HOUSE BILL 524

N1 6lr1856

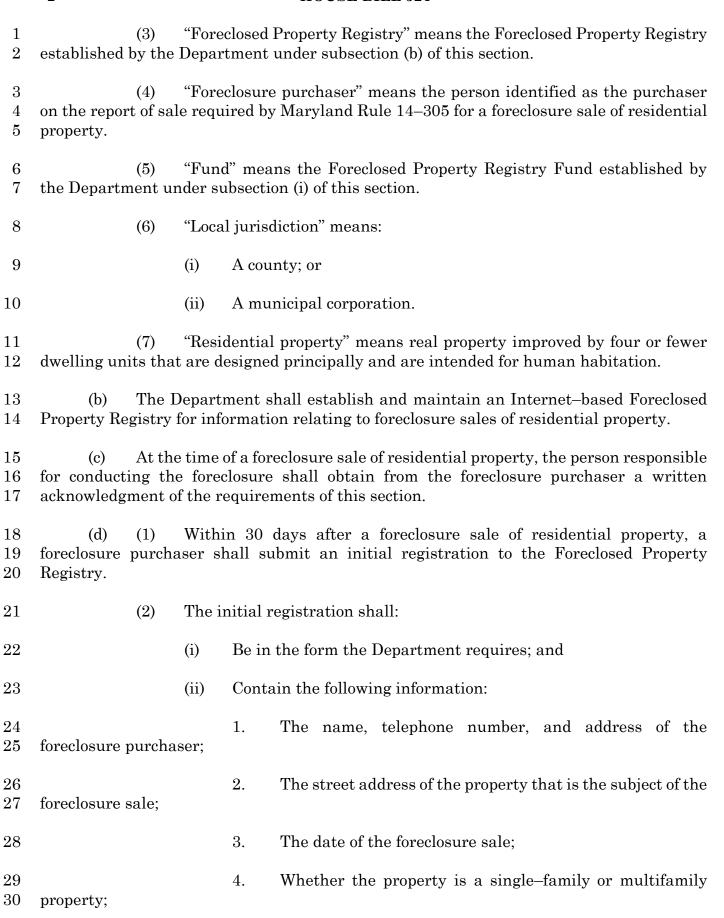
By: Delegates Cluster and Parrott

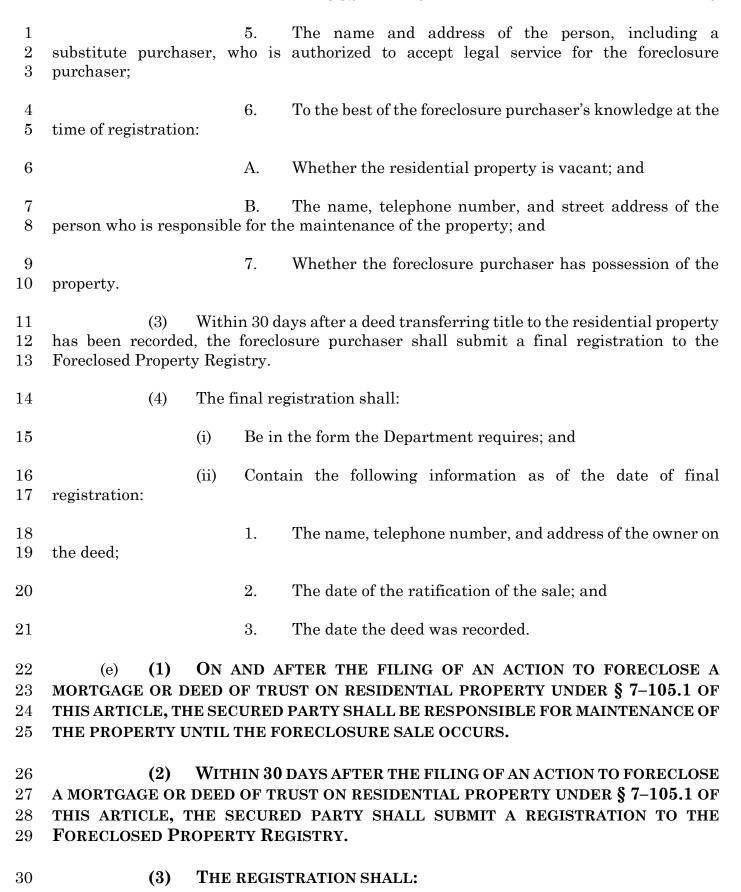
Introduced and read first time: February 1, 2016 Assigned to: Environment and Transportation

