



BALTIMORE CITY COUNCIL HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Mission Statement

The Housing & Economic Development Committee is dedicated to fostering equitable growth and opportunity across Baltimore while addressing historic injustices, such as redlining and other discriminatory policies. Our goals include eliminating vacant properties, ensuring affordable housing, promoting sustainable development, and driving economic growth, job creation, and community revitalization through equitable policies and targeted strategies. By utilizing transparent governance, collaboration, and innovative solutions, we strive to enhance the quality of life for all residents.

The Honorable James Torrence

CHAIR

PUBLIC HEARING

2/24/2026

5:15PM

CLARENCE "DU" BURNS COUNCIL CHAMBERS

25-0080

*In Rem Foreclosure – Vacant Structures and
Nuisance Properties*

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(Ethan.Navarre@baltimorecity.gov)*

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**HOUSING & ECONOMIC DEVELOPMENT COMMITTEE****The Honorable James Torrence
CHAIR****Bill Hearing**

25-0080

In Rem Foreclosure – Vacant Structures and Nuisance Properties

Purpose

FOR the purpose of authorizing certain property located in Baltimore City identified as a vacant structure or nuisance property under the Baltimore City Building Code to be subject to a certain in rem foreclosure process; requiring certain procedures for an in rem foreclosure; requiring the City to take certain actions to compensate the interested parties in property that is acquired through an in rem foreclosure; specifying the circumstances under which an in rem foreclosure judgement may be reopened; making conforming changes; defining certain terms; and generally relating to in rem foreclosure of vacant property in Baltimore City.

Sponsor – Councilmember Odette Ramos

REPORTING AGENCIES

Department	Report
Dept of Finance	Defer to DHCD
Dept of Law	Approve for form & sufficiency with amendments
Dept of Housing & Community Development	Unfavorable
Dept of Real Estate	Defer to DHCD
Baltimore Circuit Court	Not Reporting
Baltimore City Information Technology	Without Recommendation

BACKGROUND***Legislative History***

The Housing and Economic Development Committee held a hearing on this bill on 11/4/25. At that hearing the Dept of Housing & Community Development presented an unfavorable bill report noting that it did not believe that 1. The bill would increase the number of properties that could be acquired, 2. It did not know what the Law dept. position on the bill was and was unfavorable without its suggested

amendments. DHCD also noted with the amendments that Law proposed it was going to reevaluate its position.

Bill Summary

Council bill 25-0080, if enacted, would allow the City to expand the use of In Rem Foreclosure to include vacant properties and nuisance properties. The definition of both of these categories of property would be the same as in the City building code.

116.4.1.2 Vacant structure.

"Vacant structure" means a structure or distinguishable part of a structure that is:

1. unoccupied, and
2. either:
 - a. unsafe or unfit for human habitation or other authorized use, or
 - b. a nuisance property

116.4.1.3 Nuisance property.

"Nuisance property" means:

1. an unoccupied structure for which 2 or more final, non-appealable Building Code, Fire Code, or Property Maintenance Code violations remained unabated for 10 days or more beyond the date by which the violation notice, citation, or order required the violation to be corrected; or
2. the exterior premises of an unoccupied structure for which, at any time within the preceding 12 months, on 6 or more separate occasions, final, no-longer appealable violation notices, citations, or orders were served to correct violations of Property Maintenance Code, § 305 {"Exterior Sanitary Maintenance – General"} or § 306 {"Exterior Sanitary Maintenance – Trash, Garbage, and Debris"}.

The expansion of the City's ability to conduct In Rem filings would mean that the City would be allowed to file for the foreclosure of these properties even if the value of the liens against the property is below the assessed value of the property, and the City would need to pay the difference to the last known owner of the property. To qualify, a property would need to meet the definition of a vacant or nuisance property, as well as:

1. Be 6 months in arrears on taxes
2. The right to appeal the property as vacant has been tolled (or suspended meaning that the statute of limitations on an interested party's appeal has been paused)

According to section 8.2-12 of the bill, if the property has value when a judgment to foreclose on the property is decided on, then the City must either:

1. Sell the property at a public auction (in accordance with state law 14-894 of the State Property Tax Article), that sale must comply with the Maryland Rules, namely:
 - a. Property may not be sold until at least 45 days after the entry of judgment of
 - b. The minimum bid for the sale of the property shall be the total amount of liens for unpaid taxes on the property.
 - c. The property shall be sold to the person making the highest bid.
 - d. The person making the highest bid shall pay the full bid amount to Baltimore City.
 - e. If the minimum bid is not made or exceeded, Baltimore City may bid the minimum bid price and purchase the property.

2. Deposit the difference between the value of the property and the taxes owed on it into an escrow account. (The City must get 2 appraisals and use the higher appraisal in determining the value of the property)

The Court will be responsible for the distribution of funds to the relevant interested parties. Section 8.2-5(c) of the bill would allow the City to amend its complaint to the court with any additional taxes that become delinquent after the commencement of the foreclosure process.

FISCAL NOTE

Analysis by: Tony Leva
Analysis Date: 2/23/2026

Direct Inquiries to: Anthony.Leva@baltimorecity.gov

**CITY OF BALTIMORE
COUNCIL BILL 25-0080
(First Reader)**

Introduced by: Councilmember Ramos

Cosponsored by: Councilmembers Conway, Parker, Gray, Bullock, Jones, Torrence, and
Blanchard, and President Cohen

Introduced and read first time: July 21, 2025

Assigned to: Housing and Economic Development Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Department of
Housing and Community Development, Department of Real Estate, Circuit Court for Baltimore
City, Baltimore City Information Technology

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **In Rem Foreclosure – Vacant Structures and Nuisance Properties**

3 FOR the purpose of authorizing certain property located in Baltimore City identified as a vacant
4 structure or nuisance property under the Baltimore City Building Code to be subject to a
5 certain in rem foreclosure process; requiring certain procedures for an in rem foreclosure;
6 requiring the City to take certain actions to compensate the interested parties in property that
7 is acquired through an in rem foreclosure; specifying the circumstances under which an in
8 rem foreclosure judgement may be reopened; making conforming changes; defining certain
9 terms; and generally relating to in rem foreclosure of vacant property in Baltimore City.

10 BY repealing and re-ordaining, with amendments

11 Article 28 - Taxes
12 Sections 8.1-2, and 8.1-7(c)
13 Baltimore City Code
14 (Edition 2000)

15 BY adding

16 Article 28 - Taxes
17 Sections 8.2-1 to 8.2-14, to be under the new subtitle designation,
18 “Subtitle 8.2-1. In Rem Foreclosure – Vacant Structure or Nuisance Property
19 Baltimore City Code
20 (Edition 2000)

21 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
22 Laws of Baltimore City read as follows:

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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Baltimore City Code

Article 28. Taxes

Subtitle 8.1. In Rem Foreclosure – Vacant and Abandoned Property

§ 8.1-2. Authorization.

In accordance with State Tax-Property Article §§ 14-873 through 14-876 the Mayor and City Council [is] ARE authorized to subject certain property to judicial in rem foreclosure and sale.

§ 8.1-7. Complaint.

(c) *Contents.*

A complaint filed under this section shall include:

(1) THE NAME AND ADDRESS OF THE CITY AGENCY ADMINISTERING THE IN REM FORECLOSURE ACTION;

(2) [(1)] a description of the property as it appears in City land records;

(3) [(2)] the tax identification number of the property;

(4) [(3)] a statement that taxes for the property are delinquent at the time of filing;

(5) [(4)] the amount of taxes that are delinquent for the property at the time of filing;

(6) [(5)] the names and last known addresses of all interested parties to the property and, if applicable, a statement that the address of a particular interested party to the property is unknown;

(7) [(6)] a statement that the property is either:

(i) a vacant lot; or

(ii) an improved property cited by the Department as vacant and unsafe or unfit for habitation or another authorized use;

(8) [(7)] if the Department states that the property is an improved property cited by the Department as vacant and unsafe, or unfit for habitation or another authorized use, a copy of any relevant notices or citations issued by the Department;

(9) [(8)] a request that the Circuit Court not schedule a hearing on the complaint until 30 days after the date that the complaint has been filed; and

(10) [(9)] a request that the Circuit Court enter a judgment that:

(i) forecloses the existing interests of all interested parties to the property; and

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1 (ii) orders ownership of the property to be transferred to the City.

2 **SUBTITLE 8.2. IN REM FORECLOSURE – VACANT STRUCTURE OR NUISANCE PROPERTY**

3 **§ 8.2-1. DEFINITIONS.**

4 (A) *IN GENERAL.*

5 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

6 (B) *DEPARTMENT.*

7 (1) *IN GENERAL.*

8 “DEPARTMENT” MEANS THE BALTIMORE CITY DEPARTMENT OF HOUSING AND
9 COMMUNITY DEVELOPMENT.

10 (2) *INCLUSION.*

11 “DEPARTMENT” INCLUDES ANY ATTORNEY REPRESENTING THE DEPARTMENT IN AN
12 ACTION FILED UNDER THIS SUBTITLE.

13 (C) *INTERESTED PARTY.*

14 “INTERESTED PARTY” HAS THE MEANING STATED IN § 14-894 {“BALTIMORE CITY
15 JUDICIAL IN REM FORECLOSURE FOR VACANT OR VACANT PROPERTY”} OF THE STATE
16 TAX-PROPERTY ARTICLE.

17 (D) *NUISANCE PROPERTY.*

18 “NUISANCE PROPERTY” HAS THE MEANING STATED IN § 116.4.1.3 OF THE BALTIMORE
19 CITY BUILDING CODE.

20 (E) *REAL PROPERTY.*

21 “REAL PROPERTY” HAS THE MEANING STATED IN § 1-101(GG)) {“DEFINITIONS: REAL
22 PROPERTY”} OF THE STATE TAX-PROPERTY ARTICLE.

23 (F) *TAX.*

24 “TAX” HAS THE MEANING STATED IN § 14-801(D) {“DEFINITIONS: TAX”} OF THE STATE
25 TAX-PROPERTY ARTICLE.

26 (G) *VACANT STRUCTURE.*

27 “VACANT STRUCTURE” HAS THE MEANING STATED IN § 116.4.1.2 OF THE BALTIMORE CITY
28 BUILDING CODE.

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1 (H) *VALUE*.

2 “VALUE” HAS THE MEANING STATED IN § 14-894(A)(5) {“BALTIMORE CITY JUDICIAL IN
3 REM FORECLOSURE FOR VACANT OR NUISANCE PROPERTY”} OF THE STATE
4 TAX-PROPERTY ARTICLE.

5 **§ 8.2-2. AUTHORIZATION.**

6 IN ACCORDANCE WITH STATE TAX-PROPERTY ARTICLE § 14-894, THE MAYOR AND CITY
7 COUNCIL IS AUTHORIZED TO SUBJECT CERTAIN REAL PROPERTY TO JUDICIAL IN REM
8 FORECLOSURE AND SALE.

