

# SENATE BILL 803

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7lr1260  
CF 7lr3584

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By: **Senator Young**

Introduced and read first time: February 3, 2017

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County – Blighted Property – Nuisance Abatement**

3 FOR the purpose of authorizing a local government in Frederick County to use a certain  
4 process to remediate blighted property; requiring the owner of a blighted property,  
5 on notification from the appropriate unit of local government, to remediate the  
6 property's blighted condition in a certain manner and within a certain period of time;  
7 requiring the appropriate unit of local government to send a certain notice to certain  
8 lienholders; authorizing the appropriate unit of local government to grant an  
9 extension of certain required time periods; authorizing the appropriate unit of a  
10 certain local government to declare a blighted property a nuisance under certain  
11 circumstances and order the owner to abate the nuisance; requiring the appropriate  
12 unit of local government to grant a certain extension if, within a certain period of  
13 time, the owner lists the property for sale; requiring the owner to provide certain  
14 notice to potential buyers; authorizing the appropriate unit of local government to  
15 grant a certain additional extension; authorizing a local government to impose a fine  
16 equal to a certain amount under certain circumstances; authorizing a local  
17 government to record a notice of a fine in the land records; providing for the  
18 establishment of a certain lien; requiring the new owner to remediate the property's  
19 blighted condition in a certain manner and within a certain period of time under  
20 certain circumstances; defining certain terms; providing for the construction of this  
21 Act; and generally relating to nuisance abatement of blighted properties in Frederick  
22 County.

23 BY adding to

24 Article – Real Property

25 Section 14–120.1

26 Annotated Code of Maryland

27 (2015 Replacement Volume and 2016 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## Article – Real Property

## 14-120.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) “BLIGHTED PROPERTY” MEANS A PROPERTY THAT:

1. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, HAS BEEN VACANT OR BOARDED FOR AT LEAST 1 YEAR;

2. HAS BEEN THE SUBJECT OF NUISANCE COMPLAINTS;

3. DOES NOT MEET THE REQUIREMENTS OF THE APPLICABLE LOCAL HOUSING CODE; AND

4. A. HAS EXTERNAL STRUCTURAL FAILINGS, INCLUDING COLLAPSING OR MISSING WALLS, ROOF, FLOORS, OR FOUNDATION; OR

B. POSES A HEALTH OR SAFETY HAZARD, AS DETERMINED BY THE APPROPRIATE CODE ENFORCEMENT, BUILDING, OR HEALTH INSPECTOR.

(II) “BLIGHTED PROPERTY” DOES NOT INCLUDE A VACANT OR BOARDED PROPERTY THAT WAS DAMAGED BY FIRE OR FLOODING WITHIN 2 YEARS BEFORE THE APPROPRIATE UNIT OF LOCAL GOVERNMENT ISSUES A NOTICE UNDER SUBSECTION (D) OF THIS SECTION IF THE OWNER PROVIDES EVIDENCE THAT THE OWNER PROMPTLY FILED AN INSURANCE CLAIM AND THE OWNER’S INSURER HAS NOT PAID THE CLAIM.

(3) “LIENHOLDER” MEANS A PERSON WHO HAS A LIEN ON OR A SECURED INTEREST IN BLIGHTED PROPERTY.

(4) “OWNER” MEANS:

(I) A PERSON HOLDING RECORD TITLE TO BLIGHTED PROPERTY;

(II) A SUCCESSFUL BIDDER AT A FORECLOSURE SALE OF BLIGHTED PROPERTY, ON RATIFICATION OF THE SALE AND EXHAUSTION OF ALL RIGHTS TO APPEAL THE RATIFICATION OR OTHERWISE TO DELAY TRANSFER OF TITLE; OR

1           **(III) A PERSON WHO HAS A LEGAL RIGHT UNDER A COURT**  
2 **ORDER, INCLUDING A COURT ORDER EXTINGUISHING A RIGHT OF REDEMPTION, TO**  
3 **POSSESSION OF PROPERTY THAT IS OR BECOMES BLIGHTED PROPERTY.**

4           **(B) THIS SECTION APPLIES ONLY IN FREDERICK COUNTY.**

5           **(C) (1) A LOCAL GOVERNMENT MAY USE THE PROCESS DESCRIBED IN**  
6 **THIS SECTION TO REMEDIATE BLIGHTED PROPERTY.**

7           **(2) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT OR SUPERSEDE**  
8 **ANY OTHER POWER OF A LOCAL GOVERNMENT TO REMEDIATE BLIGHTED**  
9 **PROPERTY.**

10           **(D) (1) ON NOTIFICATION FROM THE APPROPRIATE UNIT OF LOCAL**  
11 **GOVERNMENT, THE OWNER OF A BLIGHTED PROPERTY SHALL REMEDIATE THE**  
12 **PROPERTY'S BLIGHTED CONDITION BY:**

13                   **(I) SUBMITTING A REMEDIATION PLAN FOR APPROVAL BY THE**  
14 **APPROPRIATE UNIT OF LOCAL GOVERNMENT ON A FORM PROVIDED BY THE**  
15 **APPROPRIATE UNIT;**

