

# SENATE BILL 947

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SB 28/13 – JPR

4lr2848

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By: **Senators Young and Shank**  
Introduced and read first time: February 6, 2014  
Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of authorizing a local government to use a certain process to  
4 remediate blighted property; requiring the owner of a blighted property, on  
5 notification from the appropriate unit of local government, to remediate the  
6 property's blighted condition in a certain manner and within a certain period of  
7 time; requiring the appropriate unit of local government to send a certain notice  
8 to certain lienholders; authorizing the appropriate unit of local government to  
9 grant an extension of certain required time periods; authorizing the appropriate  
10 unit of a certain local government to declare a blighted property a nuisance  
11 under certain circumstances and order the owner to abate the nuisance;  
12 requiring the appropriate unit of local government to grant a certain extension  
13 if, within a certain period of time, the owner lists the property for sale;  
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; authorizing a local government to record a notice of a  
18 fine in the land records; providing for the establishment of a certain lien;  
19 requiring the new owner to remediate the property's blighted condition in a  
20 certain manner and within a certain period of time under certain circumstances;  
21 defining certain terms; providing for the construction of this Act; and generally  
22 relating to nuisance abatement of blighted properties.

23 BY adding to  
24 Article – Real Property  
25 Section 14–120.1  
26 Annotated Code of Maryland  
27 (2010 Replacement Volume and 2013 Supplement)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
29 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.



## Article – Real Property

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**14-120.1.**

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) (I) “BLIGHTED PROPERTY” MEANS A PROPERTY THAT:**

**1. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, HAS BEEN VACANT OR BOARDED FOR AT LEAST 1 YEAR;**

**2. HAS BEEN THE SUBJECT OF NUISANCE COMPLAINTS;**

**3. DOES NOT MEET THE REQUIREMENTS OF THE APPLICABLE LOCAL HOUSING CODE; AND**

**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**

1 RIGHTS TO APPEAL THE RATIFICATION OR OTHERWISE TO DELAY TRANSFER OF  
2 TITLE; OR

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

6 (B) (1) A LOCAL GOVERNMENT MAY USE THE PROCESS DESCRIBED IN  
7 THIS SECTION TO REMEDIATE BLIGHTED PROPERTY.

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

11 (C) (1) ON NOTIFICATION FROM THE APPROPRIATE UNIT OF LOCAL  
12 GOVERNMENT, THE OWNER OF A BLIGHTED PROPERTY SHALL REMEDIATE THE  
13 PROPERTY'S BLIGHTED CONDITION BY:

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

17 (II) BEGINNING THE REMEDIATION WITHIN 90 DAYS AFTER  
18 THE PLAN IS APPROVED; AND

19 (III) COMPLETING THE REMEDIATION WITHIN 120 DAYS  
20 AFTER THE REMEDIATION HAS BEGUN.

21 (2) THE APPROPRIATE UNIT OF LOCAL GOVERNMENT MAY GRANT  
22 AN EXTENSION OF THE TIME PERIOD REQUIRED FOR REMEDIATION UNDER  
23 PARAGRAPH (1)(II) OF THIS SUBSECTION.

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

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

32 (D) (1) IF AN OWNER OF A BLIGHTED PROPERTY VIOLATES  
33 SUBSECTION (C) OF THIS SECTION, THE APPROPRIATE UNIT OF LOCAL

1 GOVERNMENT IN THE JURISDICTION IN WHICH THE BLIGHTED PROPERTY IS  
2 LOCATED MAY DECLARE THE PROPERTY A NUISANCE AND ORDER THE OWNER  
3 PROMPTLY TO ABATE THE NUISANCE.

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

10 (II) IN ADDITION TO AN EXTENSION GRANTED UNDER  
11 SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE APPROPRIATE UNIT OF LOCAL  
12 GOVERNMENT MAY APPROVE AN ADDITIONAL REASONABLE EXTENSION FOR  
13 THE OWNER TO SELL OR CONCLUDE SETTLEMENT OF THE SALE OF THE  
14 BLIGHTED PROPERTY.

15 (III) IF AN OWNER OF BLIGHTED PROPERTY LISTS THE  
16 PROPERTY FOR SALE, THE OWNER SHALL PROVIDE WRITTEN NOTICE TO  
17 POTENTIAL BUYERS THAT:

18 1. THE PROPERTY HAS BEEN DECLARED A  
19 NUISANCE;

20 2. THE OWNER HAS BEEN ORDERED TO ABATE THE  
21 NUISANCE; AND

22 3. THE PROPERTY IS BEING SOLD "AS IS".

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

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

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

1                   **(4) IF THE PROPERTY IS SOLD UNDER PARAGRAPH (2) OF THIS**  
2 **SUBSECTION, THE NEW OWNER SHALL REMEDIATE THE PROPERTY'S BLIGHTED**  
3 **CONDITION IN ACCORDANCE WITH SUBSECTION (C)(1) OF THIS SECTION.**

4                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2014.