9 **§ 8.2-3. MAYOR AND CITY COUNCIL MAY INITIATE ACTION; APPLICABLE PROPERTIES.**

10 (A) *IN GENERAL*.

11 IN ACCORDANCE WITH THIS SUBTITLE, THE MAYOR AND CITY COUNCIL MAY FILE AN
12 ACTION IN THE CIRCUIT COURT FOR BALTIMORE CITY FOR THE IN REM FORECLOSURE OF
13 REAL PROPERTY.

14 (B) *APPLICABLE PROPERTIES*.

15 EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, TO BE SUBJECT TO AN ACTION
16 FOR FORECLOSURE UNDER THIS SUBTITLE:

17 (1) THE REAL PROPERTY SHALL BE A VACANT STRUCTURE OR NUISANCE PROPERTY;

18 (2) THE REAL PROPERTY SHALL BE AT LEAST 6 MONTHS IN ARREARS ON TAXES; AND

19 (3) THE RIGHT TO APPEAL ANY NOTICE OF THE REAL PROPERTY AS A VACANT
20 STRUCTURE OR NUISANCE PROPERTY HAS TOLLED.

21 (C) *OTHER TAX LIENS*.

22 (1) *IN GENERAL*.

23 THE MAYOR AND CITY COUNCIL MAY NOT FILE AN ACTION FOR FORECLOSURE
24 AGAINST REAL PROPERTY UNDER THIS SUBTITLE IF THE REAL PROPERTY IS SUBJECT TO
25 AN ACTIVE LIEN CERTIFICATE HELD BY A THIRD PARTY.

26 (2) *EXCEPTION*.

27 PROVIDED THAT THE REAL PROPERTY OTHERWISE MEETS THE REQUIREMENTS SET
28 FORTH IN SUBSECTION (B) OF THIS SECTION, THE MAYOR AND CITY COUNCIL MAY FILE
29 AN ACTION FOR FORECLOSURE AGAINST REAL PROPERTY UNDER THIS SUBTITLE IF:

30 (I) THE REAL PROPERTY IS SUBJECT TO AN ACTIVE TAX CERTIFICATE HELD BY THE
31 MAYOR AND CITY COUNCIL; AND

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(II) THE MAYOR AND CITY COUNCIL HAVE NOT PREVIOUSLY FILED AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION.

§ 8.2-4. RULES AND REGULATIONS.

SUBJECT TO TITLE 4 {“ADMINISTRATIVE PROCEDURE ACT – REGULATIONS”} OF THE CITY GENERAL PROVISIONS ARTICLE, THE COMMISSIONER OF HOUSING AND COMMUNITY DEVELOPMENT MAY ADOPT RULES AND REGULATIONS TO CARRY OUT THIS SUBTITLE.

§ 8.2-5. COMPLAINT.

(A) *PRE-COMPLAINT NOTICE.*

(1) *IN GENERAL.*

PRIOR TO FILING A COMPLAINT UNDER THIS SUBTITLE, THE MAYOR AND CITY COUNCIL SHALL SEND NOTICE BY CERTIFIED MAIL, RESTRICTED DELIVERY, RETURN RECEIPT REQUESTED, TO THE RECORD OWNER OF THE SUBJECT REAL PROPERTY AT THE TAX ADDRESS ON RECORD AMONG THE CITY’S REAL PROPERTY RECORDS.

(2) *CONTENTS.*

THE NOTICE REQUIRED BY THIS SUBSECTION SHALL:

- (I) CLEARLY IDENTIFY THE REAL PROPERTY;
- (II) IDENTIFY THE AMOUNT OF DELINQUENT TAXES DUE TO THE MAYOR AND CITY COUNCIL; AND
- (III) STATE THAT UNLESS FULL PAYMENT OF ALL DELINQUENT TAXES IS MADE TO THE DEPARTMENT OF FINANCE WITHIN 30 DAYS, THE MAYOR AND CITY COUNCIL MAY FILE AN IN REM FORECLOSURE ACTION IN THE CIRCUIT COURT FOR BALTIMORE CITY AND SEEK THE VESTING OF TITLE TO THE REAL PROPERTY IN THE MAYOR AND CITY COUNCIL OF BALTIMORE.

(B) *IN GENERAL.*

THE MAYOR AND CITY COUNCIL MAY FILE A COMPLAINT IN THE CIRCUIT COURT FOR BALTIMORE CITY TO INITIATE AN IN REM FORECLOSURE ACTION IF:

- (1) THE REAL PROPERTY OTHERWISE MEETS THE SPECIFICATIONS IN § 8.2-3(B) {“APPLICABLE PROPERTIES”} OF THIS SUBTITLE;
- (2) THE MAYOR AND CITY COUNCIL HAVE SENT THE NOTICE REQUIRED BY SUBSECTION (A) OF THIS SECTION; AND
- (3) THE FULL PAYMENT OF DELINQUENT TAXES HAS NOT BEEN PAID WITHIN 30 DAYS FROM THE DATE THE NOTICE DESCRIBED IN SUBSECTION (A) OF THIS SECTION WAS SENT.

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1 (C) *CONTENTS.*

2 A COMPLAINT FILED UNDER THIS SECTION SHALL INCLUDE:

3 (1) THE NAME AND ADDRESS OF THE CITY AGENCY ADMINISTERING THE IN REM
4 FORECLOSURE ACTION;

5 (2) A DESCRIPTION OF THE REAL PROPERTY AS IT APPEARS IN CITY LAND RECORDS;

6 (3) THE TAX IDENTIFICATION NUMBER OF THE REAL PROPERTY;

7 (4) A STATEMENT THAT TAXES FOR THE REAL PROPERTY ARE DELINQUENT AT THE
8 TIME OF FILING;

9 (5) THE AMOUNT OF TAXES THAT ARE DELINQUENT FOR THE REAL PROPERTY AT THE
10 TIME OF FILING;

11 (6) THE NAMES AND LAST KNOWN ADDRESSES OF ALL INTERESTED PARTIES TO THE
12 REAL PROPERTY AND, IF APPLICABLE, A STATEMENT THAT THE ADDRESS OF A
13 PARTICULAR INTERESTED PARTY TO THE REAL PROPERTY IS UNKNOWN;

14 (7) A STATEMENT THAT THE REAL PROPERTY IS A VACANT STRUCTURE OR NUISANCE
15 PROPERTY;

16 (8) A COPY OF ANY NOTICES OR CITATIONS ISSUED BY THE MAYOR AND CITY COUNCIL
17 RELEVANT TO THE REAL PROPERTY'S DESIGNATION AS A VACANT STRUCTURE OR
18 NUISANCE PROPERTY; AND

19 (9) A REQUEST THAT THE CIRCUIT COURT ENTER A JUDGMENT THAT:

20 (I) FORECLOSES THE EXISTING INTERESTS OF ALL INTERESTED PARTIES TO THE
21 REAL PROPERTY; AND

22 (II) ORDERS OWNERSHIP OF THE REAL PROPERTY TO BE TRANSFERRED TO THE
23 CITY.

24 (D) *AMENDMENT.*

25 A COMPLAINT FILED UNDER THIS SECTION MAY BE AMENDED TO INCLUDE ALL TAXES THAT
26 BECOME DELINQUENT AFTER THE COMMENCEMENT OF THE IN REM FORECLOSURE ACTION.

27 (E) *CURE.*

28 (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN INTERESTED PARTY MAY CURE
29 THE DELINQUENT TAXES ON THE REAL PROPERTY BY PAYING ALL PAST DUE TAXES AT
30 ANY TIME PRIOR TO THE ENTRY OF THE FORECLOSURE JUDGMENT.

31 (2) AN INTERESTED PARTY MAY NOT CURE THE DELINQUENT TAXES ON A REAL PROPERTY
32 AFTER THE ENTRY OF A FORECLOSURE JUDGMENT.

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1 (F) *HEARING DATE.*

2 SECTION 14-894(I) {"BALTIMORE CITY JUDICIAL IN REM FORECLOSURE FOR VACANT OR
3 NUISANCE PROPERTY"} OF THE STATE TAX-PROPERTY ARTICLE PROHIBITS THE CIRCUIT
4 COURT FROM SETTING A HEARING FOR AN IN REM FORECLOSURE UNTIL 30 DAYS AFTER A
5 COMPLAINT FOR AN IN REM FORECLOSURE IS FILED.

6 **§ 8.2-6. DEFENDANTS; SERVICE OF PROCESS.**

7 (A) *IN GENERAL.*

8 EACH INTERESTED PARTY TO THE REAL PROPERTY SHALL BE NAMED AS A DEFENDANT IN
9 THE COMPLAINT AND SHALL BE IDENTIFIED, LOCATED, AND SERVED WITH PROCESS AS
10 SPECIFIED IN THIS SECTION.

11 (B) *LAST KNOWN ADDRESS.*

12 (1) THE TITLE OF THE COMPLAINT SHALL DISPLAY THE LAST KNOWN ADDRESS OF EACH
13 DEFENDANT, AS OBTAINED FROM:

14 (I) ANY RECORD EXAMINED AS PART OF THE TITLE EXAMINATION FOR THE REAL
15 PROPERTY;

16 (II) THE TAX ROLLS OF THE DEPARTMENT OF FINANCE AND, IF DIFFERENT FROM
17 THE DEPARTMENT OF FINANCE'S TAX ROLLS, THE TAX ADDRESS ON FILE WITH
18 THE MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION; AND

19 (III) ANY OTHER LIKELY ADDRESS THAT IS KNOWN TO THE MAYOR AND CITY
20 COUNCIL.

21 (2) OTHER THAN THE METHODS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE
22 MAYOR AND CITY COUNCIL ARE NOT REQUIRED TO CONDUCT ANY FURTHER
23 INVESTIGATIONS OR TO SEARCH ANY ADDITIONAL RECORD TO ASCERTAIN AN ADDRESS
24 FOR A DEFENDANT.

25 (C) *UNKNOWN OWNERS.*

26 (1) *"OWNER" DEFINED.*

27 IN THIS SUBSECTION, "OWNER" MEANS THE OWNER OF THE FEE SIMPLE, LEASEHOLD, OR
28 REVERSIONARY INTEREST IN A REAL PROPERTY.