A BILL ENTITLED

1	AN ACT concerning
2 3	Foreclosure – Responsibility for Maintenance of Residential Property and Registration Requirement
4 5 6 7 8 9 10 11 12	FOR the purpose of establishing that, on and after the filing of an action to foreclose a mortgage or deed of trust on residential property, the secured party shall be responsible for maintenance of the property until the foreclosure sale occurs; requiring the secured party to submit a registration to the Foreclosed Property Registry within a certain period of time after the filing of an action to foreclose a mortgage or deed of trust on residential property; requiring the registration to be in a certain form and contain certain information; establishing certain fees; making a certain conforming change; providing for the application of this Act; and generally relating to foreclosure of residential property.
13 14 15 16 17	BY repealing and reenacting, with amendments, Article – Real Property Section 14–126.1 Annotated Code of Maryland (2015 Replacement Volume)
18 19	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
20	Article - Real Property
21	14–126.1.
22	(a) (1) In this section the following words have the meanings indicated.
$\begin{array}{c} 23 \\ 24 \end{array}$	(2) "Department" means the Department of Labor, Licensing, and Regulation.







BE IN THE FORM THE DEPARTMENT REQUIRES; AND

(I)

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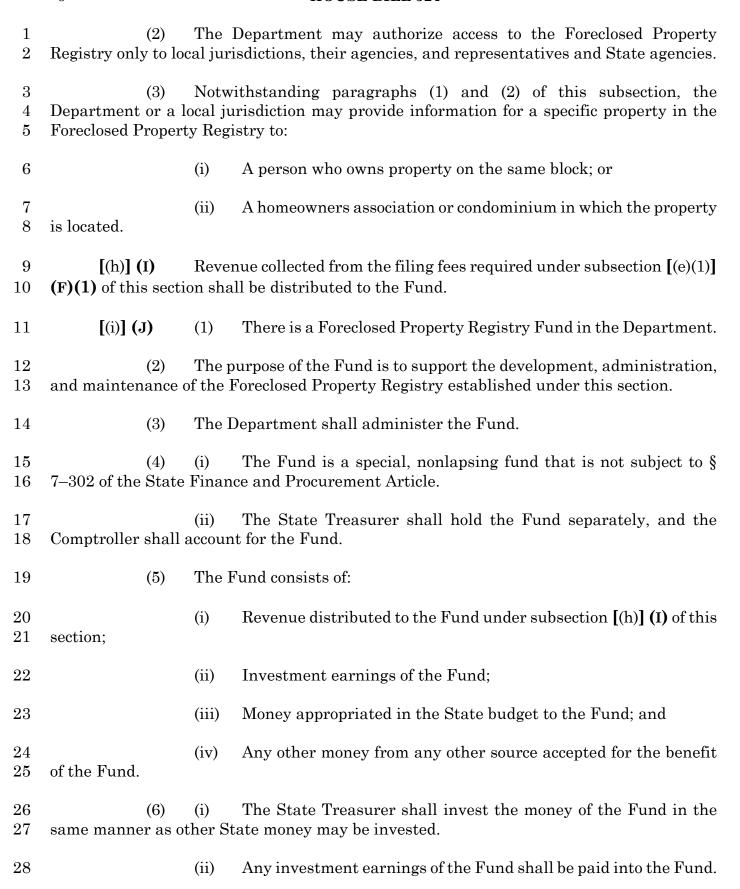
1	(II) CONTAIN THE FOLLOWING INFORMATION:
2 3	1. The name, telephone number, and address of the secured party;
4 5	2. THE STREET ADDRESS OF THE PROPERTY THAT IS THE SUBJECT OF THE FORECLOSURE ACTION;
6	3. THE DATE THE FORECLOSURE ACTION WAS FILED;
7 8	4. Whether the property is a single-family or multifamily property;
9 10	5. THE NAME AND ADDRESS OF THE PERSON WHO IS AUTHORIZED TO ACCEPT LEGAL SERVICE FOR THE SECURED PARTY;
11 12	6. TO THE BEST OF THE SECURED PARTY'S KNOWLEDGE AT THE TIME OF REGISTRATION:
13 14	A. WHETHER THE RESIDENTIAL PROPERTY IS VACANT;
15 16 17	B. THE NAME, TELEPHONE NUMBER, AND STREET ADDRESS OF THE PERSON WHO IS RESPONSIBLE FOR THE MAINTENANCE OF THE PROPERTY; AND
18 19	7. WHETHER THE SECURED PARTY HAS POSSESSION OF THE PROPERTY.
20	(F) (1) The filing fees for registering a residential property are:
21 22	(i) \$50 for an initial registration filed within the time period required under subsection (d)(1) of this section; [and]
23 24	(ii) \$100 for an initial registration filed after the time period required under subsection (d)(1) of this section;
25 26	(III) \$50 FOR A REGISTRATION FILED WITHIN THE TIME PERIOD REQUIRED UNDER SUBSECTION (E)(2) OF THIS SECTION; AND
27 28	(IV) \$100 FOR A REGISTRATION FILED AFTER THE TIME PERIOD REQUIRED UNDER SUBSECTION (E)(2) OF THIS SECTION.

