Unofficial Copy D3 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

1 AN ACT concerning

A BILL ENTITLED

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:

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1		1.	The building is structurally unsound; or		
2 3	postrehabilitation market	2. value; and	The cost of rehabilitation significantly exceeds the		
4 5	(iv) from the City requiring th		ng which the owner has been issued a violation notice		
6 7	habitability requirements;		Rehabilitate the building to conform to minimum Code		
8		2.	Demolish the building for health and safety reasons;		
9	(3) A v	vacant lot on w	hich a building has been demolished; or		
10	(4) An	y building in a	block of row houses where the block:		
11 12	(i) paragraph (1), (2), or (3)		ole contains 70% abandoned property as defined under ion; and		
	provided that any tenant of accordance with subsection	or owner-occuj	nined by the City to require a whole-block remedy, pant has been offered assistance in ection.		
16 17	6 (b) The Mayor and City Council of Baltimore may file a petition in the District 7 Court, for the public purpose of alleviating nuisance and blight, that seeks:				
18	(1) The	e condemnation	n of abandoned property; and		
19 20	(2) The to, the abandoned property		ossession of, or the immediate possession of and title		
	(c) When the City files a petition under this section, the City shall deposit with the District Court the amount of money estimated by a licensed appraiser to be the fair market value of the abandoned property.				
		accordance wit	s on an owner of abandoned property under this h the provisions of § 16-16A of the Code of		
29 30 31	address for service of pro- relating to rental property a last known address other	cess under the registration, a er than that proportice of the pro-	roperly registered a current local agent and local requirements of the Baltimore City Code and service is effected by mail and posting at wided in the owner's rental property ceeding shall be sent by certified mail to the address.		
33 34	(e) (1) A j under this section.	udgment credi	tor is not a required party to a proceeding initiated		

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- 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 [(1)] (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.

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