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1 (2) *IN GENERAL.*

2 WHEN THE OWNER OF A REAL PROPERTY CANNOT BE REASONABLY ASCERTAINED:

3 (I) THE UNKNOWN OWNER OF THE REAL PROPERTY MAY BE INCLUDED AS A
4 DEFENDANT IN THE COMPLAINT BY THE FOLLOWING DESIGNATION:

5 “UNKNOWN OWNER OF (IDENTIFY THE NATURE OF THE INTEREST: FEE SIMPLE,
6 LEASEHOLD, OR REVERSIONARY) INTEREST IN THE REAL PROPERTY . . . (GIVING
7 A DESCRIPTION OF THE REAL PROPERTY IN SUBSTANTIALLY THE SAME FORM AS
8 THE DESCRIPTION THAT APPEARS ON THE PRE-COMPLAINT NOTICE), THE
9 UNKNOWN OWNER’S HEIRS, DEVISEES, AND PERSONAL REPRESENTATIVES AND
10 THEIR OR ANY OF THEIR HEIRS, DEVISEES, EXECUTORS, ADMINISTRATORS,
11 GRANTEES, ASSIGNS, OR SUCCESSORS IN RIGHT, TITLE, AND INTEREST (THE
12 “UNKNOWN OWNER”); AND

13 (II) THE UNKNOWN OWNER SHALL BE REFERRED TO THROUGHOUT THE
14 PROCEEDINGS USING THIS DESIGNATION; AND

15 (III) THE PROCEEDINGS SHALL CONTINUE AGAINST THE UNKNOWN OWNER BY
16 PUBLICATION UNDER ORDER OF THE COURT AS PROVIDED IN SUBSECTION (E)
17 OF THIS SECTION.

18 (3) *RECORDS SEARCH REQUIRED.*

19 FOR THE MAYOR AND CITY COUNCIL TO DESIGNATE A DEFENDANT AS DESCRIBED IN
20 PARAGRAPH (2) OF THIS SUBSECTION, IMMEDIATELY BEFORE THE FILING OF THE
21 COMPLAINT, THE MAYOR AND CITY COUNCIL SHALL PERFORM A FULL TITLE RECORDS
22 SEARCH CONSISTING OF AT LEAST 50 YEARS IN ACCORDANCE WITH GENERALLY
23 ACCEPTED STANDARDS FOR TITLE EXAMINATION.

24 (4) *AFFIDAVIT.*

25 ANY COMPLAINT FILED UNDER THIS SUBTITLE AGAINST AN UNKNOWN OWNER SHALL
26 ATTACH TO IT AN AFFIDAVIT BY THE INDIVIDUAL PERFORMING THE SEARCH DESCRIBED
27 IN PARAGRAPH (3) OF THIS SUBSECTION THAT ATTESTS TO THE INDIVIDUAL’S EFFORTS.

28 (D) *SUMMONS.*

29 (1) *IN GENERAL.*

30 ON FILING OF A COMPLAINT UNDER THIS SUBTITLE AND IN ACCORDANCE WITH THE
31 MARYLAND RULES, THE CIRCUIT COURT SHALL ISSUE A SUMMONS TO PROCURE THE
32 ANSWER AND THE APPEARANCE OF ALL DEFENDANTS.

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1 (2) *SERVICE OF SUMMONS.*

2 TO THE EXTENT PRACTICABLE AND EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,
3 THE SUMMONS REQUIRED BY THIS SECTION SHALL BE SERVED ON DEFENDANTS IN THE
4 MANNER DESCRIBED IN TITLE 14, SUBTITLE 8, PART III OF THE STATE TAX-PROPERTY
5 ARTICLE.

6 (E) *ORDER OF PUBLICATION.*

7 (1) *IN GENERAL.*

8 (I) AT THE SAME TIME THAT THE SUMMONS IS ISSUED, AS PROVIDED BY
9 SUBSECTION (D) OF THIS SECTION, THE COURT SHALL PASS AN ORDER OF
10 PUBLICATION DIRECTED TO ALL DEFENDANTS, NAMING THE DEFENDANTS AS
11 PROVIDED BY THIS SUBTITLE.

12 (II) THE REAL PROPERTY SHALL BE DESCRIBED IN THE ORDER OF PUBLICATION AS THE
13 REAL PROPERTY IS DESCRIBED IN THE COMPLAINT.

14 (III) THE ORDER OF PUBLICATION SHALL WARN ANY PERSON THAT HAS OR CLAIMS TO
15 HAVE AN INTEREST IN THE REAL PROPERTY:

16 (A) TO ANSWER THE COMPLAINT OR TO REDEEM THE REAL PROPERTY ON OR
17 BEFORE THE DATE SPECIFIED IN THE ORDER OF PUBLICATION; AND

18 (B) THAT, IN CASE OF THE PERSON'S FAILURE TO APPEAR, ANSWER, OR REDEEM
19 THE REAL PROPERTY, AN IN REM FORECLOSURE JUDGMENT WILL BE
20 ENTERED TO FORECLOSE ALL RIGHTS OF REDEMPTION IN THE REAL
21 PROPERTY AND ORDER THAT OWNERSHIP OF THE REAL PROPERTY BE
22 VESTED IN THE MAYOR AND CITY COUNCIL OF BALTIMORE.

23 (IV) THE DATE SPECIFIED IN SUBPARAGRAPH (III)(A) OF THIS PARAGRAPH MAY NOT BE
24 LESS THAN 60 DAYS FROM THE ISSUANCE OF THE ORDER OF PUBLICATION.

25 (V) WHEN THE ORDER OF PUBLICATION IS ISSUED AND PUBLISHED, ANY PERSON THAT
26 HAS ANY RIGHT, TITLE, INTEREST, CLAIM, LIEN, OR EQUITY OF REDEMPTION IN THE
27 REAL PROPERTY IS BOUND BY THE JUDGMENT OF THE COURT THAT MAY BE PASSED
28 IN THE CASE AS IF THE PERSON WERE PERSONALLY SERVED WITH PROCESS.

29 (2) *FORM OF ORDER.*

30 THE ORDER OF PUBLICATION SHALL BE IN SUBSTANTIALLY THE FOLLOWING FORM:

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ORDER OF PUBLICATION

1
2 “THE OBJECT OF THIS PROCEEDING IS TO SECURE THE FORECLOSURE OF ALL RIGHTS
3 OF REDEMPTION IN AND VEST TITLE IN THE MAYOR AND CITY COUNCIL OF
4 BALTIMORE TO THE FOLLOWING REAL PROPERTY IN THE CITY OF BALTIMORE:

5 (HERE INSERT DESCRIPTION OF REAL PROPERTY IN SUBSTANTIALLY THE SAME
6 FORM AS THE DESCRIPTION THAT APPEARS IN THE COMPLAINT.)

7 THE COMPLAINT STATES, AMONG OTHER THINGS, THAT THE REAL PROPERTY IS A
8 VACANT STRUCTURE OR NUISANCE PROPERTY PURSUANT TO THE BALTIMORE CITY
9 BUILDING CODE AND THAT THE AMOUNTS NECESSARY FOR REDEMPTION HAVE
10 NOT BEEN PAID.

11 IT IS THEREUPON THIS . . . DAY OF (MONTH), (YEAR), BY THE CIRCUIT COURT FOR
12 BALTIMORE CITY, ORDERED, THAT NOTICE BE GIVEN BY THE INSERTION OF A COPY
13 OF THIS ORDER IN SOME NEWSPAPER HAVING A GENERAL CIRCULATION IN . . . ONCE
14 A WEEK FOR 3 SUCCESSIVE WEEKS, WARNING ALL PERSONS INTERESTED IN THE
15 REAL PROPERTY TO APPEAR IN THIS COURT BY THE . . . DAY OF (MONTH), (YEAR),
16 AND REDEEM THE REAL PROPERTY . . . AND ANSWER THE COMPLAINT OR
17 THEREAFTER A FINAL JUDGMENT WILL BE ENTERED FORECLOSING ALL RIGHTS OF
18 REDEMPTION IN THE REAL PROPERTY, AND VESTING TITLE IN THE MAYOR AND
19 CITY COUNCIL OF BALTIMORE, FREE AND CLEAR OF ALL ENCUMBRANCES.”.

20 (3) *COPY OF ORDER TO DEFENDANTS.*

21 (i) THIS PARAGRAPH ONLY APPLIES TO INSTANCES WHEN THE MAYOR AND CITY
22 COUNCIL HAVE ASCERTAINED A DEFENDANT’S LAST KNOWN ADDRESS.

23 (ii) ON ISSUANCE OF THE ORDER OF PUBLICATION, THE MAYOR AND CITY COUNCIL
24 SHALL SEND A COPY OF THE ORDER TO EACH DEFENDANT, AT THE DEFENDANT’S
25 LAST KNOWN ADDRESS, BY FIRST CLASS MAIL OR CERTIFIED MAIL, POSTAGE
26 PREPAID.

27 (F) *ALTERNATE MEANS OF SERVICE OF SUMMONS.*

28 (1) *IN GENERAL.*

29 NOTICE TO A DEFENDANT MAY BE MADE IN ANY OTHER MANNER THAT RESULTS IN
30 ACTUAL NOTICE OF THE PENDENCY OF THE ACTION.

31 (2) *AFFIDAVIT.*

32 IF NOTICE IS MADE UNDER THIS SUBSECTION, THE MAYOR AND CITY COUNCIL SHALL
33 FILE AN AFFIDAVIT WITH THE COURT CERTIFYING THE NOTICE WITH A DESCRIPTION OF
34 THE METHOD SERVICE USED AND THE TIME OF SERVICE.

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1 (G) *AFFIDAVIT REQUIREMENT.*

2 IF A DEFENDANT HAS NOT BEEN SERVED WITH THE SUMMONS ISSUED UNDER
3 SUBSECTION (D) OF THIS SECTION OR IF THE DEFENDANT HAS NOT BEEN SERVED BY
4 ALTERNATE MEANS AS DESCRIBED IN SUBSECTION (F) OF THIS SECTION, THE MAYOR AND
5 CITY COUNCIL SHALL FILE WITH THE COURT:

6 (1) AN AFFIDAVIT CERTIFYING THAT ALL PROVISIONS OF THIS SECTION HAVE BEEN
7 COMPLIED WITH; AND

8 (2) TO INDICATE THAT A GOOD FAITH EFFORT WAS MADE TO SERVE THE SUMMONS AND
9 COMPLAINT ON EACH INTERESTED PARTY, A COPY OF:

10 (I) THE RECEIPT OBTAINED FROM THE UNITED STATES POST OFFICE FOR THE
11 MAILING;

12 (II) THE CERTIFIED MAIL RECEIPT; OR

13 (III) AN AFFIDAVIT OF A PROCESS SERVER.

14 **§ 8.2-7. POST-FILING NOTICE.**

15 WITHIN 5 DAYS AFTER THE FILING OF THE COMPLAINT, THE MAYOR AND CITY COUNCIL
16 SHALL SEND A COPY OF THE COMPLAINT TO EACH INTERESTED PARTY TO THE ACTION, BY
17 FIRST-CLASS MAIL AND CERTIFIED MAIL, POSTAGE PRE-PAID, RETURN RECEIPT REQUESTED, TO
18 THE ADDRESS OR ADDRESSES IDENTIFIED IN THE CAPTION OF THE COMPLAINT, IF THOSE
19 ADDRESSES WERE FOUND.

