

HOUSE BILL 220

N1, L2
HB 712/16 – ENV

71r0888

By: ~~Delegates Crammer, Aumann, Cluster, Impallaria, McDonough, Metzgar, Miele, Morhaim, Stein, Szeliga, West, and P. Young~~ Baltimore County Delegation

Introduced and read first time: January 20, 2017
Assigned to: Environment and Transportation

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 15, 2017

CHAPTER _____

1 AN ACT concerning

2 **Foreclosures – Baltimore County – Certificate of Vacancy or Certificate of**
3 **Property Unfit for Human Habitation**

4 FOR the purpose of requiring Baltimore County to issue a certificate of vacancy or a
5 certificate of property unfit for human habitation under certain circumstances;
6 requiring a certificate of vacancy or a certificate of property unfit for human
7 habitation to be issued or denied in Baltimore County within a certain period of time;
8 providing for a delayed effective date; and generally relating to the issuance of a
9 certificate of vacancy or a certificate of property unfit for human habitation in
10 Baltimore County.

11 BY repealing and reenacting, with amendments,
12 Article – Real Property
13 Section 7–105.11
14 Annotated Code of Maryland
15 (2015 Replacement Volume and 2016 Supplement)

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

18 **Article – Real Property**

19 7–105.11.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

2 (2) “Certificate of property unfit for human habitation” means:

3 (i) In Baltimore City, a certificate of substantial repair; or

4 (ii) A certificate for residential property issued by a unit of a county
5 or municipal corporation indicating that the county or municipal corporation has
6 determined that the residential property is unfit for human habitation.

7 (3) “Certificate of vacancy” means a certificate for a residential property
8 issued by a unit of a county or municipal corporation indicating that the residential
9 property is vacant.

10 (b) This section applies [only to a] TO:

11 (1) **BALTIMORE COUNTY; AND**

12 (2) **ANY** county or municipal corporation that issues a certificate of vacancy
13 or a certificate of property unfit for human habitation.

14 (c) If a mortgage or deed of trust on residential property is in default, a person
15 with a secured interest in the residential property may request that a county or municipal
16 corporation issue a certificate of vacancy or a certificate of property unfit for human
17 habitation.

18 (d) (1) The county or municipal corporation shall issue to a secured party a
19 certificate of vacancy for a residential property if the county or municipal corporation
20 determines that the residential property is vacant.

21 (2) The county or municipal corporation shall issue to a secured party a
22 certificate of property unfit for human habitation for a residential property if the county or
23 municipal corporation determines in accordance with requirements of local, county, or
24 State housing codes, that the residential property is unfit for human habitation.

25 (3) A certificate of vacancy or certificate of property unfit for human
26 habitation issued under this subsection is valid for 60 days after the date the certificate is
27 issued.

28 (4) A county or municipal corporation may charge a fee not exceeding \$100
29 to a secured party to issue a certificate of vacancy or a certificate of property unfit for
30 human habitation.

1 **(5) IN BALTIMORE COUNTY, A CERTIFICATE OF VACANCY OR A**
2 **CERTIFICATE OF PROPERTY UNFIT FOR HUMAN HABITATION SHALL BE ISSUED OR**
3 **DENIED WITHIN 14 DAYS AFTER THE DATE OF THE REQUEST FOR THE CERTIFICATE.**

4 (e) Except as provided in subsection (f) of this section, if a certificate of vacancy
5 or certificate of property unfit for human habitation is valid at the time of filing an order to
6 docket or complaint to foreclose, § 7–105.1 of this subtitle does not apply to an action to
7 foreclose a mortgage or deed of trust on the property for which the certificate was issued.

8 (f) (1) The record owner or occupant of a property may challenge the
9 certificate of vacancy or certificate of property unfit for human habitation under this section
10 by notifying the circuit court of the challenge.

11 (2) A secured party filing an order to docket or complaint to foreclose based
12 on a certificate of vacancy or a certificate of property unfit for human habitation under this
13 section shall serve the foreclosure documents in accordance with § 7–105.1(h)(1) of this
14 subtitle along with a description of the procedure to challenge the certificate and the form
15 to be used to make the challenge.

16 (3) If a challenge under paragraph (1) of this subsection is upheld, the
17 secured party shall comply with the requirements of § 7–105.1 of this subtitle.

18 (g) A county or municipal corporation may establish procedures governing the
19 issuance of a certificate of vacancy or certificate of property unfit for human habitation
20 under this section.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 January 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.