

---

By: **Delegates Rosenberg, Bobo, Carter, Kirk, Marriott, McIntosh, Oaks, and Paige**

Introduced and read first time: February 5, 2003  
Assigned to: Environmental Matters

---

Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 18, 2003

---

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Baltimore City - Condemnation - Immediate Possession and Title -**  
3 **Distressed Property**

4 FOR the purpose of authorizing certain proceedings for the condemnation and  
5 immediate taking of certain properties in Baltimore City; clarifying that  
6 Baltimore City shall assure that an owner-occupant or tenant who is displaced  
7 under this Act is offered certain assistance and payments under certain  
8 circumstances; requiring a court to dismiss a certain condemnation petition if an  
9 owner of distressed property satisfies certain liens before the court vests title to  
10 the distressed property under certain circumstances; granting exclusive original  
11 civil jurisdiction of a certain condemnation proceeding to the District Court in  
12 certain circumstances; defining a certain term; making stylistic changes; and  
13 generally relating to proceedings for condemnation and immediate taking of  
14 distressed property in Baltimore City.

15 BY repealing and reenacting, with amendments,  
16 The Public Local Laws of Baltimore City  
17 Section 21-17  
18 Article 4 - Public Local Laws of Maryland  
19 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

20 BY repealing and reenacting, with amendments,  
21 Article - Courts and Judicial Proceedings  
22 Section 4-401(15)  
23 Annotated Code of Maryland  
24 (2002 Replacement Volume)

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) (1) In this section[,] THE FOLLOWING WORDS HAVE THE MEANINGS  
6 INDICATED.

7 (2) ["abandoned] "ABANDONED property" means:

8 [(1)] (I) an unoccupied structure or vacant lot on which taxes are in  
9 arrears for at least 2 years;

10 [(2)] (II) a building:

11 [(i)] 1. that is unoccupied by owner or tenant;

12 [(ii)] 2. that is unfit for habitation;

13 [(iii)] 3. that has deteriorated to the point where:

14 [1.] A. the building is structurally unsound; or

15 [2.] B. the cost of rehabilitation significantly exceeds the  
16 post rehabilitation market value; and

17 [(iv)] 4. regarding which the owner has been issued a violation  
18 notice from the City requiring the owner to:

19 [1.] A. rehabilitate the building to conform to minimum  
20 code habitability requirements; or

21 [2.] B. demolish the building for health and safety reasons;

22 [(3)] (III) a vacant lot on which a building has been demolished; or

23 [(4)] (IV) any building in a block of row houses where the block:

24 [(i)] 1. as a whole contains 70% abandoned property as defined  
25 under [paragraph (1), (2), or (3) of this subsection] SUBPARAGRAPH (I), (II), OR (III) OF  
26 THIS PARAGRAPH; and

27 [(ii)] 2. is determined by the City to require a whole-block remedy,  
28 provided that any tenant or owner-occupant has been offered assistance in  
29 accordance with subsection (1) of this section.

30 (3) "DISTRESSED PROPERTY" MEANS A PARCEL OF REAL PROPERTY  
31 THAT IS SUBJECT TO A TAX LIEN OR LIENS WITH A LIEN OR LIENS TO VALUE RATIO

1 EQUAL TO OR GREATER THAN 15%, AS DETERMINED BY THE BALTIMORE CITY  
2 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, AND THAT:

3 (I) ~~HAS AN AVERAGE OF FIVE OR MORE HAZARDOUS VIOLATIONS~~  
4 ~~OF THE HOUSING CODE OF BALTIMORE CITY PER DWELLING UNIT~~ CONTAINS A  
5 DWELLING UNIT OR OTHER STRUCTURE THAT:

6 1. HAS DETERIORATED TO THE EXTENT THAT THE  
7 DWELLING UNIT OR OTHER STRUCTURE CONSTITUTES A SERIOUS AND GROWING  
8 MENACE TO THE PUBLIC HEALTH, SAFETY, AND WELFARE; AND

9 2. IS SUBJECT, UNDER THE BUILDING CODE OF BALTIMORE  
10 CITY OR THE HOUSING CODE OF BALTIMORE CITY, TO AN EXPIRED VIOLATION  
11 NOTICE AND ORDER TO CORRECT THE DETERIORATED CONDITIONS; OR

12 (II) IS SUBJECT TO A LIEN OR LIENS IN AN AMOUNT GREATER  
13 THAN \$1000 FOR WORK DONE BY THE BALTIMORE CITY DEPARTMENT OF HOUSING  
14 AND COMMUNITY DEVELOPMENT.

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 OR DISTRESSED property; and

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

23 (d) (1) Service of process on an owner of abandoned OR DISTRESSED  
24 property under this section shall be made in accordance with the provisions of §  
25 16-16A of the Code of 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 OR  
2 DISTRESSED property that is the subject of a proceeding initiated under this section,  
3 the issue of compensation related to the proceeding may be removed to the Circuit  
4 Court of Baltimore City for 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 OR DISTRESSED property vests with the City under § 21-16(c) of this  
8 subheading.

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

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

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

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

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

25 (2) The damages awarded to a person for the improper taking of  
26 abandoned OR DISTRESSED property in a proceeding initiated under this section are  
27 limited to the fair market value of the abandoned OR DISTRESSED property at the  
28 time of the taking.

29 (l) If an owner-occupant or tenant is ~~displaced~~ OF PROPERTY DESCRIBED  
30 under subsection [(a)(4)] (A)(2)(IV) OR (3) of this section IS DISPLACED, regardless of  
31 whether the displacement involves the use of federal financial assistance, the City  
32 shall assure that the owner-occupant or tenant is offered, at a minimum, assistance  
33 and payments to the extent that the owner-occupant or tenant would qualify for  
34 assistance and payments as a displaced person under the Federal Uniform Relocation  
35 Assistance and Real Property Acquisition Policies Act of 1970.

36 (M) IF AN OWNER OF DISTRESSED PROPERTY THAT IS THE SUBJECT OF A  
37 PROCEEDING INITIATED UNDER THIS SECTION SATISFIES THE LIENS DESCRIBED IN  
38 SUBSECTION (A)(3) OF THIS SECTION BEFORE A COURT VESTS TITLE TO THE  
39 DISTRESSED PROPERTY IN THE CITY, THE COURT SHALL DISMISS THE PETITION  
40 FILED BY THE CITY UNDER SUBSECTION (B) OF THIS SECTION.