20 **§ 8.2-8. SUFFICIENCY OF NOTICE.**

21 THE PROVISIONS OF THIS SUBTITLE AS TO NOTICE AND SERVICE OF PROCESS TO PERSONS WHO
22 MAY HAVE AN INTEREST IN REAL PROPERTY, IN CONJUNCTION WITH THE ORDER OF
23 PUBLICATION, ROUTINE TAX NOTICES, AND THE PRE-FILING AND POST-FILING NOTICES
24 REQUIRED BY THIS SUBTITLE, AS WELL AS THE KNOWLEDGE OF THE TAXES AND THE
25 CONSEQUENCES FOR NONPAYMENT OF THE TAXES IS DECLARED:

26 (1) TO BE REASONABLE AND SUFFICIENT UNDER ALL OF THE CIRCUMSTANCES INVOLVED,
27 AND NECESSARY IN LIGHT OF THE COMPELLING NEED FOR THE PROMPT COLLECTION OF
28 TAXES AND TO ADDRESS ABANDONED AND BLIGHTED REAL PROPERTY; AND

29 (2) TO SUPERSEDE ANY OTHER REQUIREMENT IN OTHER CASES OR CIVIL CAUSES
30 GENERALLY, INCLUDING REQUIREMENTS IN THE MARYLAND RULES THAT MAY BE
31 CONSTRUED TO CONFLICT WITH THE NOTICE AND SERVICE OR PROCESS REQUIREMENTS
32 IN THIS SECTION.

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1 **§ 8.2-9. HEARING.**

2 (A) *SCHEDULING.*

3 (1) WHETHER TO SCHEDULE A HEARING IS WITHIN THE CIRCUIT COURT’S DISCRETION.

4 (2) IF A HEARING IS SCHEDULED, THE HEARING MUST BE AT LEAST 30 DAYS AFTER THE
5 FILING OF THE COMPLAINT AND 60 DAYS FROM THE DATE OF THE ORDER OF
6 PUBLICATION.

7 (B) *HEARING PARTICIPATION.*

8 AT A HEARING DURING THE PENDENCY OF THE ACTION, ANY INTERESTED PARTY HAS THE
9 RIGHT TO BE HEARD AND TO CONTEST THE DELINQUENCY OF THE TAXES OR THE
10 ADEQUACY OF THE PROCEEDINGS.

11 **§ 8.2-10. JUDGMENT.**

12 (A) *SCOPE.*

13 THIS SECTION ONLY APPLIES IF THE CIRCUIT COURT FINDS, AFTER A HEARING OR ON THE
14 PLEADINGS AND AFFIDAVITS, THAT:

15 (1) THE MAYOR AND CITY COUNCIL SENT NOTICE AND A COPY OF THE COMPLAINT TO
16 EACH INTERESTED PARTY IN ACCORDANCE WITH THIS SUBTITLE;

17 (2) SERVICE OF PROCESS AND OTHER NOTICE REQUIREMENTS HAVE BEEN MET; AND

18 (3) THE INFORMATION SET FORTH IN THE COMPLAINT IS ACCURATE.

19 (B) *IN GENERAL.*

20 IF THE COURT HAS MADE THE FINDINGS REQUIRED BY SUBSECTION (A) OF THIS SECTION,
21 THE COURT SHALL:

22 (1) ENTER A JUDGMENT FINDING THAT:

23 (I) PROPER NOTICE HAS BEEN PROVIDED TO ALL INTERESTED PARTIES;

24 (II) THE REAL PROPERTY IS A VACANT STRUCTURE OR NUISANCE PROPERTY
25 PURSUANT TO THE BALTIMORE CITY BUILDING CODE; AND

26 (III) FORECLOSES THE EXISTING INTERESTS OF ALL INTERESTED PARTIES IN THE
27 REAL PROPERTY; AND

28 (2) ORDER THAT THE OWNERSHIP OF THE REAL PROPERTY IS TRANSFERRED TO THE
29 MAYOR AND CITY COUNCIL PURSUANT TO § 8.2-11 {“TITLE; RECORDATION”} OF
30 THIS SUBTITLE.

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1 (C) *EFFECT OF JUDGMENT.*

2 A JUDGMENT IN AN ACTION UNDER THIS SUBTITLE IS BINDING AND CONCLUSIVE,
3 REGARDLESS OF LEGAL DISABILITY, ON:

4 (1) ALL PERSONS, KNOWN AND UNKNOWN, WHO WERE PARTIES TO THE ACTION AND
5 WHO HAD A CLAIM TO THE PROPERTY, WHETHER PRESENT OR FUTURE, VESTED OR
6 CONTINGENT, LEGAL OR EQUITABLE, OR SEVERAL OR UNDIVIDED; AND

7 (2) ALL PERSONS WHO WERE NOT PARTIES TO THE ACTION AND HAD A CLAIM TO THE
8 REAL PROPERTY THAT WAS NOT RECORDED AT THE TIME THAT THE ACTION WAS
9 COMMENCED.

10 (D) *SUPERSEDING UNRECORDED TAX SALE DEEDS.*

11 A JUDGEMENT IN AN ACTION UNDER THIS SUBTITLE SUPERSEDES ANY PREVIOUS
12 UNRECORDED TAX SALE DEED.

13 **§ 8.2-11. TITLE; RECORDATION.**

14 (A) *IN GENERAL.*

15 UNLESS SPECIFIED OTHERWISE IN THE CIRCUIT COURT’S JUDGMENT OR IN THIS SECTION,
16 THE TITLE ACQUIRED IN AN IN REM FORECLOSURE PROCEEDING SHALL BE AN ABSOLUTE
17 FEE SIMPLE TITLE INCLUDING THE RIGHT, TITLE, AND INTEREST OF EACH OF THE
18 DEFENDANTS IN THE PROCEEDING WHOSE PROPERTY HAS BEEN FORECLOSED, UNLESS A
19 DIFFERENT TITLE IS SPECIFIED IN THE JUDGEMENT ENTERED.

20 (B) *LEASEHOLD PROPERTIES.*

21 (1) IF THE MAYOR AND CITY COUNCIL’S TITLE SEARCH INDICATES THAT TITLE TO REAL
22 PROPERTY IS HELD IN LEASEHOLD AND THE MAYOR AND CITY COUNCIL WISHES FOR
23 THE REAL PROPERTY TO BE AWARDED IN LEASEHOLD, THE MAYOR AND CITY COUNCIL
24 MAY ASK THE COURT TO AWARD LEASEHOLD TITLE.

25 (2) SERVICE OF PROCESS HAVING BEEN RENDERED ON THE GROUND RENT OWNER, EITHER
26 DIRECTLY, IF THE OWNER HAS BEEN IDENTIFIED AND LOCATED, OR BY PUBLICATION OR
27 OTHER METHOD APPROVED BY THE COURT, IF THE GROUND RENT OWNER HAS NOT
28 BEEN IDENTIFIED OR LOCATED, SHALL BE SUFFICIENT FOR THE COURT TO AWARD FEE
29 SIMPLE TITLE TO A LEASEHOLD PROPERTY.

30 (C) *RECORDATION.*

31 THE MAYOR AND CITY COUNCIL SHALL RECORD A JUDGMENT UNDER § 8.2-10
32 {“JUDGMENT”} OF THIS SUBTITLE TRANSFERRING TITLE OF THE SUBJECT REAL PROPERTY
33 TO THE MAYOR AND CITY COUNCIL IN THE LAND RECORDS OF BALTIMORE CITY.

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§ 8.2-12. COMPENSATION – REAL PROPERTY HAS VALUE.

(A) *IN GENERAL.*

IF THE REAL PROPERTY SUBJECT TO FORECLOSURE UNDER THIS SUBTITLE HAS VALUE, ONCE THE COURT HAS RENDERED THE JUDGEMENT AND THE MAYOR AND CITY COUNCIL HAVE RECORDED THE TITLE, THE DEPARTMENT SHALL:

(1) SELL THE PROPERTY AT PUBLIC AUCTION IN ACCORDANCE WITH § 14-894(N) {"BALTIMORE CITY JUDICIAL IN REM FORECLOSURE FOR VACANT OR NUISANCE PROPERTY"} OF THE STATE TAX-PROPERTY ARTICLE; OR

(2) WITHOUT SELLING THE PROPERTY:

(I) OBTAIN 2 APPRAISALS OF THE REAL PROPERTY BY REAL ESTATE APPRAISERS THAT ARE LICENSED UNDER TITLE 16 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; AND

(II) DEPOSIT IN AN ESCROW ACCOUNT THE AMOUNT BY WHICH THE HIGHER OF THE 2 APPRAISALS EXCEEDS THE AMOUNT OF TAXES DUE ON THE REAL PROPERTY.

(B) *DISTRIBUTION OF FUNDS.*

AS DIRECTED BY §§ 14-894(N)(8) AND (O)(2) {"BALTIMORE CITY JUDICIAL IN REM FORECLOSURE FOR VACANT OR NUISANCE PROPERTY"} OF THE STATE TAX-PROPERTY ARTICLE, THE CIRCUIT COURT SHALL DISTRIBUTE THE FUNDS DEPOSITED INTO AN ESCROW ACCOUNT TO THE INTERESTED PARTIES IN THE ORDER OF PRIORITY OF THE INTERESTS OF THE INTERESTED PARTIES.

§ 8.2-13. POST-JUDGMENT SALE.

(A) *IN GENERAL.*

(1) AFTER OBTAINING AND RECORDING AN IN REM FORECLOSURE JUDGMENT, THE CITY MAY RETAIN TITLE TO REAL PROPERTY OR SELL REAL PROPERTY, PURSUANT TO CITY CHARTER ARTICLE V, § 5 {"DEPARTMENT OF REAL ESTATE – DUTIES"} AND CITY CODE ARTICLE 13, § 2-7 {"SPECIFIC POWERS"}, TO ADVANCE THE CITY'S BLIGHT ELIMINATION GOALS.

(2) THE GOALS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION INCLUDE REHABILITATION, REDEVELOPMENT, CREATION OR PRESERVATION OF OPEN OR PARK SPACE, OR OTHER SIMILAR USES.

(B) *LAND BANK.*

IF THE CITY ESTABLISHES A LAND BANK AUTHORITY IN ACCORDANCE WITH CITY CHARTER ARTICLE II, § 65 {"LAND BANK AUTHORITY"}, THE CITY MAY CONVEY REAL PROPERTY DESCRIBED UNDER THIS SECTION TO THAT AUTHORITY TO BE USED FOR THE CITY'S OR THE AUTHORITY'S BLIGHT ELIMINATION AND REVITALIZATION GOALS.

