

## CHAPTER 149

(House Bill 640)

AN ACT concerning

### ~~Real Property~~ **Residential Real Property in Foreclosure - Notice** **Notification to Local Governments a County or Municipal Corporation**

FOR the purpose of ~~authorizing a county or municipal corporation to enact a local law requiring a certain person authorized to make a sale of residential real property to notify the county or municipal corporation where the property is located within a certain period of time after filing an action~~ that notice be given to a county or municipal agency or official when an order to docket or a complaint to foreclose a mortgage or deed of trust on the property subject to the mortgage or deed of trust; providing certain information that must be provided to the county or municipal corporation in the notification is filed on residential property located within the county or municipal corporation; requiring a local law enacted under this Act to require a certain person to give a certain notice to a certain county or municipal agency or official within a certain time; defining a certain term; and generally relating to ~~notice to local governments of notification to a county or municipal corporation regarding residential real~~ property in foreclosure.

BY repealing and reenacting, without amendments,

Article – Real Property

Section 7–105.1(a)

Annotated Code of Maryland

(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article – Real Property

Section 14–126

Annotated Code of Maryland

(2003 Replacement Volume and 2008 Supplement)

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

#### **Article – Real Property**

7–105.1.

(a) In this section, “residential property” means real property improved by four or fewer single family dwelling units.

14-126.

(a) ~~(1)~~ In addition to any other foreclosure requirements under the law ~~AND EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION~~, after the commencement of an action to foreclose a lien on real property and before making a sale of the property subject to the lien, the person authorized to make the sale shall notify the county or municipal corporation where the property subject to the lien is located, not less than 15 days prior to sale, of:

~~{(1)}~~ ~~(I)~~ The name, address, and telephone number of the person authorized to make the sale; and

~~{(2)}~~ ~~(II)~~ The time, place, and terms of sale.

~~(2) IN ADDITION TO ANY OTHER FORECLOSURE REQUIREMENTS UNDER LAW, WITHIN 5 DAYS OF THE FILING OF AN ACTION TO FORECLOSE A MORTGAGE OR DEED OF TRUST ON RESIDENTIAL REAL PROPERTY, THE PERSON AUTHORIZED TO MAKE THE SALE OF THE PROPERTY SHALL NOTIFY THE COUNTY OR MUNICIPAL CORPORATION WHERE THE PROPERTY SUBJECT TO THE MORTGAGE OR DEED OF TRUST IS LOCATED OF:~~

~~(I) THE NAME, ADDRESS, AND CONTACT INFORMATION, INCLUDING TELEPHONE NUMBER, OF THE PERSON AUTHORIZED TO MAKE THE SALE;~~

~~(II) THE STREET ADDRESS OF THE RESIDENTIAL REAL PROPERTY; AND~~

~~(III) THE NAMES AND ADDRESSES, IF KNOWN, OF ALL PROPERTY OWNERS.~~

(b) A county or municipal corporation that receives the notice described under subsection (a)~~(1)~~ of this section shall notify the person authorized to make the sale of any outstanding liens, charges, taxes, or assessments that the county or municipal corporation has against the property not more than 10 days after receiving the notice of sale.

(C) (1) IN THIS SUBSECTION, "RESIDENTIAL PROPERTY" HAS THE MEANING STATED IN § 7-105.1 OF THIS ARTICLE.

(2) A COUNTY OR MUNICIPAL CORPORATION MAY ENACT A LOCAL LAW REQUIRING THAT NOTICE BE GIVEN TO A COUNTY OR MUNICIPAL AGENCY OR OFFICIAL WHEN AN ORDER TO DOCKET OR A COMPLAINT TO FORECLOSE A

**MORTGAGE OR DEED OF TRUST IS FILED ON RESIDENTIAL PROPERTY LOCATED WITHIN THE COUNTY OR MUNICIPAL CORPORATION.**

**(3) A LOCAL LAW ENACTED UNDER THIS SUBSECTION SHALL REQUIRE THAT WITHIN FIVE DAYS AFTER FILING AN ORDER TO DOCKET OR A COMPLAINT TO FORECLOSE A MORTGAGE OR DEED OF TRUST ON RESIDENTIAL PROPERTY, THE PERSON AUTHORIZED TO MAKE THE SALE SHALL GIVE NOTICE OF THE FILING TO THE COUNTY OR MUNICIPAL AGENCY OR OFFICIAL DESIGNATED BY THE LOCAL LAW.**

**(4) THE NOTICE REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION SHALL INCLUDE:**

**(I) THE STREET ADDRESS OF THE RESIDENTIAL PROPERTY SUBJECT TO THE FORECLOSURE ACTION;**

**(II) THE NAMES AND ADDRESSES, IF KNOWN, OF ALL OWNERS OF THE RESIDENTIAL PROPERTY SUBJECT TO THE FORECLOSURE ACTION; AND**

**(III) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON AUTHORIZED TO MAKE THE SALE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

**Approved by the Governor, April 14, 2009.**