

HOUSE BILL 1350

N1, L6

0lr0678

By: **Delegates Ramirez, Frick, and Montgomery**

Introduced and read first time: February 18, 2010

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Residential Property – Local Government Abandoned**
3 **Property Registry**

4 FOR the purpose of authorizing a county or municipal corporation to enact a local law
5 establishing an abandoned property registry for certain property located in the
6 county or municipal corporation; requiring a local law enacted under this Act to
7 require a certain creditor owner to register certain abandoned residential
8 property, to pay a certain registration fee, and to be responsible for the
9 maintenance and security of the abandoned property; requiring a local law
10 enacted under this Act to require a certain creditor owner to provide certain
11 information on the property; requiring the county or municipal corporation to
12 establish a special fund for the deposit of registration fees to be used for certain
13 purposes; requiring a local law enacted under this Act to require a certain
14 creditor owner who transfers title of or rents an abandoned property to notify
15 the county or municipal corporation; requiring the county or municipal
16 corporation to delete the property from the registry under certain
17 circumstances; requiring a local law enacted under this Act to make the failure
18 to maintain and secure the abandoned property a misdemeanor subject to a
19 certain fine; requiring a local law enacted under this Act to subject a creditor
20 owner to a certain civil penalty for failing to register an abandoned property;
21 defining certain terms; and generally relating to the authority of a county or
22 municipal corporation to establish an abandoned property registry.

23 BY repealing and reenacting, without amendments,
24 Article – Real Property
25 Section 7–105.1(a)
26 Annotated Code of Maryland
27 (2003 Replacement Volume and 2009 Supplement)

28 BY adding to
29 Article – Real Property

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 14–126(d)
2 Annotated Code of Maryland
3 (2003 Replacement Volume and 2009 Supplement)

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

6 **Article – Real Property**

7 7–105.1.

8 (a) In this section, “residential property” means real property improved by
9 four or fewer single family dwelling units that are designed principally and are
10 intended for human habitation.

11 14–126.

12 **(D) (1) (I) IN THIS SUBSECTION THE FOLLOWING TERMS HAVE THE**
13 **MEANINGS INDICATED.**

14 **(II) “ABANDONED PROPERTY” MEANS RESIDENTIAL**
15 **PROPERTY THAT IS NOT OCCUPIED AND UNDER A CURRENT NOTICE OF**
16 **DEFAULT, NOTICE OF TRUSTEE’S SALE, PENDING TAX LIEN SALE, OR THAT HAS**
17 **BEEN THE SUBJECT OF A FORECLOSURE SALE WHERE THE TITLE WAS RETAINED**
18 **BY THE BENEFICIARY OF A DEED OF TRUST INVOLVED IN THE FORECLOSURE OR**
19 **THAT IS TRANSFERRED UNDER A DEED IN LIEU OF FORECLOSURE OR SALE.**

20 **(III) “CREDITOR OWNER” MEANS A:**

21 **1. TRUSTEE;**

22 **2. PERSON WHO PURCHASED A VACANT**
23 **RESIDENTIAL PROPERTY FROM A TRUSTEE; OR**

24 **3. PERSON WHO ACCEPTED A DEED IN LIEU OF**
25 **FORECLOSURE FROM A PERSON WHO WAS IN DEFAULT OF A LOAN SECURED BY**
26 **THE VACANT RESIDENTIAL PROPERTY.**

27 **(IV) “DEBTOR OWNER” MEANS A PERSON WHO OWNS OR HAS**
28 **OWNED RESIDENTIAL PROPERTY THAT IS SUBJECT TO SALE BY A TRUSTEE AND**
29 **HAS VACATED THE PROPERTY AT THE REQUEST OR DEMAND OF A CREDITOR**
30 **OWNER.**

31 **(V) “RESIDENTIAL PROPERTY” HAS THE MEANING STATED**
32 **IN § 7–105.1 OF THIS ARTICLE.**

1 (VI) "TRUSTEE" MEANS THE PERSON HOLDING A DEED OF
2 TRUST ON RESIDENTIAL PROPERTY.

3 (VII) "VACANT" MEANS A BUILDING NOT LEGALLY OCCUPIED.

4 (2) A COUNTY OR MUNICIPAL CORPORATION MAY ENACT A LOCAL
5 LAW THAT ESTABLISHES AN ABANDONED PROPERTY REGISTRY AND REQUIRES
6 A CREDITOR OWNER OF ABANDONED PROPERTY LOCATED WITHIN THE COUNTY
7 OR MUNICIPAL CORPORATION:

8 (I) IN ACCORDANCE WITH PARAGRAPH (3) OF THIS
9 SUBSECTION, TO REGISTER THE PROPERTY WITH THE COUNTY OR MUNICIPAL
10 CORPORATION WITHIN A SPECIFIED PERIOD OF TIME AFTER THE DEBTOR
11 OWNER HAS MOVED FROM THE PROPERTY;

12 (II) IN ACCORDANCE WITH PARAGRAPH (4) OF THIS
13 SUBSECTION, TO PAY A SPECIFIED REGISTRATION FEE TO THE COUNTY OR
14 MUNICIPAL CORPORATION FOR THE PROPERTY; AND

15 (III) IN ACCORDANCE WITH PARAGRAPH (5) OF THIS
16 SUBSECTION, TO BE RESPONSIBLE FOR THE SECURITY AND MAINTENANCE OF
17 THE PROPERTY.