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1 (C) *DISPOSITION.*

2 (1) *IN GENERAL.*

3 (I) AT THE TIME THE CITY SELLS ANY REAL PROPERTY OBTAINED UNDER THIS
4 SUBTITLE, THE CITY SHALL DEPOSIT INTO THE COURT REGISTRY ANY EXCESS
5 FUNDS PAID BY THE BUYER, EITHER DIRECTLY FOR REAL PROPERTY OR ON A PRO-
6 RATA BASIS IF THE SUBJECT REAL PROPERTY WAS CONSOLIDATED WITH OTHER
7 REAL PROPERTY LOTS TO CREATE A SINGLE PARCEL, BEYOND THE LIEN AMOUNTS
8 OWED TO THE MAYOR AND THE CITY COUNCIL, INCLUSIVE OF INTEREST, FEES, AND
9 PENALTIES, AT THE TIME OF THE IN REM FORECLOSURE JUDGEMENT UNDER THIS
10 SUBTITLE.

11 (II) IN DEPOSITING THE EXCESS FUNDS, THE CITY SHALL PROVIDE AN ACCOUNTING OF
12 THE AMOUNT OF CITY LIENS AT THE TIME OF THE IN REM FORECLOSURE
13 JUDGEMENT ON THE REAL PROPERTY AND DETAIL THE PRICE OR PRO-RATA SHARE
14 OF THE PRICE ULTIMATELY PAID BY THE BUYER OF THE REAL PROPERTY.

15 (2) *DISTRIBUTION OF PROCEEDS.*

16 THE AMOUNT DEPOSITED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION SHALL BE
17 DISTRIBUTED TO THE OWNER AND OTHER DEFENDANTS, UPON THEIR MOTIONS, IN
18 ORDER OF LIEN PRIORITY.

19 **§ 8.2-14. REOPENING JUDGMENT.**

20 (A) *IN GENERAL.*

21 EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A COURT MAY NOT REOPEN
22 A JUDGMENT RENDERED IN AN IN REM FORECLOSURE PROCEEDING IN ACCORDANCE WITH
23 THIS SECTION EXCEPT ON THE GROUND OF LACK OF JURISDICTION OR FRAUD IN THE
24 CONDUCT OF THE PROCEEDINGS TO FORECLOSE.

25 (B) *CONSTRUCTIVE FRAUD - STATUTE OF LIMITATIONS.*

26 A COURT MAY NOT REOPEN ANY JUDGMENT UNDER SUBSECTION (A) OF THIS SECTION ON
27 THE GROUND OF CONSTRUCTIVE FRAUD IN THE CONDUCT OF THE PROCEEDINGS TO
28 FORECLOSE UNLESS AN APPLICATION TO REOPEN A JUDGMENT RENDERED IS FILED WITHIN
29 1 YEAR AFTER THE DATE OF JUDGMENT.

30 (C) *PROCEDURES.*

31 A PLAINTIFF IN AN ACTION TO REOPEN AN IN REM FORECLOSURE JUDGMENT UNDER THIS
32 SECTION SHALL:

33 (1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, FILE THE ACTION
34 WITHIN 3 YEARS AFTER THE ENTRY OF THE IN REM FORECLOSURE JUDGMENT;

35 (2) PAY ALL TAXES DUE ON THE PROPERTY BEFORE FILING THE ACTION; AND

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1 (3) WITHIN 30 DAYS AFTER FILING THE ACTION, SUBMIT EVIDENCE TO THE COURT
2 THAT THE MOVING PARTY HOLDS A BOND EQUAL TO THE REASONABLE VALUE OF
3 THE SUBJECT REAL PROPERTY.

4 (D) *JUDGMENT SET ASIDE.*

5 IF AN IN REM FORECLOSURE JUDGMENT OF THE COURT IS SET ASIDE, THE AMOUNT
6 REQUIRED TO REDEEM IS EQUAL TO THE SUM OF:

7 (1) THE AMOUNT REQUIRED BY THIS SUBTITLE; AND

8 (2) THE REASONABLE VALUE, AT THE DATE THE JUDGMENT IS SET ASIDE, OF ALL
9 IMPROVEMENTS MADE ON THE REAL PROPERTY AND ALL COSTS INCURRED WITH
10 RESPECT TO DEVELOPMENT OF THE REAL PROPERTY BY THE PURCHASER AND THE
11 PURCHASER’S SUCCESSORS IN INTEREST.

12 **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
13 after the date it is enacted.

BALTIMORE CITY COUNCIL



HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

25-0080

*In Rem Foreclosure – Vacant Structures and
Nuisance Properties*

Agency Reports

CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
EBONY M. THOMPSON, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

November 1, 2025

The Honorable President and Members
of the Baltimore City Council
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 25-0080 – In Rem Foreclosure– Vacant Structures and Nuisance Properties

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 25-0080 for form and legal sufficiency. The bill would authorize certain property located in Baltimore City identified as a vacant structure or nuisance property under the Baltimore City Building Code to be subject to a certain in rem foreclosure process.

The City's current in rem foreclosure procedure was authorized in 2019 by the enactment of Part V ("Judicial In Rem Tax Foreclosure") of Subtitle 8 of the Tax Property Article of the Maryland Code, now codified in Sections 14-873 through 14-876 of that Article. 2019 Md. Laws, ch. 276. This procedure applies to vacant properties or property cited as vacant and unsafe if the time to appeal that decision has tolled and if taxes are in arrears for at least 6 months. Md Code, Tax Prop., § 14-874. Most importantly, **the liens must exceed the value of the property:**

- (a) Real property may be subject to foreclosure and sale under this part only if:
 - (1) the property consists of a vacant lot or improved property cited as vacant and unsafe or unfit for habitation or other authorized use on a housing or building violation notice; and
 - (2) **the total amount of liens for unpaid taxes on the property exceeds the lesser of the total value of the property as last determined by the Department or as determined by an appraisal report prepared not more than 6 months before the filing of a complaint under this section by a real estate appraiser who is licensed under Title 16 of the Business Occupations and Professions Article.**

Md Code, Tax Prop., § 14-874 (a) (1)-(2) (emphasis added).

The requirement of the liens exceeding the value of the property is the reason that the current process is not a government taking of private property, because the government's interest

in the property is already substantial. In Rem Foreclosure is a method of collecting the unpaid amounts due to the government:

Actions in rem, strictly considered, are proceedings against property alone treated as responsible for the claims asserted by the libelants or plaintiffs. The property itself is in such actions the defendant, and, except in cases arising during war for its hostile character, its forfeiture or sale is sought for the wrong, in the commission of which it has been the instrument, or for debts or obligations for which by operation of law it is liable. The court acquires jurisdiction over the property in such cases by its seizure, and of the subsequent proceedings by public citation to the world, of which the owner is at liberty to avail himself by appearing as a claimant in the case’.

Gathwright v. Mayor & Council of City of Baltimore, 181 Md. 362, 367–68 (1943).

In 2023, the General Assembly added Section 14-894 to the Tax Property Article of the Maryland Code to allow Baltimore City to provide by ordinance for an in rem foreclosure for properties with no value (like the current law) **as well as properties with value**. While the City can sell property to recover taxes owed, it is prohibited by the Fifth Amendment of the U.S Constitution and Section 40 of Article III and Section 1 of Article XI-B of the Maryland Constitution from taking property without just compensation. “[J]ust compensation means the full monetary equivalent of the property taken.” *United States v. Reynolds*, 397 U.S. 14, 16 (1970). As explained below, the bill must be amended to provide the necessary compensation.

Even with these amendments, however, the City may not be able to satisfy the requirement of a public purpose for a taking of private property in a particular case. “Whether the use for which private property is taken is public or private is a judicial question, to be determined by the court; a legislative body cannot make a particular use either public or private by merely declaring it so.” *Mayor and City Council v. Chertkof*, 293 Md. 32, 43 (1982). To operate “otherwise, the constitutional restraint would be utterly nugatory, and the Legislature could make any use public by simply declaring it so, and hence its will and discretion become supreme, however arbitrarily and tyrannically exercised.” *Perellis v. Mayor & City Council of Baltimore*, 190 Md. 86, 93 (1948). The City cannot justify taking a property to give it to another that may make better use of it. *Id.* Rather, each time the City utilizes this process, it will have to show that it is taking the property in question for a public purpose. However, “the public character of a condemnation is not necessarily changed because a private entity will own the property.” *Prince George’s Cnty. v. Collington Crossroads, Inc.*, 275 Md. 171, 187 (1975).

A Court may not be persuaded that in every case the City’s taking title to a vacant or nuisance property is sufficient public purpose when there is still private equity left in the property. The state law applies to “vacant or nuisance property” that is defined as “a vacant lot or improved property determined to be a vacant property or a nuisance property under the Baltimore City Building Code.” Md Code, Tax Prop., § 14-894. A nuisance property according to the building code is:

- a. an unoccupied structure for which 2 or more final, non-appealable Building Code, Fire Code, or Property Maintenance Code violations remained unabated for 10 days or more beyond the date by which the violation notice, citation, or order required the violation to be corrected; or
- b. the exterior premises of an unoccupied structure for which, at any time within the preceding 12 months, on 6 or more separate occasions, final, no-longer appealable violation notices, citations, or orders were served to correct violations of Property Maintenance Code, § 305 {"Exterior Sanitary Maintenance – General"} or § 306 {"Exterior Sanitary Maintenance – Trash, Garbage, and Debris"}.

Building, Fire & Related Codes of Baltimore City, § 116.4.1.3.

Since public purpose must be decided by a court, the Law Department cannot disapprove the bill for form and legal sufficiency on these grounds as they are determined on a case by case basis. However, amendments are needed to be sure that the City provides fair market value for the property, allows the property owner to contest that value with a jury trial as a matter of right and does not take title until payment is given subject to the City's lien amount.

Amendment Required to Pay Fair Market Value

Determining the value of the property makes sure there is just compensation paid to the property owner to avoid an unconstitutional taking. In condemnation proceedings, fair market value must be paid. Md. Code, Real Prop., § 12-104(a). Fair market value is defined as:

the price as of the valuation date for the highest and best use of the property which a vendor, willing but not obligated to sell, would accept for the property, and which a purchaser, willing but not obligated to buy, would pay, excluding any increment in value proximately caused by the public project for which the property condemned is needed. In addition, fair market value includes any amount by which the price reflects a diminution in value occurring between the effective date of legislative authority for the acquisition of the property and the date of actual taking if the trier of facts finds that the diminution in value was proximately caused by the public project for which the property condemned is needed, or by announcements or acts of the plaintiff or its officials concerning the public project, and was beyond the reasonable control of the property owner.

Md. Code, Real Prop., § 12-105(b).

A defendant can challenge the value before the final judgment is issued. Md. Code, Real Prop., § 12-105(c). A defendant challenging value typically obtains their own appraisal. If the City and defendant do not agree on the value, the condemnation case is tried by a jury for the value to be determined unless the parties waive the jury trial right. Maryland Rule 12-207(a). The requirements in Maryland law stem from the fact that the "right to private property, and the protection of that right, is a bedrock principle of our constitutional republic. This is explicit in the federal constitution. The Fifth Amendment of the United States Constitution, made applicable to

the States through the Fourteenth Amendment, states that, ‘No person shall ... be deprived of life, liberty, or property, without due process of law.’” *Mayor & City Council of Baltimore City v. Valsamaki*, 397 Md. 222, 241 (2007) (citations omitted).

