

BRIAN E. FROSH
Attorney General

ELIZABETH F. HARRIS
Chief Deputy Attorney General

CAROLYN QUATTROCKI
Deputy Attorney General



WILLIAM D. GRUHN
Chief
Consumer Protection Division

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION

Writer's Direct Dial No.
410-576-6986

March 12, 2020

To: The Honorable Kumar P. Barve
Chair, Environment and Transportation Committee

From: Kira Wilpone-Welborn
Staff Attorney

Re: House Bill 990 – Baltimore County - Foreclosure Proceedings - Affidavit That Property Is Vacant or Unfit for Human Habitation (OPPOSE)

The Consumer Protection Division of the Office of the Attorney General opposes House Bill 0990, sponsored by Delegate Grammer, which would remove valuable and necessary protections to Maryland homeowners facing foreclosure proceedings in Baltimore County. Unlike the current law, House Bill 990 would not require that a county or municipal corporation certify that the property is vacant or unfit for human habitation. Instead, HB 990 would allow individuals with a secured interest in a property to expedite the foreclosure process by merely filing with the court an affidavit that the property at issue is vacant or uninhabitable. Moreover, the homeowner would only have thirty (30) days to dispute the accuracy of the affidavit foreclosing their access to important due process procedures.

The current law limits the ability of secured interest holders to avoid the full foreclosure procedures--including advanced notice of the intent to foreclose, and the ability to seek foreclosure mediation and relief--detailed in the Real Property Article § 7-105.1. These important due process protections ensure Maryland consumers know of their rights in the foreclosure process and allows consumers to retain ownership of their property through mediation. House Bill 990's proposal to allow secured interest holders in Baltimore County to skirt the full foreclosure notice and medication processes without seeking a certificate of vacancy or inhabitality from a county or municipal corporation would invite unfairness to the foreclosure procedure and harm Maryland consumers.

Accordingly, the Division requests that the Judicial Proceedings Committee give House Bill 990 an unfavorable report.

cc: The Honorable Robin L. Grammer, Jr.
Members, Environment and Transportation Committee

