

SENATE BILL 532

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2000 Regular Session  
(01r2265)

*ENROLLED BILL*  
*-- Judicial Proceedings/Judiciary --*

Introduced by **Senator McFadden (Baltimore City Administration) and**  
**Senators Hughes and Mitchell**

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.

\_\_\_\_\_  
President.

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 in  
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)

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

3 **Article 4 - Baltimore City**

4 21-17.

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

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

8 (2) A building:

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

10 (ii) That is unfit for habitation;

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

12 1. The building is structurally unsound; or

13 2. The cost of rehabilitation significantly exceeds the  
14 postrehabilitation market value; and

15 (iv) Regarding which the owner has been issued a violation notice  
16 from the City requiring the owner to:

17 1. Rehabilitate the building to conform to minimum Code  
18 habitability requirements; or

19 2. Demolish the building for health and safety reasons;

20 (3) A vacant lot on which a building has been 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 defined under  
23 paragraph (1), (2), or (3) of this subsection; and

24 (ii) Is determined by the City to require a whole-block remedy,  
25 provided that any tenant or owner-occupant has been offered assistance in  
26 accordance with subsection ~~(k)~~ (L) of this section.

27 (b) The Mayor and City Council of Baltimore may file a petition in the District  
28 Court, for the public purpose of alleviating nuisance and blight, that seeks:

29 (1) The condemnation of abandoned property; and

30 (2) The immediate possession of, or the immediate possession of and title  
31 to, the abandoned property.

1 (c) When the City files a petition under this section, the City shall deposit  
2 with the District Court the amount of money estimated by a licensed appraiser to be  
3 the fair market value of the abandoned property.

4 (d) (1) Service of process on an owner of abandoned property under this  
5 section shall be made in accordance with the provisions of § 16-16A of the Code of  
6 Public Local Laws of Baltimore City.

7 (2) If an owner has properly registered a current local agent and local  
8 address for service of process under the requirements of the Baltimore City Code  
9 relating to rental property registration, and service is effected by mail and posting at  
10 a last known address other than that provided in the owner's rental property  
11 registration form, then notice of the proceeding shall be sent by certified mail to the  
12 owner at the rental property registration address.

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

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

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

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

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

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

31 (i) When a court vests title to the abandoned property to ~~to~~ IN the City, at the  
32 request of the City, the court may name as titleholder a public or quasi-public  
33 corporation that has been designated by the City to hold title to property acquired  
34 under this section.

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

37 (k) (1) AN ACTION AT LAW OR IN EQUITY FILED AGAINST THE CITY BY A  
38 PERSON WITH AN INTEREST IN ABANDONED PROPERTY THAT IS THE SUBJECT OF A  
39 PROCEEDING INITIATED UNDER THIS SECTION SHALL BE FILED WITHIN ~~1 YEAR~~ 3

1 YEARS FROM THE DATE A COURT VESTS TITLE TO THE ABANDONED PROPERTY ~~TO~~ IN  
2 THE CITY.

3 (2) THE DAMAGES AWARDED TO A PERSON FOR THE IMPROPER TAKING  
4 OF ABANDONED PROPERTY IN A PROCEEDING INITIATED UNDER THIS SECTION ARE  
5 LIMITED TO THE FAIR MARKET VALUE OF THE ABANDONED PROPERTY AT THE TIME  
6 OF THE TAKING.

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

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
16 construed only prospectively and may not be applied or interpreted to have any effect  
17 on or application to any ~~case filed~~ cause of action arising before the effective date of  
18 this Act.

19 SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take  
20 effect October 1, 2000.