This bill lacks the necessary due process. The Law Department recommends that Section 8.2-9 on page 12 be amended to include the right to a jury trial to contest value as required under Section 40 of Article III and Section 1 of Article XI-B of the Maryland Constitution unless waived by the parties in writing. Section 8.2-12 on page 14 should be amended to ensure that the fair market value of the property is obtained by providing an opportunity to contest the adequacy of the auction and applying the definition of fair market value as provided in Section 12-105(b) of the Real Property Article of the Maryland Code, rather than two appraisals.

Amendment Required to Prevent Taking Title Without Payment of Fair Market Value

The bill permits the City to take control of a property with value before the property owners have been paid that value. This type of government action would be characterized as quick take condemnation, permitted in some jurisdictions in Maryland under Sections 40a of Article III of the Maryland Constitution. *See, e.g., Makowski v. Mayor & City Council of Baltimore*, 439 Md. 169, 186 (2014) (Baltimore’s evidentiary showing “met the high threshold for situations to qualify as ‘necessary’ for Baltimore City to have ‘immediate’ possession and/or title to real property”). Since this bill contemplates a judicial in rem process, not an immediate quick take for possession, the bill needs to be amended to make clear that title is not taken until after the payment of just compensation. Thus, Section 8.2-13 may not be needed in those cases where the property has value above the lien amount since the City will have already paid fair market value for the property before obtaining title. Additionally, for those properties with value, the court may require in personam jurisdiction and additional notice.

Additional Amendments Needed

Section 8.2-14 “Reopening Judgment” on page 15 should be deleted as it attempts to direct the actions of the Baltimore City Circuit Court, thereby exceeding the City’s legislative power. MD Constitution, Art. 11-A, Sect. 3. Moreover, it is duplicative of existing state law.

Next, lines 10 through 12 on page 3 of the bill must be deleted because the lawyer is distinct from the client. Md. Rule, 19-301.2 (Maryland Rule of Professional Conduct explaining lawyer and client relationships).

Finally, the change of Mayor and City Council to be a plural noun is incorrect, as it is the legal name of the City as provided in its Charter. City Charter, Art. I, § 1. Therefore, the Law Department recommends removing the suggested change in line 7 on page 2. Similarly, there are several other references throughout the bill that refer to the Mayor and City Council as a plural noun that should be revised. Additionally, the bill alters between referring to the City and referring to the Mayor and City Council. To avoid a Court interpreting these two terms differently, the Law Department recommends that one moniker be used consistently. *See, e.g., Toler v. Motor Vehicle Admin.*, 373 Md. 214, 223–24 (2003) (“It is a common rule of statutory construction that, when a

legislature uses different words, especially in the same section or in a part of the statute that deals with the same subject, it usually intends different things”).

Since the required amendments are substantial, the Law Department has not attempted to draft them but remains happy to consult on their creation. With these required amendments, the bill is not unconstitutional on its face because it will provide the due process and just compensation required under the Fifth Amendment of the United States Constitution and the applicable articles of the Maryland Constitution. In any particular case, however, a court may find the City’s attempt to take title unconstitutional if it cannot provide an adequate public purpose. Since this would only invalidate the law as applied, the Law Department can approve the bill for form and legal sufficiency with the required amendments.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Hilary Ruley".

Hilary Ruley
Chief Solicitor

cc: Ebony M. Thompson, City Solicitor
Ty’lor Schnella, Mayor’s Office of Government Relations
Ashlea Brown, Chief Solicitor
Jeffrey Hochstetler, Chief Solicitor
Michele Toth, Assistant Solicitor
Desiree Lucky, Assistant Solicitor



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Alice Kennedy, Commissioner, Housing and Community Development
CC	Mayor's Office of Government Relations
DATE	November 4, 2025
SUBJECT	25-0080 In Rem Foreclosure – Vacant Structures and Nuisance Properties

Position: Unfavorable



BILL SYNOPSIS

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 25-0080 In Rem Foreclosure – Vacant Structures and Nuisance Properties for the purpose of authorizing certain property located in Baltimore City identified as a vacant structure or nuisance property under the Baltimore City Building Code to be subject to a certain in rem foreclosure process; requiring certain procedures for an in rem foreclosure; requiring the City to take certain actions to compensate the interested parties in property that is acquired through an in rem foreclosure; specifying the circumstances under which an in rem foreclosure judgement may be reopened; making conforming changes; defining certain terms; and generally relating to in rem foreclosure of vacant property in Baltimore City.

If enacted, City Council Bill 25-0080 would expand the types of properties applicable for In Rem acquisition to include “nuisance” properties as described within Baltimore City Building Code, § 116.4.1.3, allow In Rem foreclosure on properties with value that exceeds the City’s liens, and establish certain compensation procedures for parties whose property is acquired through the In Rem process. If approved, this Bill will take effect on the 30th day after the date it is enacted.

SUMMARY OF POSITION

Fundamentally, DHCD believes that the In Rem process, in its current form, works and works well. It allows the City to target abandoned or chronically neglected vacant lots and buildings for tax lien foreclosure. The foreclosure cases are averaging just under six months from filing to foreclosure judgment, and thus far DHCD has acquired 570 eligible properties while continuously increasing its capacity. DHCD is targeting 520 In Rem acquisitions in FY 2026. This Bill, as written, has the potential to chip away at both the legal and social legitimacy of the In Rem process, and may slow down DHCD’s cases.

DHCD is concerned about this Bill's proposed changes to the existing City Code section regarding In Rem complaints (§ 8.1-7 (c)) to require "the name and address of the City agency administering the In Rem foreclosure action." As the current City Code only allows DHCD to file In Rem foreclosure actions, this provision adds confusion. As it is, this new requirement only serves to add additional and unnecessary requirements to the City Code.

DHCD is also concerned about the Bill's proposed expansion of In Rem foreclosure to include "nuisance" properties. Baltimore City Building Code, § 116.4.1.3, defines nuisance properties as:

1. an unoccupied structure for which 2 or more final, non-appealable Building Code, Fire Code, or Property Maintenance Code violations remained unabated for 10 days or more beyond the date by which the violation notice, citation, or order required the violation to be corrected; or
2. the exterior premises of an unoccupied structure for which, at any time within the preceding 12 months, on 6 or more separate occasions, final, no-longer appealable violation notices, citations, or orders were served to correct violations of Property Maintenance Code, § 305 {"Exterior Sanitary Maintenance – General"} or § 306 {"Exterior Sanitary Maintenance – Trash, Garbage, and Debris"}.

Rather than the abandoned or chronically neglected properties considered to be serious threats to public health and safety, adding this new category could result in properties that are merely eyesores becoming In Rem eligible. Foreclosing on such eyesore properties that have value beyond the City lines may well result in an unconstitutional taking. Under both the US and the Maryland constitutions, there must be just compensation and a valid public purpose. Regarding the "valid public purpose" question, DHCD is not convinced that taking an eyesore property from the owners and other interest-holders would be considered a valid public purpose, when existing code enforcement remedies are a less severe means of addressing the problem.

With respect to the question of "just compensation", DHCD notes that the section of the Bill titled "compensation" only provides two possibilities:

- (1) Sell the property and deposit the excess proceeds (after the City's liens are deducted) into the court for distribution to owners and lienholders; or
- (2) Obtain two independent appraisals, and deposit into a court escrow fund the amount by which the higher appraised amount exceeds the City's liens.

Our concern with this section is that unlike the current law governing acquisition of properties by eminent domain, there is still no mechanism in the Bill for an owner or other interest holder to contest the City's valuation. That lack of recourse could result in the conclusion by an appellate court that the compensation scheme in the Bill falls short of the requirements of the US and Maryland constitutions.

FISCAL IMPACT

If DHCD were to file In Rem cases under this new proposed framework, the procedure and pleading packages would be notably different from In Rem cases as they are currently filed. For example, the “compensation” provisions in the Bill imply post-judgment filings by the City showing either what the referenced property sold for or copies of its appraisals, with both instances requiring a deposit amount. The Bill also suggests the need for an orderly process of fund disbursement by the court, with notice to all parties each time a request for disbursement is made or contested.

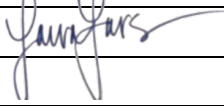
These changes would require the creation of new workflows and subsequent training as the process evolves for both Circuit Court and DHCD personnel. In terms of direct costs, this Bill would require a budget for what is essentially the purchase of the properties foreclosed on through this expansion of In Rem. Even initiating such foreclosures would likely require additional bureaucratic processes for Board of Estimates approvals and purchase fund administration. In addition to these added costs, this Bill would likely result in a distinct and significantly slower timeline than our current In Rem cases.

AMENDMENTS

DHCD does not seek any amendments to this Bill at this time.



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Laura Larsen, Budget Director 
DATE	October 30 th , 2025
SUBJECT	Bill 25-0080 – In Rem Foreclosure – Vacant Structures and Nuisance Properties

The Honorable President and
Members of the City Council
City Hall, Room 400

Position: Defer to DHCD

The Department of Finance is herein reporting on City Council Bill 25-0080, In Rem Foreclosure – Vacant Structures and Nuisance Properties, the purpose of authorizing certain property located in Baltimore City identified as a vacant structure or nuisance property under the Baltimore City Building Code to be subject to a certain In Rem foreclosure process; requiring certain procedures for an in-rem foreclosure; requiring the City to take certain actions to compensate the interested parties in property that is acquired through an in-rem foreclosure; specifying the circumstances under which an In Rem foreclosure judgement may be reopened; making conforming changes; defining certain terms; and generally relating to In Rem foreclosure of vacant property in Baltimore City.

Background

Baltimore City has several tools to fight blight and vacancy. One of these tools is called In Rem foreclosure; a legal mechanism used when property owners fail to resolve outstanding obligations that exceed the property's assessed value. The process requires extensive due diligence and notice, including certified mail to owners, public notice by newspaper publication, and a 50-year title search to identify potential claimants. If no resolution is reached, the City may seek an In Rem judgment, which allows the City to either retain the property for public use or sell it at public auction.

Properties foreclosed through this program often contribute to neighborhood blight, discouraging investment and undermining revitalization efforts. By acquiring title, the City can transfer these properties to qualified developers or community stakeholders for rehabilitation. When a property's value exceeds the amount of taxes and liens owed, surplus proceeds from the sale are distributed to lienholders in order of priority, as required by law. This protects the rights of interested parties while enabling the City to return long-neglected properties to productive use.

