

# SENATE BILL 28

N1

3lr0384

(PRE-FILED)

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By: **Senator Young**

Requested: August 23, 2012

Introduced and read first time: January 9, 2013

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Blighted Property – Nuisance Abatement**

3 FOR the purpose of requiring the owner of a blighted property, on notification from  
4 the appropriate unit of local government, to remediate the property's code  
5 violations in a certain manner and within a certain period of time; authorizing  
6 the appropriate unit of local government to grant an extension of certain  
7 required time periods; prohibiting an owner of a blighted property from offering  
8 the property for lease until the property meets certain code requirements;  
9 authorizing the appropriate unit of a certain local government to declare a  
10 blighted property a nuisance and order the owner to abate the nuisance;  
11 requiring the appropriate unit of local government to grant a certain extension  
12 if, within a certain period of time, the owner lists the property for sale with a  
13 licensed real estate broker at a price that does not exceed a certain amount;  
14 requiring the owner to provide certain notice to potential buyers; authorizing  
15 the appropriate unit of local government to grant a certain additional extension;  
16 authorizing a local government to impose a fine equal to a certain amount under  
17 certain circumstances; requiring the new owner to remediate the property's code  
18 violations in a certain manner and within a certain period of time under certain  
19 circumstances; defining a certain term; and generally relating to nuisance  
20 abatement of blighted properties.

21 BY adding to

22 Article – Real Property

23 Section 14-120.1

24 Annotated Code of Maryland

25 (2010 Replacement Volume and 2012 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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**Article – Real Property**2 **14-120.1.**

3 **(A) IN THIS SECTION, “BLIGHTED PROPERTY” MEANS A PROPERTY**  
4 **THAT:**

5 **(1) HAS BEEN VACANT OR BOARDED FOR AT LEAST 1 YEAR;**

6 **(2) HAS BEEN THE SUBJECT OF NUISANCE COMPLAINTS; AND**

7 **(3) DOES NOT MEET THE REQUIREMENTS OF THE APPLICABLE**  
8 **LOCAL HOUSING CODE OR THE MINIMUM LIVABILITY CODE.**

9 **(B) (1) ON NOTIFICATION FROM THE APPROPRIATE UNIT OF LOCAL**  
10 **GOVERNMENT, THE OWNER OF A BLIGHTED PROPERTY SHALL REMEDIATE THE**  
11 **PROPERTY’S CODE VIOLATIONS BY:**

12 **(I) SUBMITTING A REMEDIATION PLAN FOR APPROVAL BY**  
13 **THE APPROPRIATE UNIT OF LOCAL GOVERNMENT ON A FORM PROVIDED BY THE**  
14 **APPROPRIATE UNIT;**

15 **(II) BEGINNING THE REMEDIATION WITHIN 30 DAYS AFTER**  
16 **THE PLAN IS APPROVED; AND**

17 **(III) COMPLETING THE REMEDIATION WITHIN 90 DAYS**  
18 **AFTER THE REMEDIATION HAS BEGUN.**

19 **(2) THE APPROPRIATE UNIT OF LOCAL GOVERNMENT MAY GRANT**  
20 **AN EXTENSION OF THE TIME PERIODS REQUIRED FOR REMEDIATION UNDER**  
21 **PARAGRAPH (1)(II) OF THIS SUBSECTION.**

22 **(3) AN OWNER OF A BLIGHTED PROPERTY MAY NOT OFFER THE**  
23 **PROPERTY FOR LEASE UNTIL THE PROPERTY MEETS THE REQUIREMENTS OF**  
24 **THE APPLICABLE LOCAL HOUSING CODE OR THE MINIMUM LIVABILITY CODE.**

25 **(C) (1) IF AN OWNER OF A BLIGHTED PROPERTY VIOLATES**  
26 **SUBSECTION (B) OF THIS SECTION, THE APPROPRIATE UNIT OF LOCAL**  
27 **GOVERNMENT IN THE JURISDICTION IN WHICH THE BLIGHTED PROPERTY IS**  
28 **LOCATED MAY DECLARE THE PROPERTY A NUISANCE AND ORDER THE OWNER**  
29 **PROMPTLY TO ABATE THE NUISANCE.**

1           **(2) (I) THE APPROPRIATE UNIT OF LOCAL GOVERNMENT**  
2 **SHALL GRANT THE OWNER OF A BLIGHTED PROPERTY A 6-MONTH EXTENSION**  
3 **FOR COMPLIANCE WITH AN ORDER ISSUED UNDER PARAGRAPH (1) OF THIS**  
4 **SUBSECTION IF, WITHIN 30 DAYS AFTER RECEIVING THE ORDER ISSUED UNDER**  
5 **PARAGRAPH (1) OF THIS SUBSECTION, THE OWNER LISTS THE PROPERTY FOR**  
6 **SALE:**

7                   **1. WITH A REAL ESTATE BROKER LICENSED UNDER**  
8 **TITLE 17 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; AND**

9                   **2. AT A LISTING PRICE THAT DOES NOT EXCEED THE**  
10 **HIGHER OF THE VALUE OF THE PROPERTY AS ASSESSED FOR THE PURPOSES OF**  
11 **APPLYING PROPERTY TAX OR AS ASSESSED WITHIN THE PAST YEAR BY A REAL**  
12 **ESTATE APPRAISER LICENSED UNDER TITLE 16 OF THE BUSINESS**  
13 **OCCUPATIONS AND PROFESSIONS ARTICLE.**

14                   **(II) IN ADDITION TO AN EXTENSION GRANTED UNDER**  
15 **SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE APPROPRIATE UNIT OF LOCAL**  
16 **GOVERNMENT MAY APPROVE AN ADDITIONAL REASONABLE EXTENSION FOR**  
17 **THE OWNER TO CONCLUDE SETTLEMENT OF THE SALE OF THE BLIGHTED**  
18 **PROPERTY.**

19                   **(III) IF AN OWNER OF BLIGHTED PROPERTY LISTS THE**  
20 **PROPERTY FOR SALE, THE OWNER SHALL PROVIDE WRITTEN NOTICE TO**  
21 **POTENTIAL BUYERS THAT THE PROPERTY HAS BEEN DECLARED A NUISANCE**  
22 **AND THE OWNER HAS BEEN ORDERED TO ABATE THE NUISANCE.**

23                   **(3) UNLESS THE PROPERTY IS SOLD IN ACCORDANCE WITH**  
24 **PARAGRAPH (2) OF THIS SECTION, IF THE OWNER OF A BLIGHTED PROPERTY**  
25 **FAILS TO COMPLY WITH AN ORDER ISSUED UNDER THIS SECTION BY A LOCAL**  
26 **GOVERNMENT TO ABATE A NUISANCE, THE LOCAL GOVERNMENT MAY IMPOSE A**  
27 **FINE ON THE OWNER EQUAL TO THREE TIMES THE AMOUNT OF THE LOCAL**  
28 **PROPERTY TAX IMPOSED ON THE PROPERTY.**

29                   **(4) IF THE PROPERTY IS SOLD UNDER PARAGRAPH (2) OF THIS**  
30 **SUBSECTION, THE NEW OWNER, ON SETTLEMENT, SHALL REMEDIATE THE**  
31 **PROPERTY'S CODE VIOLATIONS IN THE MANNER REQUIRED UNDER SUBSECTION**  
32 **(B)(1) OF THIS SECTION.**

33           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 October 1, 2013.