18 (3) A LOCAL LAW ENACTED UNDER THIS SUBSECTION SHALL
19 REQUIRE THAT THE REGISTRATION OF AN ABANDONED PROPERTY INCLUDE:

20 (I) IDENTIFICATION OF THE PROPERTY BY STREET
21 ADDRESS AND TAX ACCOUNT NUMBER;

22 (II) THE NAME OF THE DEBTOR OWNER AND THE DATE THE
23 DEBTOR OWNER MOVED FROM THE PROPERTY;

24 (III) THE NAME OF THE CREDITOR OWNER AND THE DATE
25 THE CREDITOR OWNER OBTAINED POSSESSION OF THE PROPERTY; AND

26 (IV) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF AN
27 INDIVIDUAL AUTHORIZED TO ACT ON BEHALF OF THE CREDITOR OWNER WHO:

28 1. MAINTAINS AN OFFICE IN THE STATE; AND

29 2. IS AUTHORIZED IN WRITING TO ACCEPT NOTICES
30 OF VIOLATIONS OF THE LOCAL LAW ENACTED UNDER THIS SUBSECTION FROM
31 THE COUNTY OR MUNICIPAL CORPORATION.

1 **(4) (I) A LOCAL LAW ENACTED UNDER THIS SUBSECTION**
2 **SHALL REQUIRE THAT THE CREDITOR OWNER PAY THE COUNTY OR MUNICIPAL**
3 **CORPORATION AN ANNUAL REGISTRATION FEE FOR EACH ABANDONED**
4 **PROPERTY.**

5 **(II) THE COUNTY OR MUNICIPAL CORPORATION SHALL**
6 **DEPOSIT THE REGISTRATION FEE IN A SPECIAL FUND TO BE USED ONLY FOR**
7 **THE PURPOSE OF MAINTAINING ABANDONED PROPERTIES IN THE**
8 **JURISDICTION IN ACCORDANCE WITH LOCAL LAW.**

9 **(5) A LOCAL LAW ENACTED UNDER THIS SUBSECTION SHALL**
10 **REQUIRE THAT THE CREDITOR OWNER:**

11 **(I) MAINTAIN THE REGISTERED ABANDONED PROPERTY**
12 **AND KEEP THE PROPERTY FREE FROM DEAD VEGETATION AND THE**
13 **ACCUMULATION OF DISCARDED ITEMS THAT GIVE THE APPEARANCE OF THE**
14 **PROPERTY BEING NOT OCCUPIED AND NOT MEETING NEIGHBORHOOD**
15 **STANDARDS; AND**

16 **(II) SECURE THE REGISTERED ABANDONED PROPERTY SO**
17 **THE PROPERTY IS NOT ACCESSIBLE TO UNAUTHORIZED INDIVIDUALS.**

18 **(6) (I) A LOCAL LAW ENACTED UNDER THIS SUBSECTION**
19 **SHALL REQUIRE THE CREDITOR OWNER WHO SELLS OR TRANSFERS TITLE TO**
20 **ABANDONED PROPERTY TO A PERSON WHO INTENDS TO OCCUPY THE PROPERTY**
21 **OR WHO OBTAINS A RENTAL LICENSE AND INTENDS TO RENT THE PROPERTY, TO**
22 **NOTIFY AND PROVIDE DOCUMENTATION TO THE COUNTY OR MUNICIPAL**
23 **CORPORATION THAT THE PROPERTY HAS BEEN TRANSFERRED.**

24 **(II) ON RECEIPT OF THE NOTICE AND DOCUMENTATION**
25 **UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COUNTY OR MUNICIPAL**
26 **CORPORATION SHALL DELETE THE PROPERTY FROM THE REGISTRY.**

27 **(7) A LOCAL LAW ENACTED UNDER THIS SUBSECTION SHALL**
28 **REQUIRE THAT:**

29 **(I) THE FAILURE TO MAINTAIN AND SECURE THE**
30 **PROPERTY AS PROVIDED IN THE LOCAL LAW IS A MISDEMEANOR AND SUBJECT**
31 **TO A FINE; AND**

32 **(II) THE FAILURE TO REGISTER AN ABANDONED PROPERTY**
33 **AS PROVIDED IN THE LOCAL LAW SUBJECTS THE CREDITOR OWNER TO A CIVIL**
34 **PENALTY.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2010.