

HOUSE BILL 701

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2000 Regular Session
0lr2264
CF 0lr2265

By: **Delegate Marriott (Baltimore City Administration) and Delegates Cole,
C. Davis, Krysiak, Fulton, and Paige**

Introduced and read first time: February 10, 2000

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Abandoned Property - Statute of Limitations and Damages**

3 FOR the purpose of establishing the statute of limitations for an action at law or
4 equity against Baltimore City by a person with an interest in certain abandoned
5 property; limiting the damages awarded to a person for certain improper taking
6 of abandoned property to the fair market value of the abandoned property; and
7 generally relating to Baltimore City and abandoned property.

8 BY repealing and reenacting, with amendments,
9 The Public Local Laws of Baltimore City
10 Section 21-17
11 Article 4 - Public Local Laws of Maryland
12 (1979 Edition and 1997 Supplement, as amended)
13 (As enacted by Chapter 692 of the Acts of the General Assembly of 1999)

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

16 **Article 4 - Baltimore City**

17 21-17.

18 (a) In this section, "abandoned property" means:

19 (1) An unoccupied structure or vacant lot on which taxes are in arrears
20 for at least 2 years;

21 (2) A building:

22 (i) That is unoccupied by owner or tenant;

23 (ii) That is unfit for habitation;

24 (iii) That has deteriorated to the point where:

1 (2) A judgment creditor may join a proceeding initiated under this
2 section by filing a motion under subsection (f) of this section within 10 days of notice
3 being given as required by law.

4 (f) (1) On motion of any person with an interest in abandoned property that
5 is the subject of a proceeding initiated under this section, the issue of compensation
6 related to the proceeding may be removed to the Circuit Court of Baltimore City for
7 trial on that issue.

8 (2) The motion for removal to the Circuit Court of Baltimore City for
9 trial on the issue of compensation shall be filed within 30 days of the date the title to
10 the abandoned property vests with the City under § 21-16(c) of this subheading.

11 (g) If the parties agree, trial on the issue of compensation may be held in the
12 District Court.

13 (h) If the value of the abandoned property is determined to be less than the
14 sum of the public charges, City and State taxes, and other assessments regarding the
15 abandoned property, the City is entitled to a judgment against the owner of the
16 abandoned property for the difference.

17 (i) When a court vests title to the abandoned property to the City, at the
18 request of the City, the court may name as titleholder a public or quasi-public
19 corporation that has been designated by the City to hold title to property acquired
20 under this section.

21 (j) Except as otherwise provided in this section, the provisions of § 21-16 of
22 this subheading apply to a proceeding under this section.

23 (k) (1) AN ACTION AT LAW OR EQUITY FILED AGAINST THE CITY BY A
24 PERSON WITH AN INTEREST IN ABANDONED PROPERTY THAT IS THE SUBJECT OF A
25 PROCEEDING INITIATED UNDER THIS SECTION SHALL BE FILED WITHIN 1 YEAR
26 FROM THE DATE A COURT VESTS TITLE TO THE ABANDONED PROPERTY TO THE CITY.

27 (2) THE DAMAGES AWARDED TO A PERSON FOR THE IMPROPER TAKING
28 OF ABANDONED PROPERTY IN A PROCEEDING INITIATED UNDER THIS SECTION ARE
29 LIMITED TO THE FAIR MARKET VALUE OF THE ABANDONED PROPERTY AT THE TIME
30 OF THE TAKING.

31 (L) If an owner-occupant or tenant is displaced under subsection (a)(4) of this
32 section, regardless of whether the displacement involves the use of federal financial
33 assistance, the City shall assure that the owner-occupant or tenant is offered, at a
34 minimum, assistance and payments to the extent that the owner-occupant or tenant
35 would qualify for assistance and payments as a displaced person under the federal
36 Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

37 [(l)] (M) This section does not affect the authority of the Mayor and City
38 Council to condemn private property for public use under other provisions of law.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2000.