

# SENATE BILL 1108

N1, L2

7lr3596

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By: **Senator Eckardt**

Introduced and read first time: February 20, 2017

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of requiring Dorchester 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 Dorchester County within a certain period of  
8 time; providing for a delayed effective date; and generally relating to the issuance of  
9 a certificate of vacancy or a certificate of property unfit for human habitation in  
10 Dorchester 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.

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

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 (3) "Certificate of vacancy" means a certificate for a residential property  
5 issued by a unit of a county or municipal corporation indicating that the residential  
6 property is vacant.

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

8 **(1) DORCHESTER COUNTY; AND**

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

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

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

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

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

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

28 **(5) IN DORCHESTER COUNTY, A CERTIFICATE OF VACANCY OR A**  
29 **CERTIFICATE OF PROPERTY UNFIT FOR HUMAN HABITATION SHALL BE ISSUED OR**  
30 **DENIED WITHIN 14 DAYS AFTER THE DATE OF THE REQUEST FOR THE CERTIFICATE.**

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

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

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

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

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

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