There is no fee for a final registration. 1 (2) 2 A filing fee paid under paragraph (1) of this subsection is (3)3 nonrefundable. A local jurisdiction may enact a local law that imposes a civil penalty 4 **(4)** 5 for failure to register under this section in an amount not exceeding \$1,000. 6 [(f)] (G) Subject to paragraph (2) of this subsection, a local jurisdiction (1) 7 that, in accordance with any applicable building code or local ordinance, abates a nuisance 8 on a residential property registered under this section or takes action to maintain a 9 residential property registered under this section may collect the cost associated with the 10 abatement or other action as a charge included on the residential property's property tax 11 12 (2)(i) The cost associated with an abatement or other action taken 13 under paragraph (1) of this subsection may not be included as a charge on the residential 14 property's property tax bill unless the local jurisdiction provides advance written notice in 15 accordance with subparagraph (ii) of this paragraph to: 16 1. The person identified in the registry who is authorized to 17 accept legal service for the SECURED PARTY OR foreclosure purchaser; and 18 2.The person identified in the registry who is responsible for 19 the maintenance of the property. 20 (ii) The notice described in subparagraph (i) of this paragraph shall: 21Describe the intended abatement or other action the local 22jurisdiction intends to take; and 232.Be provided: 24A. In accordance with the notice provisions of the applicable 25 building code or local ordinance; or 26 If the applicable building code or local ordinance does not В. 27 provide for notice, at least 30 days before the local jurisdiction abates the nuisance or takes 28 action to maintain the property. [(g)] **(H)** 29 (1) The Foreclosed Property Registry: 30 (i) Is not a public record as defined by § 4-101 of the General 31 Provisions Article; and

Is not subject to Title 4 of the General Provisions Article.

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(ii)



[(j)] (K) (1) Except as provided in paragraph (2) of this subsection, only the State may enact a law requiring a notice to be filed with a unit of government to register residential properties that are subject to foreclosure.

- (2) This subsection does not restrict or otherwise affect the ability of a unit of government to require a registration or notice to be filed for a purpose other than one relating to foreclosure, even if a property to be identified in the registration or notice is subject to foreclosure.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any foreclosure action filed before the effective date of this Act.
- SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.