In Rem

The In Rem process enables the City to target abandoned or chronically neglected vacant lots and

buildings for tax lien foreclosure in a timely and legally sound manner. On average, foreclosure cases take just under six months from filing to judgment. To date, DHCD has successfully acquired 570 properties through the In Rem process. These properties are then conveyed to developers who can rehabilitate them and return them to productive use.

City Council Bill 25-0080

Council Bill 25-0080 authorizes Baltimore City to expand its judicial In Rem foreclosure process to include vacant structures and nuisance properties, as defined in the Baltimore City Building Code. The bill establishes a new process to acquire these nuisance properties, which may not necessarily be vacant.

Currently, only vacant properties are eligible for In Rem. Under Baltimore City Building Code § 116.4.1.2, a vacant property is defined as:

1. unoccupied, and
2. either:
 - A. unsafe or unfit for human habitation or other authorized use, or
 - B. a nuisance property.

A nuisance property is legally distinct from a vacant property. Under Baltimore City Building Code § 116.4.1.3, a nuisance property is defined as either:

1. An unoccupied structure with two or more final, non-appealable Building, Fire, or Property Maintenance Code violations that remain unabated for at least ten days beyond the correction deadline; or
2. The exterior premises of an unoccupied structure that, within the past twelve months, received six or more final, non-appealable violation notices under Property Maintenance Code §§ 305 or 306 (“Exterior Sanitary Maintenance – General” and “Trash, Garbage, and Debris,” respectively).

A vacant property (§116.4.1.2) focuses on occupancy and condition — whether the building is unoccupied, and either unsafe or a nuisance. While a nuisance property (§116.4.1.3) focuses on code violations and maintenance issues — it identifies properties with a pattern of repeated or uncorrected code violations that negatively affect the surrounding area.

Comparing Vacant Properties to Nuisance Properties		
Feature	Vacant Property (§116.4.1.2)	Nuisance Property (§116.4.1.3)
Occupancy status	Must be unoccupied	Must be unoccupied
Condition	Either (A) unsafe/unfit for human habitation or (B) a nuisance property	Not necessarily unsafe, but has persistent code violations
Basis for designation	Based on physical condition or public safety risk	Based on code enforcement history (unabated or repeated violations)

Fiscal Impact

The Department of Finance anticipates a significant fiscal impact from this legislation, with far-reaching consequences. Costs will arise from the operational demands of implementing the new workflow process outlined in City Council Bill 25-0080, which would increase DHCD’s operational expenses for the In Rem program. Additionally, including nuisance properties in the In Rem process could reduce the quality of property titles, potentially discouraging developers—large and small—from acquiring these properties.

DHCD anticipates needing to create an entirely new In Rem process to implement the process established by City Council Bill 25-0080 for nuisance properties. This process would run in parallel with the one that DHCD has already established for vacant and abandoned buildings with liens that exceed the property’s

assessed value.. Based on current estimates each In-Rem case costs \$2,500 to process; this includes staff salaries, legal filings, certified mail, newspaper publication, title searches, appraisals, and recording fees. DHCD set a goal of—and budgeted for—520 In Rem acquisitions for Fiscal Year 2026. Assuming that City Council Bill 25-0080 is enacted DHCD anticipates an additional 260 In-Rem cases which would cost \$650,000. DHCD’s current budget cannot absorb this increase.

City Council Bill 25-0080 would also have far-reaching implications for the City’s ability to convey properties for redevelopment. DHCD believes removing the court-overseen service-of-process requirements would negatively impact the quality of title the City obtains through foreclosure, thereby limiting its ability to convey marketable title to developers for rehabilitation or redevelopment. Developers depend on clear title when receiving property from the City. The lack of clear title could dissuade developers from working with the City or significantly delay redevelopment efforts. If developers are unwilling to purchase properties eligible under Bill 25-0080, the City would be unable to recover unpaid taxes and code liens on long-delinquent and abandoned properties.

Conclusion

City Council Bill 25-0080 seeks to broaden Baltimore City’s In Rem foreclosure authority to include nuisance properties in addition to vacant ones. While the intent to address blight and chronic code violations is clear, the proposed expansion introduces substantial legal, fiscal, and operational concerns. By extending foreclosure to properties that may still retain market value or lack imminent safety risks, the City risks constitutional challenges related to takings and just compensation.

Operationally, implementing a new In Rem workflow for nuisance properties would require significant additional resources that are not currently budgeted. The estimated \$650,000 in unplanned costs for Fiscal Year 2026 underscores the potential strain on DHCD’s existing capacity. In sum, while the bill aims to strengthen the City’s blight-remediation tools, its current structure may create new risks that outweigh its potential benefits. Additional safeguards, funding, and legal review may be necessary to ensure the expanded In Rem process is both constitutionally sound and operationally sustainable.

For the reasons stated above, the Department of Finance defers to DHCD on City Council Bill 25-0080.

cc: Michael Mocksten
Nina Themelis



MEMORANDUM

To: The Honorable President and Members of the City Council
c/o Shamoyia Gardiner, Deputy Chief of Staff, Council President's Office

From: J Hardy, Community & Legislative Affairs Coordinator

Date: October 23rd, 2025

Re: 25-0080 - In Rem Foreclosure – Vacant Structures and Nuisance Properties

Position: Defer to Department of Housing and Community Development

The Department of Real Estate (DORE) is herein reporting on City Council Bill 25-0080, introduced by Councilmember Ramos.

This bill authorizes certain vacant structures and nuisance properties to be subject to an expanded in rem foreclosure process under the Baltimore City Building Code and State Tax-Property Article. It establishes procedures to foreclose property interests, transfer properties to the City, ensure compensation when properties have value, and enable post-judgment property disposition aligned with blight removal and redevelopment goals.

This bill does not affect operations within the DORE. We defer to the Department of Housing & Community Development as the affected agency.

CC:

Celeste Amato, Chief of Staff, Comptroller Office
KC Kelleher, Deputy Chief of Staff, Comptroller's Office



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Leyla Layman, Interim Director Baltimore City Office of Information and Technology <i>Leyla Layman</i>
CC	Ms. Nina Themelis, Director, Mayor's Office of Government Relations
DATE	August 19, 2025
SUBJECT	25-0080 In Rem Foreclosure – Vacant Structures and Nuisance Properties

POSITION: Without Recommendation

BILL SYNOPSIS

The Baltimore City Office of Information and Technology (BCIT) has completed its review of Council Bill 25-0080 In Rem Foreclosure – Vacant Structures and Nuisance Properties. This bill authorizes certain properties located in Baltimore City identified as a vacant structure or nuisance property under the Baltimore City Building Code to be subject to a in rem foreclosure process; requires certain procedures for an in rem foreclosure; and requires the City to take certain actions to compensate the interested parties in property that acquired through an in rem foreclosure and specifies the circumstances under which an in rem foreclosure judgement may be reopened.

SUMMARY OF POSITION

BCIT anticipates utilizing existing systems to implement Council Bill 25-0080 In Rem Foreclosure – Vacant Structures and Nuisance Properties. We do not foresee the need for additional technologies.

If you have any questions, please contact Fabienne Dorceus, Program Manager, at (410) 913-0556.

BALTIMORE CITY COUNCIL



HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

25-0080

*In Rem Foreclosure – Vacant Structures and
Nuisance Properties*

Additional Materials



Odette Ramos

Baltimore City Councilwoman

District 14

(410) 396 - 4814

odette.ramos@baltimorecity.gov

100 N. Holliday Street, Room 553

Baltimore MD 21202

November 4, 2025

Testimony

**25-0080 – In Rem Foreclosure – Vacant Structures and Nuisance Properties
Support with Amendments**

Dear Chair Torrence and Members of the Housing and Economic Development Committee:

I am writing to request your favorable report with amendments to 25-0080 – In Rem Foreclosure – Vacant Structures and Nuisance Properties.

According to the DHCD dashboard, there are 12,336 vacant and abandoned structures in Baltimore City, which are those marked with a Vacant Building Notice or VBN (which is the red square on Codemap). There are also approximately 13,000 vacant lots (which are not on the dashboard yet). While there has been amazing progress - to the tune of rehabbing or demolishing a little under 1,000 vacant structures a year in the last three years, we still have a very long way to go. Baltimore City government only owns 971 of these vacant properties and about 1/3 of the vacant lots.

Because the City only owns 7.8% of the vacant and abandoned structures, we need more tools to make sure we can acquire them, work with communities on the outcomes, and make them available to our partners who will ensure that the threat of fire or unsafe environment caused by these vacant structures is eliminated through rehabilitation or demolition.

The current reduction in vacant structures is largely due to the private market - either families selling their vacant homes to wholesalers, investors obtaining vacant properties via tax sale, or other reasons. This means communities may not be able to have input on what happens with the vacant homes. In addition, we have already seen at least two major scams and fraud involving Baltimore City vacant structures because of private investors.

Background on the creation and implementation of In Rem 1

In 2015, as part of their commissioned study about solutions to Baltimore City's tax sale system, the Center for Community Progress recommended the use of In Rem Judicial Foreclosure, rather than tax sale, to take hold of vacant properties. In 2019, the General Assembly passed legislation that created and authorized jurisdictions like Baltimore City to conduct In Rem Judicial Foreclosure actions (In Rem means "against a thing"). In this iteration, which I will call "**In Rem 1,**" **the City can foreclose on a vacant and abandoned structure or vacant lot when the unpaid liens exceed the assessed value of a property, meaning the vacant structure or vacant lot has no value.** The liens are then extinguished in the judgement, which allows the City to transfer the property to a new owner with clear title. I'm proud to

have worked with a broad coalition to get this passed in my previous role as the Executive Director for the Community Development Network of Maryland, prior to becoming a City Councilwoman.

Shortly after that, the Baltimore City Council passed DHCD's bill to begin conducting In Rem actions. "In Rem 1" is extremely important because we know that there are several thousand vacant and abandoned structures and vacant lots with hundreds of thousands of dollars in unpaid liens. No one was purchasing these in tax sale, and no one would approach owners to purchase these vacant properties with such high liens. They were stuck as vacant forever - owned by mostly deceased people, families who have moved away, forfeited LLCs, absent landlords, and the like. This was the case of the Stricker Street property where Lt. Butrim, Lt. Sadler, and FF/EMT Lacayo were killed. "In Rem 1" is the best tool to address these kinds of properties. As a matter of fact, **using 2025 lien data from the Department of Finance, 28% of the vacant and abandoned structures, and 48% of the vacant lots are eligible for In Rem 1.** In addition, once the city acquires the property through In Rem, we can control the outcome - it does not have to be auctioned to the highest bidder. For whole block outcomes, this is critical.

While implementation of In Rem 1 was hampered because of the pandemic, filing of In Rem 1 cases began in earnest in early 2022, and the first cases landed in the Circuit Court in November of 2022. I want to thank the Circuit Court for their very important role here, because our In Rem cases are in a separate docket with one dedicated Magistrate. The Circuit Court is one of the greatest partners in this initiative. In Rem is designed to be faster. Other forms of acquisition of vacant properties or lots take years. In Rem takes months. In Rem 1 cases - from filing the case to judgement - take 120-180 days, which is meteoric speed compared to all the other methods of acquisition.

