

SENATE BILL 532

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2000 Regular Session
0lr2265
CF 0lr2264

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

Introduced and read first time: February 4, 2000

Assigned to: Judicial Proceedings

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 against

4 Baltimore City by a person with an interest in certain abandoned property;

5 limiting the damages awarded to a person for certain improper taking of

6 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:

25 1. The building is structurally unsound; or

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

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

5 1. Rehabilitate the building to conform to minimum Code
6 habitability requirements; or

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

8 (3) A vacant lot on which a building has been demolished; or

9 (4) Any building in a block of row houses where the block:

10 (i) As a whole contains 70% abandoned property as defined under
11 paragraph (1), (2), or (3) of this subsection; and

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

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

17 (1) The condemnation of abandoned property; and

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (2) THE DAMAGES AWARDED TO A PERSON FOR THE IMPROPER TAKING
25 OF ABANDONED PROPERTY IN A PROCEEDING INITIATED UNDER THIS SECTION ARE
26 LIMITED TO THE FAIR MARKET VALUE OF THE ABANDONED PROPERTY.

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

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

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