16                   **(II) BEGINNING THE REMEDIATION WITHIN 90 DAYS AFTER THE**  
17 **PLAN IS APPROVED; AND**

18                   **(III) COMPLETING THE REMEDIATION WITHIN 120 DAYS AFTER**  
19 **THE REMEDIATION HAS BEGUN.**

20           **(2) THE APPROPRIATE UNIT OF LOCAL GOVERNMENT MAY GRANT AN**  
21 **EXTENSION OF THE TIME PERIOD REQUIRED FOR REMEDIATION UNDER PARAGRAPH**  
22 **(1)(II) OF THIS SUBSECTION.**

23           **(3) (I) AT THE SAME TIME THE NOTIFICATION TO THE OWNER OF A**  
24 **BLIGHTED PROPERTY IS SENT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE**  
25 **UNIT OF LOCAL GOVERNMENT SHALL SEND WRITTEN NOTICE TO ALL LIENHOLDERS**  
26 **OF RECORD OR OTHERWISE KNOWN TO THE UNIT OF LOCAL GOVERNMENT.**

27                   **(II) THE WRITTEN NOTICE TO LIENHOLDERS SHALL INCLUDE A**  
28 **COPY OF THE NOTIFICATION SENT TO THE OWNER AND SHALL DESCRIBE THE**  
29 **REQUIREMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

30           **(E) (1) IF AN OWNER OF A BLIGHTED PROPERTY VIOLATES SUBSECTION**  
31 **(D) OF THIS SECTION, THE APPROPRIATE UNIT OF LOCAL GOVERNMENT IN THE**  
32 **JURISDICTION IN WHICH THE BLIGHTED PROPERTY IS LOCATED MAY DECLARE THE**

1 PROPERTY A NUISANCE AND ORDER THE OWNER PROMPTLY TO ABATE THE  
2 NUISANCE.

3 (2) (I) THE APPROPRIATE UNIT OF LOCAL GOVERNMENT SHALL  
4 GRANT THE OWNER OF A BLIGHTED PROPERTY A 6-MONTH EXTENSION FOR  
5 COMPLIANCE WITH AN ORDER ISSUED UNDER PARAGRAPH (1) OF THIS SUBSECTION  
6 IF, WITHIN 30 DAYS AFTER RECEIVING THE ORDER ISSUED UNDER PARAGRAPH (1)  
7 OF THIS SUBSECTION, THE OWNER LISTS THE PROPERTY FOR SALE.

8 (II) IN ADDITION TO AN EXTENSION GRANTED UNDER  
9 SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE APPROPRIATE UNIT OF LOCAL  
10 GOVERNMENT MAY APPROVE AN ADDITIONAL REASONABLE EXTENSION FOR THE  
11 OWNER TO SELL OR CONCLUDE SETTLEMENT OF THE SALE OF THE BLIGHTED  
12 PROPERTY.

13 (III) IF AN OWNER OF BLIGHTED PROPERTY LISTS THE  
14 PROPERTY FOR SALE, THE OWNER SHALL PROVIDE WRITTEN NOTICE TO POTENTIAL  
15 BUYERS THAT:

- 16 1. THE PROPERTY HAS BEEN DECLARED A NUISANCE;  
17 2. THE OWNER HAS BEEN ORDERED TO ABATE THE  
18 NUISANCE; AND  
19 3. THE PROPERTY IS BEING SOLD "AS IS".

20 (3) (I) UNLESS THE PROPERTY IS SOLD IN ACCORDANCE WITH  
21 PARAGRAPH (2) OF THIS SUBSECTION, IF THE OWNER OF A BLIGHTED PROPERTY  
22 FAILS TO COMPLY WITH AN ORDER ISSUED UNDER THIS SECTION BY A LOCAL  
23 GOVERNMENT TO ABATE A NUISANCE, THE LOCAL GOVERNMENT MAY IMPOSE A FINE  
24 ON THE OWNER EQUAL TO THREE TIMES THE AMOUNT OF THE LOCAL PROPERTY TAX  
25 IMPOSED ON THE PROPERTY.

26 (II) 1. THE LOCAL GOVERNMENT MAY RECORD A NOTICE OF  
27 THE FINE AMONG THE LAND RECORDS OF THE COUNTY WHERE THE PROPERTY IS  
28 LOCATED, INDEXED IN THE NAME OF THE RECORD OWNER AS GRANTOR.

29 2. ON RECORDATION OF THE NOTICE, THE FINE SHALL  
30 CONSTITUTE A LIEN ON THE PROPERTY EFFECTIVE AS OF THE DATE OF  
31 RECORDATION.

32 (4) IF THE PROPERTY IS SOLD UNDER PARAGRAPH (2) OF THIS  
33 SUBSECTION, THE NEW OWNER SHALL REMEDIATE THE PROPERTY'S BLIGHTED  
34 CONDITION IN ACCORDANCE WITH SUBSECTION (D)(1) OF THIS SECTION.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2017.