBHEADING APPLY TO A PROCEEDING FOR A TAKING UNDER THIS
 21 SECTION.

22 **Article - Courts and Judicial Proceedings**

23 4-401.

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

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

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

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

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 38 October 1, 1999.