
By: **Delegate Campbell**

Introduced and read first time: February 9, 2001

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Abandoned Property - Land Reutilization Board**

3 FOR the purpose of establishing the Baltimore City Land Reutilization Board for the
4 purpose of filing a petition for the condemnation or possession of or title to
5 certain abandoned property; providing for the membership, terms, meetings,
6 and staff of the Board; providing that a member may not receive compensation;
7 providing for the purpose of the Board; defining a term; and generally relating
8 to establishing the Baltimore City Land Reutilization Board.

9 BY repealing and reenacting, without 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, and 2000 Supplement, as amended)

14 BY adding to
15 The Public Local Laws of Baltimore City
16 Section 21-17.1
17 Article 4 - Public Local Laws of Maryland
18 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

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

21 **Article 4 - Baltimore City**

22 21-17.

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

24 (1) an unoccupied structure or vacant lot on which taxes are in arrears
25 for at least 2 years;

26 (2) a building;

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

1 registration form, then notice of the proceeding shall be sent by certified mail to the
2 owner at the rental property registration address.

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

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

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

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

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

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

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

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

27 (k) (1) An action at law or in equity filed against the City by a person with
28 an interest in abandoned property that is the subject of a proceeding initiated under
29 this section shall be filed within 3 years from the date a court vests title to the
30 abandoned property in the City.

31 (2) The damages awarded to a person for the improper taking of
32 abandoned property in a proceeding initiated under this section are limited to the fair
33 market value of the abandoned property at the time of the taking.

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

1 (m) This section does not affect the authority of the Mayor and City Council to
2 condemn private property for public use under other provisions of law.

3 21-17.1

4 (A) IN THIS SECTION, "BOARD" MEANS THE BALTIMORE CITY LAND
5 REUTILIZATION BOARD.

6 (B) (1) THERE IS A BALTIMORE CITY LAND REUTILIZATION BOARD.

7 (2) THE BOARD SHALL CONSIST OF THE FOLLOWING NINE MEMBERS:

8 (I) ONE REPRESENTATIVE OF THE BOARD OF ESTIMATES;

9 (II) THE COMMISSIONER OF THE DEPARTMENT OF HOUSING AND
10 COMMUNITY DEVELOPMENT, OR THE COMMISSIONER'S DESIGNEE;

11 (III) THE DIRECTOR OF THE DEPARTMENT OF PLANNING, OR THE
12 DIRECTOR'S DESIGNEE;

13 (IV) THE DIRECTOR OF THE DEPARTMENT OF FINANCE, OR THE
14 DIRECTOR'S DESIGNEE; AND

15 (V) FIVE MEMBERS APPOINTED BY THE MAYOR AND BALTIMORE
16 CITY COUNCIL REPRESENTING LOCAL BANKERS, REALTORS, APPRAISERS, AND
17 ATTORNEYS.

18 (3) THE TERM OF A MEMBER IS 2 YEARS.

19 (C) (1) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE BOARD IS A
20 QUORUM.

21 (2) THE BOARD MAY NOT ACT UNLESS A MAJORITY OF THE AUTHORIZED
22 MEMBERSHIP CONCURS.

23 (D) THE BOARD SHALL DETERMINE THE TIMES AND PLACES OF ITS
24 MEETINGS.

25 (E) A MEMBER OF THE BOARD MAY NOT RECEIVE COMPENSATION AS A
26 MEMBER OF THE BOARD.

27 (F) THE BOARD SHALL HAVE STAFF PROVIDED FROM THE BOARD OF
28 ESTIMATES, THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, THE
29 DEPARTMENT OF PLANNING, AND THE DEPARTMENT OF FINANCE AS NECESSARY.

30 (G) THE PURPOSE OF THE BOARD IS TO ADMINISTER THE PROVISIONS UNDER
31 § 21-17 OF THIS SUBTITLE ON BEHALF OF THE MAYOR AND BALTIMORE CITY
32 COUNCIL.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 July 1, 2001.

