

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2009 Legislative Session

Bill No. CB-11-2009

Chapter No. _____

Proposed and Presented by Council Member Campos

Introduced by _____

Co-Sponsors _____

Date of Introduction April 28, 2009

BILL

1 AN ACT concerning

2 Vacant Residential Property Registration and Maintenance

3 For the purpose of providing for the registration of vacant or unoccupied residential structures
 4 with the Department of Environmental Resources; providing civil penalties for failure to register;
 5 and providing criminal penalties for failure to maintain such properties.

6 BY adding:

7 SUBTITLE 13. HOUSING AND PROPERTY

8 STANDARDS.

9 Sections 13-1101, 13-1102, 13-1103,
 10 13-1104, and 13-1105,

11 The Prince George's County Code

12 (2007 Edition, 2008 Supplement).

13 WHEREAS, recent events in the national housing market have led to a drastic rise in the
 14 number of foreclosed houses in Prince George's County and such houses are in the control of
 15 financial institutions that have little connection to the communities where the homes are located;
 16 and

17 WHEREAS, many of these homes are vacated at the demand or request of the financial
 18 institution, at times prior to the conclusion of foreclosure proceedings, and sit empty for months
 19 or years creating a blight on the neighborhood, becoming an attractive nuisance within the
 20 neighborhood, and constituting a violation of the County's Housing Code; and

21 WHEREAS, it is extremely difficult for County officials responsible for enforcing the

1 Housing Code to communicate with the appropriate representatives of financial institutions to
 2 obtain compliance with the requirements of the Housing Code and other property maintenance
 3 codes when the identities of the appropriate financial institutions and their authorized
 4 representatives in the County are obscured by layers of unrecorded conveyances and layers of
 5 financial institution organizations in multiple locations; and

6 WHEREAS, county and municipal jurisdictions around the nation are encountering patterns
 7 of indifference and neglect from financial institutions regarding the maintenance of foreclosed
 8 properties resulting in deteriorating properties, accumulations of litter and debris, unsecured
 9 buildings, unsecured swimming pools and other maintenance violations that attract vandalism,
 10 squatters, and criminal activities; and

11 WHEREAS, Prince George's County has decided to address the problem of unoccupied
 12 homes in the functional control and ownership of financial institutions by requiring such
 13 institutions to register properties that are subject to foreclosure that have been vacated at the
 14 request of direction of the financial institution and to designate a responsible agent for the
 15 financial institution who maintains an office within the State of Maryland..

16
 17 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 18 Maryland, that Sections 13-1101, 13-1102, 13-1103, 13-1104 and 13-1105 of the Prince
 19 George's County Code be and the same are hereby added:

20 **SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.**

21 **DIVISION 11. VACANT PROPERTY REGISTRATION AND MAINTENANCE.**

22 **Sec. 13-1101. Definitions.**

23 (a) **Creditor owner** means a person who is a trustee, a person who purchased a vacant
 24 residential structure from a trustee, or a person who has accepted a deed in lieu of foreclosure
 25 from a person who was in default of a loan secured by the vacant residential structure.

26 (b) **Debtor owner** means a person who owns or has owned residential real property that is
 27 subject to sale by a trustee and has vacated the residential structure at the request or demand of a
 28 creditor owner.

29 (c) **Director** means the Director of the Department of Environmental Resources or the
 30 Director's designee.

31 (d) **Failure to maintain** means allowing the exterior of a vacant residential structure to

1 deteriorate or become a public nuisance, failing to maintain a vacant residential structure as
 2 required by subtitle 13 of the this Code, or failing to prevent trespassers or squatters from
 3 occupying a vacant residential structure.

4 (e) **Trustee** means a trustee or substitute trustee who has commenced action to sell
 5 property to satisfy a debt secured in whole or in part by the property.

6 (f) **Vacant residential structure** means residential real property improved by one or more
 7 dwelling units that is not occupied and is subject to sale by a trustee or other person acting on
 8 behalf of a person or entity to whom the property serves as security for a loan.

9 **Sec. 13-1102. Registration of vacant or unoccupied residential structures.**

10 (a) Within fourteen calendar days after the debtor owner has moved from a residential real
 11 property at the request or demand of the creditor owner, the creditor owner shall register the
 12 residential real property with the Director. The Director shall provide forms for registration.

13 (b) The creditor owner shall identify each property required to be registered by tax account
 14 number and street address and shall provide the name of debtor owner, the date the debtor owner
 15 moved, the name of creditor owner, the date credit owner obtained possession, and the name,
 16 address, and telephone number for a natural person authorized to act on behalf of the creditor
 17 owner. The natural person must maintain an office within the State of Maryland and be
 18 authorized in writing by the creditor owner to accept notices of violation from the Director.

19 (c) The creditor owner shall pay a registration fee of one hundred dollars for each vacant
 20 residential structured with the Director. The registration shall be valid of one calendar year and
 21 shall be renewed prior to expiration.

22 (d) When the creditor owner sells and transfers title to a vacant residential structure to a
 23 person who intends to occupy it or who obtains a rental license and intends to rent it, the creditor
 24 owner shall notify the Director that the vacant residential structure has been sold together with
 25 documentation satisfactory to the Director that the property has been sold. The Director shall
 26 delete the property from the Director's files.

27 **Sec. 13-1103. Failure to register a vacant or unoccupied residential real property.**

28 (a) A creditor owner that fails to register a vacant or unoccupied residential real property
 29 with the Director shall pay a civil penalty of fifty dollars for each day the residential real
 30 property is not registered for the first twenty-five days.

31 (b) A creditor owner that fails to register a vacant or unoccupied residential real property

1 with the Director shall pay a civil penalty of one hundred dollars for each day the residential real
 2 property in not registered for the twenty-sixth through sixtieth days.

3 (c) A creditor owner that fails to register a vacant or unoccupied residential real property
 4 with the Director shall pay a civil penalty of three hundred dollars for each day the residential
 5 real property in not registered for each day after sixty days.

6 **Sec. 13-1104. Failure to maintain a vacant residential structure; penalty.**

7 (a) The creditor owner is responsible for the security and maintenance of a vacant
 8 residential structure.

9 (b) Failure to maintain a vacant residential structure by a creditor owner is a misdemeanor
 10 and shall, upon conviction, be punishable by a one thousand dollar fine or imprisonment not to
 11 exceed six months, or both.

12 **Sec. 13-1105. Disclosure of information under the Maryland Public Information Act.**

13 In order to deter vandalism, theft, arson, or trespassers, the information registered with the
 14 Director shall be maintained as confidential financial information of the creditor owner and shall
 15 not be disclosed by the Director as long as the vacant residential structure is required to be
 16 registered.

17 SECTION 2. BE IT FURTHER ENACTED that all funds received for registration fees and
 18 civil penalties under this Act shall be deposited into the appropriate environmental enterprise
 19 fund to be used for the costs of providing maintenance of properties by the Department of
 20 Environmental Resources under various clean lot provisions.

21 SECTION 3. BE IT FURTHER ENACTED that the Director of Environmental Resources
 22 shall provide an analysis and review of this Act no later than December 1, 2012 and recommend
 23 to the Council appropriate adjustments and amendments, including, if appropriate, the repeal of
 24 this Act.

1 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect on forty-five
2 (45) calendar days after it becomes law.

Adopted this ____ day of _____, 2009.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Marilynn M. Bland
Chairperson

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Jack B. Johnson
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.