

HOUSE BILL 701

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2000

CHAPTER_____

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;
7 providing for the application of this Act; and generally relating to Baltimore City
8 and abandoned property.

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

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

17 **Article 4 - Baltimore City**

18 21-17.

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

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

- 1 (2) A building:
- 2 (i) That is unoccupied by owner or tenant;
- 3 (ii) That is unfit for habitation;
- 4 (iii) That has deteriorated to the point where:
- 5 1. The building is structurally unsound; or
- 6 2. The cost of rehabilitation significantly exceeds the
- 7 postrehabilitation market value; and
- 8 (iv) Regarding which the owner has been issued a violation notice
- 9 from the City requiring the owner to:
- 10 1. Rehabilitate the building to conform to minimum Code
- 11 habitability requirements; or
- 12 2. Demolish the building for health and safety reasons;
- 13 (3) A vacant lot on which a building has been demolished; or
- 14 (4) Any building in a block of row houses where the block:
- 15 (i) As a whole contains 70% abandoned property as defined under
- 16 paragraph (1), (2), or (3) of this subsection; and
- 17 (ii) Is determined by the City to require a whole-block remedy,
- 18 provided that any tenant or owner-occupant has been offered assistance in
- 19 accordance with subsection (k) of this section.
- 20 (b) The Mayor and City Council of Baltimore may file a petition in the District
- 21 Court, for the public purpose of alleviating nuisance and blight, that seeks:
- 22 (1) The condemnation of abandoned property; and
- 23 (2) The immediate possession of, or the immediate possession of and title
- 24 to, the abandoned property.
- 25 (c) When the City files a petition under this section, the City shall deposit
- 26 with the District Court the amount of money estimated by a licensed appraiser to be
- 27 the fair market value of the abandoned property.
- 28 (d) (1) Service of process on an owner of abandoned property under this
- 29 section shall be made in accordance with the provisions of § 16-16A of the Code of
- 30 Public Local Laws of Baltimore City.
- 31 (2) If an owner has properly registered a current local agent and local
- 32 address for service of process under the requirements of the Baltimore City Code
- 33 relating to rental property registration, and service is effected by mail and posting at

1 a last known address other than that provided in the owner's rental property
2 registration form, then notice of the proceeding shall be sent by certified mail to the
3 owner at the rental property registration address.

4 (e) (1) A judgment creditor is not a required party to a proceeding initiated
5 under this section.

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

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

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

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

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

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

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

28 (k) (1) AN ACTION AT LAW OR EQUITY FILED AGAINST THE CITY BY A
29 PERSON WITH AN INTEREST IN ABANDONED PROPERTY THAT IS THE SUBJECT OF A
30 PROCEEDING INITIATED UNDER THIS SECTION SHALL BE FILED WITHIN ~~1 YEAR~~ 3
31 YEARS FROM THE DATE A COURT VESTS TITLE TO THE ABANDONED PROPERTY TO
32 THE CITY.

33 (2) THE DAMAGES AWARDED TO A PERSON FOR THE IMPROPER TAKING
34 OF ABANDONED PROPERTY IN A PROCEEDING INITIATED UNDER THIS SECTION ARE
35 LIMITED TO THE FAIR MARKET VALUE OF THE ABANDONED PROPERTY AT THE TIME
36 OF THE TAKING.

37 (L) If an owner-occupant or tenant is displaced under subsection (a)(4) of this
38 section, regardless of whether the displacement involves the use of federal financial
39 assistance, the City shall assure that the owner-occupant or tenant is offered, at a

1 minimum, assistance and payments to the extent that the owner-occupant or tenant
2 would qualify for assistance and payments as a displaced person under the federal
3 Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

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

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
7 construed only prospectively and may not be applied or interpreted to have any effect
8 on or application to any case filed before the effective date of this Act.

9 ~~SECTION 2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
10 effect October 1, 2000.