

HOUSE BILL 1146

N1

6lr0832

By: **Montgomery County Delegation**

Introduced and read first time: February 11, 2016

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Foreclosed Property Registry – Civil Penalty for Failure**
3 **to Register**

4 **MC 33–16**

5 FOR the purpose of increasing the maximum civil penalty that a local jurisdiction in
6 Montgomery County may enact by local law for failure to submit a certain required
7 registration to the Foreclosed Property Registry; and generally relating to the
8 Foreclosed Property Registry.

9 BY repealing and reenacting, without amendments,
10 Article – Real Property
11 Section 14–126.1(a) through (d)
12 Annotated Code of Maryland
13 (2015 Replacement Volume)

14 BY repealing and reenacting, with amendments,
15 Article – Real Property
16 Section 14–126.1(e)
17 Annotated Code of Maryland
18 (2015 Replacement Volume)

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

21 **Article – Real Property**

22 14–126.1.

23 (a) (1) In this section the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) "Department" means the Department of Labor, Licensing, and
2 Regulation.

3 (3) "Foreclosed Property Registry" means the Foreclosed Property Registry
4 established by the Department under subsection (b) of this section.

5 (4) "Foreclosure purchaser" means the person identified as the purchaser
6 on the report of sale required by Maryland Rule 14-305 for a foreclosure sale of residential
7 property.

8 (5) "Fund" means the Foreclosed Property Registry Fund established by
9 the Department under subsection (i) of this section.

10 (6) "Local jurisdiction" means:

11 (i) A county; or

12 (ii) A municipal corporation.

13 (7) "Residential property" means real property improved by four or fewer
14 dwelling units that are designed principally and are intended for human habitation.

15 (b) The Department shall establish and maintain an Internet-based Foreclosed
16 Property Registry for information relating to foreclosure sales of residential property.

17 (c) At the time of a foreclosure sale of residential property, the person responsible
18 for conducting the foreclosure shall obtain from the foreclosure purchaser a written
19 acknowledgment of the requirements of this section.

20 (d) (1) Within 30 days after a foreclosure sale of residential property, a
21 foreclosure purchaser shall submit an initial registration to the Foreclosed Property
22 Registry.

23 (2) The initial registration shall:

24 (i) Be in the form the Department requires; and

25 (ii) Contain the following information:

26 1. The name, telephone number, and address of the
27 foreclosure purchaser;

28 2. The street address of the property that is the subject of the
29 foreclosure sale;

30 3. The date of the foreclosure sale;

1 4. Whether the property is a single-family or multifamily
2 property;

3 5. The name and address of the person, including a
4 substitute purchaser, who is authorized to accept legal service for the foreclosure
5 purchaser;

6 6. To the best of the foreclosure purchaser's knowledge at the
7 time of registration:

8 A. Whether the residential property is vacant; and

9 B. The name, telephone number, and street address of the
10 person who is responsible for the maintenance of the property; and

11 7. Whether the foreclosure purchaser has possession of the
12 property.

13 (3) Within 30 days after a deed transferring title to the residential property
14 has been recorded, the foreclosure purchaser shall submit a final registration to the
15 Foreclosed Property Registry.

16 (4) The final registration shall:

17 (i) Be in the form the Department requires; and

18 (ii) Contain the following information as of the date of final
19 registration:

20 1. The name, telephone number, and address of the owner on
21 the deed;

22 2. The date of the ratification of the sale; and

23 3. The date the deed was recorded.

24 (e) (1) The filing fees for registering a residential property are:

25 (i) \$50 for an initial registration filed within the time period
26 required under subsection (d)(1) of this section; and

27 (ii) \$100 for an initial registration filed after the time period
28 required under subsection (d)(1) of this section.

29 (2) There is no fee for a final registration.

1 (3) A filing fee paid under paragraph (1) of this subsection is
2 nonrefundable.

3 (4) (I) [A] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
4 **PARAGRAPH, A** local jurisdiction may enact a local law that imposes a civil penalty for
5 failure to register under this section in an amount not exceeding \$1,000.

6 (II) **IN MONTGOMERY COUNTY, A LOCAL JURISDICTION MAY**
7 **ENACT A LOCAL LAW THAT IMPOSES A CIVIL PENALTY FOR FAILURE TO REGISTER**
8 **UNDER THIS SECTION IN AN AMOUNT NOT EXCEEDING \$5,000.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2016.