

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 28

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first “of” insert “authorizing a local government to use a certain process to remediate blighted property;”; in lines 4 and 5 and in lines 17 and 18, in each instance, strike “code violations” and substitute “blighted condition”; in line 5, after “time;” insert “requiring the appropriate unit of local government to send a certain notice to certain lienholders;”; strike beginning with “prohibiting” in line 7 down through “requirements;” in line 8; in line 10, after “nuisance” insert “under certain circumstances”; strike beginning with “with” in line 12 down through “amount” in line 13; in line 17, after “circumstances;” insert “authorizing a local government to record a notice of a fine in the land records; providing for the establishment of a certain lien;”; in line 19, strike “a”; and in the same line, strike “term;” and substitute “terms; providing for the construction of this Act;”.

AMENDMENT NO. 2

On page 2, in line 3, after “(A)” insert “(1)”; in the same line, strike beginning with the comma through “MEANS” and substitute “THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.”

(2) (1) “BLIGHTED PROPERTY” MEANS;

in lines 5, 6, and 7, strike “(1)”, “(2)”, and “(3)”, respectively, and substitute “1.”, “2.”, and “3.”, respectively; in line 5, strike “HAS” and substitute “EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, HAS”; in line 6, strike “AND”; in line 8, strike “OR THE MINIMUM LIVABILITY CODE” and substitute “; AND”

(Over)

4. A. HAS EXTERNAL STRUCTURAL FAILINGS, INCLUDING COLLAPSING OR MISSING WALLS, ROOF, FLOORS, OR FOUNDATION; OR

B. POSES A HEALTH OR SAFETY HAZARD, AS DETERMINED BY THE APPROPRIATE CODE ENFORCEMENT, BUILDING, OR HEALTH INSPECTOR.

(II) “BLIGHTED PROPERTY” DOES NOT INCLUDE A VACANT OR BOARDED PROPERTY THAT WAS DAMAGED BY FIRE OR FLOODING WITHIN 2 YEARS BEFORE THE APPROPRIATE UNIT OF LOCAL GOVERNMENT ISSUES A NOTICE UNDER SUBSECTION (C) OF THIS SECTION, IF THE OWNER PROVIDES EVIDENCE THAT THE OWNER PROMPTLY FILED AN INSURANCE CLAIM AND THE OWNER’S INSURER HAS NOT PAID THE CLAIM.

(3) “LIENHOLDER” MEANS A PERSON WHO HAS A LIEN ON OR A SECURED INTEREST IN BLIGHTED PROPERTY.

(4) “OWNER” MEANS:

(I) A PERSON HOLDING RECORD TITLE TO BLIGHTED PROPERTY;

(II) A SUCCESSFUL BIDDER AT A FORECLOSURE SALE OF BLIGHTED PROPERTY, ON RATIFICATION OF THE SALE AND EXHAUSTION OF ALL RIGHTS TO APPEAL THE RATIFICATION OR OTHERWISE TO DELAY TRANSFER OF TITLE; OR

(III) A PERSON WHO HAS A LEGAL RIGHT UNDER A COURT ORDER, INCLUDING A COURT ORDER EXTINGUISHING A RIGHT OF REDEMPTION, TO POSSESSION OF PROPERTY THAT IS OR BECOMES BLIGHTED PROPERTY”.

AMENDMENT NO. 3

On page 2, in line 9, after “(B)” insert “(1) A LOCAL GOVERNMENT MAY USE THE PROCESS DESCRIBED IN THIS SECTION TO REMEDIATE BLIGHTED PROPERTY.”

(2) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT OR SUPERSEDE ANY OTHER POWER OF A LOCAL GOVERNMENT TO REMEDIATE BLIGHTED PROPERTY.

(C)”;

in line 25, strike “(C)” and substitute “(D)”; and in line 26, strike “(B)” and substitute “(C)”.

AMENDMENT NO. 4

On page 2, in line 11, strike “CODE VIOLATIONS” and substitute “BLIGHTED CONDITION”; in line 15, strike “30” and substitute “90”; in line 17, strike “90” and substitute “120”; and strike in their entirety lines 22 through 24, inclusive, and substitute:

“(3) (I) AT THE SAME TIME THE NOTIFICATION TO THE OWNER OF A BLIGHTED PROPERTY IS SENT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE UNIT OF LOCAL GOVERNMENT SHALL SEND WRITTEN NOTICE TO ALL LIENHOLDERS OF RECORD OR OTHERWISE KNOWN TO THE UNIT OF LOCAL GOVERNMENT.”

(II) THE WRITTEN NOTICE TO LIENHOLDERS SHALL INCLUDE A COPY OF THE NOTIFICATION SENT TO THE OWNER AND SHALL DESCRIBE THE REQUIREMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION.

AMENDMENT NO. 5

On page 3, strike beginning with the colon in line 6 down through “ARTICLE” in line 13; and in line 17, after “TO” insert “SELL OR”.

AMENDMENT NO. 6

On page 3, in line 21, strike “THE” and substitute “:

1. THE;

in the same line, after “NUISANCE” insert a semicolon; in line 22, strike “AND THE” and substitute:

“2. THE;

and in the same line, after “NUISANCE” insert “;AND”

3. THE PROPERTY IS BEING SOLD “AS IS”.

AMENDMENT NO. 7

On page 3, in line 23, after “(3)” insert “(I)”; in line 24, strike “SECTION” and substitute “SUBSECTION”; after line 28, insert:

“(II) 1. THE LOCAL GOVERNMENT MAY RECORD A NOTICE OF THE FINE AMONG THE LAND RECORDS OF THE COUNTY WHERE THE PROPERTY IS LOCATED, INDEXED IN THE NAME OF THE RECORD OWNER AS GRANTOR.

2. ON RECORDATION OF THE NOTICE, THE FINE SHALL CONSTITUTE A LIEN ON THE PROPERTY EFFECTIVE AS OF THE DATE OF RECORDATION.;

in line 30, strike “, ON SETTLEMENT,”; in line 31, strike “CODE VIOLATIONS IN THE MANNER REQUIRED UNDER” and substitute “BLIGHTED CONDITION IN ACCORDANCE WITH”; and in line 32, strike “(B)(1)” and substitute “(C)(1)”.