
By: **Delegates Rosenberg, Bobo, Carter, Kirk, Marriott, McIntosh, Oaks, and Paige**

Introduced and read first time: February 5, 2003

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Condemnation - Immediate Possession and Title -**
3 **Distressed Property**

4 FOR the purpose of authorizing certain proceedings for the condemnation and
5 immediate taking of certain properties in Baltimore City; granting exclusive
6 original civil jurisdiction of a certain proceeding to the District Court in certain
7 circumstances; defining a certain term; and generally relating to proceedings for
8 condemnation and immediate taking of distressed property in Baltimore City.

9 BY repealing and reenacting, with amendments,
10 The Public Local Laws of Baltimore City
11 Section 21-17
12 Article 4 - Public Local Laws of Maryland
13 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

14 BY repealing and reenacting, with amendments,
15 Article - Courts and Judicial Proceedings
16 Section 4-401(15)
17 Annotated Code of Maryland
18 (2002 Replacement Volume)

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

21 **Article 4 - Baltimore City**

22 21-17.

23 (a) (1) In this section[,] THE FOLLOWING WORDS HAVE THE MEANINGS
24 INDICATED.

25 (2) ["abandoned] "ABANDONED property" means:

1 [(1)] (I) an unoccupied structure or vacant lot on which taxes are in
2 arrears for at least 2 years;

3 [(2)] (II) a building:

4 [(i)] 1. that is unoccupied by owner or tenant;

5 [(ii)] 2. that is unfit for habitation;

6 [(iii)] 3. that has deteriorated to the point where:

7 [1.] A. the building is structurally unsound; or

8 [2.] B. the cost of rehabilitation significantly exceeds the
9 post rehabilitation market value; and

10 [(iv)] 4. regarding which the owner has been issued a violation
11 notice from the City requiring the owner to:

12 [1.] A. rehabilitate the building to conform to minimum
13 code habitability requirements; or

14 [2.] B. demolish the building for health and safety reasons;

15 [(3)] (III) a vacant lot on which a building has been demolished; or

16 [(4)] (IV) any building in a block of row houses where the block:

17 [(i)] 1. as a whole contains 70% abandoned property as defined
18 under [paragraph (1), (2), or (3) of this subsection] SUBPARAGRAPH (I), (II), OR (III) OF
19 THIS PARAGRAPH; and

20 [(ii)] 2. is determined by the City to require a whole-block remedy,
21 provided that any tenant or owner-occupant has been offered assistance in
22 accordance with subsection (l) of this section.

23 (3) "DISTRESSED PROPERTY" MEANS A PARCEL OF REAL PROPERTY
24 THAT IS SUBJECT TO A TAX LIEN OR LIENS WITH A LIEN OR LIENS TO VALUE RATIO
25 EQUAL TO OR GREATER THAN 15%, AS DETERMINED BY THE BALTIMORE CITY
26 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, AND THAT:

27 (I) HAS AN AVERAGE OF FIVE OR MORE HAZARDOUS VIOLATIONS
28 OF THE HOUSING CODE OF BALTIMORE CITY PER DWELLING UNIT; OR

29 (II) IS SUBJECT TO A LIEN OR LIENS IN AN AMOUNT GREATER
30 THAN \$1000 FOR WORK DONE BY THE BALTIMORE CITY DEPARTMENT OF HOUSING
31 AND COMMUNITY DEVELOPMENT.

32 (b) The Mayor and City Council of Baltimore may file a petition in the District
33 Court, for the public purpose of alleviating nuisance and blight, that seeks:

1 (1) the condemnation of abandoned OR DISTRESSED property; and

2 (2) the immediate possession of, or the immediate possession of and title
3 to, the abandoned OR DISTRESSED property.

4 (c) When the City files a petition under this section, the City shall deposit
5 with the District Court the amount of money estimated by a licensed appraiser to be
6 the fair market value of the abandoned OR DISTRESSED property.

7 (d) (1) Service of process on an owner of abandoned OR DISTRESSED
8 property under this section shall be made in accordance with the provisions of §
9 16-16A of the Code of Public Local Laws of Baltimore City.

10 (2) If an owner has properly registered a current local agent and local
11 address for service of process under the requirements of the Baltimore City Code
12 relating to rental property registration, and service is effected by mail and posting at
13 a last known address other than that provided in the owner's rental property
14 registration form, then notice of the proceeding shall be sent by certified mail to the
15 owner at the rental property registration address.

16 (e) (1) A judgment creditor is not a required party to a proceeding initiated
17 under this section.

18 (2) A judgment creditor may join a proceeding initiated under this
19 section by filing a motion under subsection (f) of this section within 10 days of notice
20 being given as required by law.

21 (f) (1) On motion of any person with an interest in abandoned OR
22 DISTRESSED property that is the subject of a proceeding initiated under this section,
23 the issue of compensation related to the proceeding may be removed to the Circuit
24 Court of Baltimore City for trial on that issue.

25 (2) The motion for removal to the Circuit Court of Baltimore City for
26 trial on the issue of compensation shall be filed within 30 days of the date the title to
27 the abandoned OR DISTRESSED property vests with the City under § 21-16(c) of this
28 subheading.

29 (g) If the parties agree, trial on the issue of compensation may be held in the
30 District Court.

31 (h) If the value of the abandoned OR DISTRESSED property is determined to be
32 less than the sum of the public charges, City and state taxes, and other assessments
33 regarding the abandoned OR DISTRESSED property, the City is entitled to a judgment
34 against the owner of the abandoned OR DISTRESSED property for the difference.

35 (i) When a court vests title to the abandoned OR DISTRESSED property in the
36 City, at the request of the City, the court may name as titleholder a public or
37 quasi-public corporation that has been designated by the City to hold title to property
38 acquired under this section.

1 (j) Except as otherwise provided in this section, the provisions of § 21-16 of
2 this subheading apply to a proceeding under this section.

3 (k) (1) An action at law or in equity filed against the City by a person with
4 an interest in abandoned OR DISTRESSED property that is the subject of a proceeding
5 initiated under this section shall be filed within 3 years from the date a court vests
6 title to the abandoned OR DISTRESSED property in the City.

7 (2) The damages awarded to a person for the improper taking of
8 abandoned OR DISTRESSED property in a proceeding initiated under this section are
9 limited to the fair market value of the abandoned OR DISTRESSED property at the
10 time of the taking.

11 (l) If an owner-occupant or tenant is displaced under subsection [(a)(4)]
12 (A)(2)(IV) of this section, regardless of whether the displacement involves the use of
13 federal financial assistance, the City shall assure that the owner-occupant or tenant
14 is offered, at a minimum, assistance and payments to the extent that the
15 owner-occupant or tenant would qualify for assistance and payments as a displaced
16 person under the Federal Uniform Relocation Assistance and Real Property
17 Acquisition Policies Act of 1970.

18 (m) This section does not affect the authority of the Mayor and City Council to
19 condemn private property for public use under other provisions of law.

20 **Article - Courts and Judicial Proceedings**

21 4-401.

22 Except as provided in § 4-402 of this subtitle, and subject to the venue
23 provisions of Title 6 of this article, the District Court has exclusive original civil
24 jurisdiction in:

25 (15) A proceeding for condemnation and immediate possession of and title
26 to abandoned, blighted, [and] DISTRESSED, AND deteriorated property under
27 authority granted in the Code of Public Local Laws of a county, including Baltimore
28 City, where the estimated value of the property does not exceed \$25,000; and

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2003.