In Rem 1 has had 2.5 years of implementation, and to date, the City has acquired over 569 vacant and abandoned structures and vacant lots, with several in my district, particularly for the whole block strategy on the 1600 Block of Gorsuch which was our test block for In Rem. Thanks to Mayor Scott and the City Council, over the past two budgets we have now 13 lawyers in the In Rem team, and hiring one more. Thanks also to Chair Clippinger, Senate President Ferguson and the entire General Assembly, with a match by the Administration in this past budget, we have provided significant funds for the Circuit Court to hear more cases. Currently In Rem cases are heard every Wednesday morning, and the additional funding will allow for either more time each Wednesday, or to establish an additional day for cases in this dedicated docket.

DHCD is now using In Rem as the primary mode of acquisition, which is exactly how we envisioned it. The goal is to file 200 cases per month, and according to the report we received at the oversight hearing the other day, DHCD is currently filing around 70-100 cases per month. More capacity to reach our goals is needed. I want to thank DHCD for their very good work and dedication to implementing In Rem.

25-0080 is what I will call "In Rem 2."

25-0080 expands In Rem to allow for the City to foreclose when the unpaid liens are below the assessed value of a vacant and abandoned structure or vacant lot, and liens are in arrears for more than 6 months. The City would have to pay the difference between the appraised value – using the highest of two independent appraisals - and the liens to the last known owner to avoid a taking. The state authorization for this phase of the work came in 2023 thanks to Senator McCray and Delegate Smith who sponsored the Scott Administration bill enabling Baltimore City to conduct In Rem 2 actions.

Using data from the Department of Finance, 50% of the privately owned vacant and abandoned structures and 23% of the privately owned vacant lots citywide qualify for In Rem 2 actions. These vacant properties would likely go to receivership, but in receivership, vacant properties are auctioned off

to the highest bidder. This does not allow community development organizations to bid because the bids these days are so high, and the winner may not have the interest of the community in mind. Moreover, receivership is not authorized for vacant lots. In Rem 2 is so much better, it will be faster, and we will be able to truly accomplish whole block outcomes using both In Rem 1 and In Rem 2.

Based on the analysis conducted by my office, we believe with the full complement of the In Rem tools, the City could acquire 78% of the privately owned vacant and abandoned structures and 71% of the privately owned vacant lots in our city ensuring these properties are removed as a safety and danger risk to our residents and neighborhoods, get to the hands of partners who will ensure they are brought up to code.

Appendix A is a chart that summarizes In Rem 1 and In Rem 2. In **Appendix B** are two maps, one regarding In Rem 1 and In Rem 2 eligible vacant structures, and the other the In Rem 1 and In Rem 2 eligible vacant lots. [Here](#) is the interactive map. In **Appendix C**, please find a chart with data from the Department of Finance analyzed by my office that outlines how many properties are eligible for In Rem 1 and In Rem 2 for each district, and an addendum with the challenges with the data.

Nuisance Properties

In Rem 2 also allows for action against “nuisance” properties. The nuisance properties part of this bill refers to the fact there are significant properties that are sitting empty but are not getting VBNS. In the state tax article that authorized In Rem 2 it refers to a vacant or nuisance property as “as a vacant lot or improved property determined to be a vacant property or nuisance property under the Baltimore Building Code.” In our Building code, in our Building Code in § 116.4.1.3, defines nuisance properties as:

1. an unoccupied structure for which 2 or more final, non-appealable Building Code, Fire Code, or Property Maintenance Code violations remained unabated for 10 days or more beyond the date by which the violation notice, citation, or order required the violation to be corrected; or
2. the exterior premises of an unoccupied structure for which, at any time within the preceding 12 months, on 6 or more separate occasions, final, no-longer appealable violation notices, citations, or orders were served to correct violations of Property Maintenance Code, § 305 {"Exterior Sanitary Maintenance – General"} or § 306 {"Exterior Sanitary Maintenance – Trash, Garbage, and Debris"}.

I have asked DLR to draft legislation to further define “nuisance” properties as those with outstanding liens, no utilities, and no mail delivery. These properties will eventually get VBNS. My pending legislation will enable us to find them, classify, and provide data about them to take action either by In Rem 2, or through contacting family members to assist with what they desire with the property or taking other action.

“Nuisance” in this case does not mean properties where there are criminal or other activities that are impacting communities. Those are in a separate part of the code, and not relevant here. Please note that nuisance properties are not considered in the Appendices, as we don’t have a clear definition and no data associated with these properties.

Reaction to Agency Bill Reports:

The Law Department reported that they can approve the bill for form and legal sufficiency with specific amendments. The amendments are in the queue to be drafted. Apparently, there is a new process now that Law will not draft amendments anymore. Essentially, the Law Department says just having two appraisals

is not enough to determine “just compensation” for a property that has value. Among some technical amendments, the Law Department suggests adding a process for contesting the valuation and noting that title cannot be transferred to the City until the value is paid to the old owner. During the hearing, we will go through all of the points related to the Law department’s proposed amendments. **I am prepared to accept all of the Law Department’s amendments to this legislation.**

The Department of Finance report outlines that a possible new process would be needed for In Rem 2 on nuisance properties. They completely ignore the idea that In Rem 2 is most particularly for vacant properties and vacant lots where the liens are below the assessed value of the vacant property. I am unsure where their numbers came from for calculating the cost of the “new” process or their projected number of properties. I ask the Department of Finance to calculate the potential property tax revenues from the rehab and sale of the vacant properties, and when we have the numbers, nuisance properties. That will far exceed the expenses outlined in their report.

While it is upsetting that DHCD would outright oppose this bill – a bill whose authorization they helped pass in the General Assembly in 2023 – it is my hope that we can continue to work together on this. DHCD does not comment on the section of the bill that is regarding the VBNs and vacant lots where the liens are below the value of the property. I can only assume they are fine with this part of the bill and will change their position once the Law Department’s amendments are completed. In their report, DHCD instead focuses on the nuisance properties part of the legislation. Arguments made in this bill report do not match the arguments they have made to me directly.

Because the urgency of the matter is clear, we need all the tools to address the vacant property crisis. In Rem 1 has already proven to be a powerful tool, and In Rem 2 has the potential to be just as impactful.

Please support 25-0080 In Rem 2. Thank you for your consideration. I can be reached on 410-396-4814 or via email at odette.ramos@baltimorecity.gov should you have any further questions.

Sincerely,



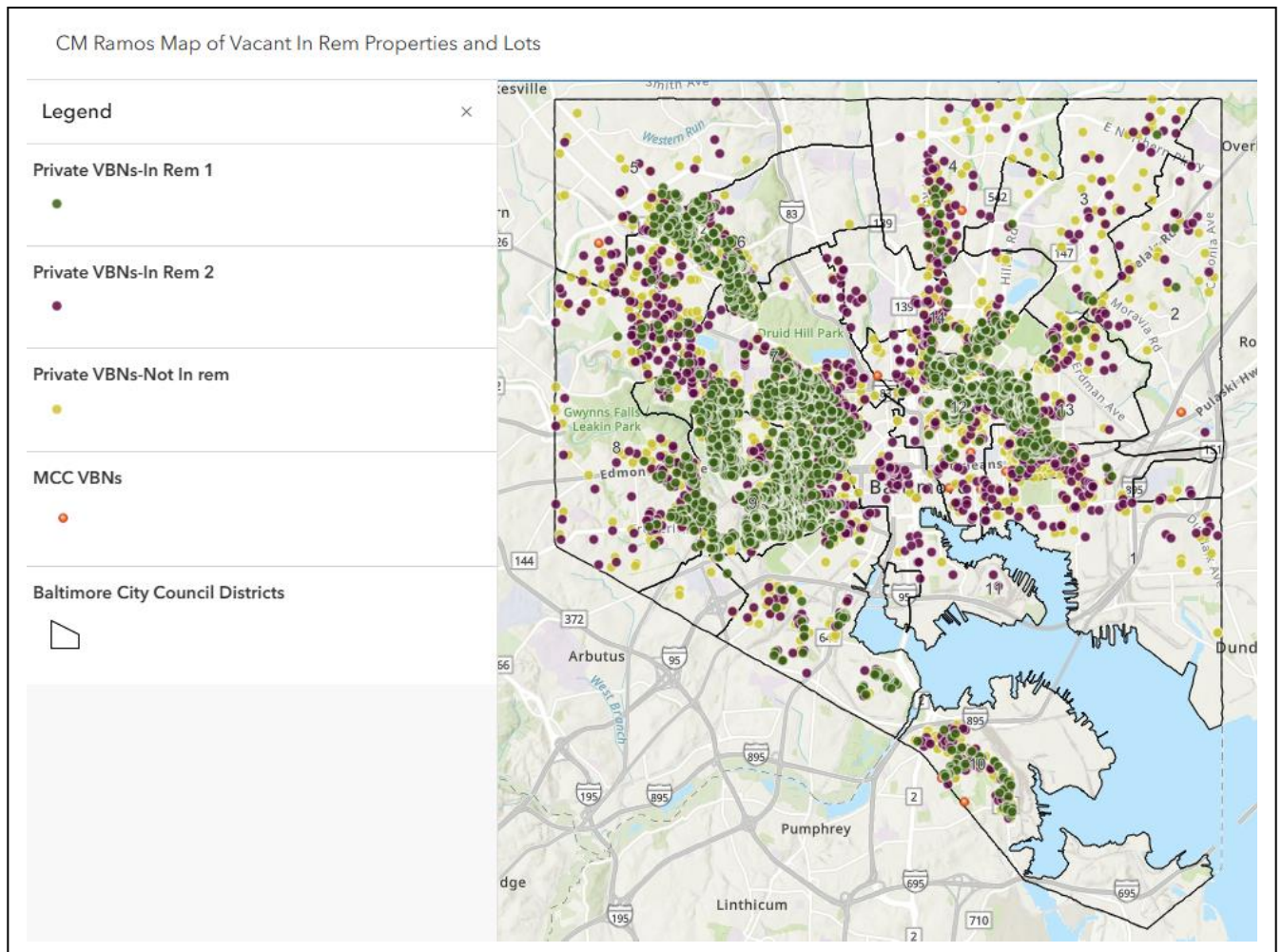
Odette Ramos
Baltimore City Councilwoman, District 14

Appendix A Comparison between In Rem 1 and In Rem 2

Topic	In Rem 1 City Code Article 28 section 8.1	Proposed In Rem 2 City Code Article 28 section 8.2
Applies to vacant and abandoned structures and lots - with VBNs.	Yes	Yes
Applies to nuisance vacant structures and vacant lots.	No	Yes
Eligible vacant properties and lots: When the unpaid lien amounts <u>exceed</u> the assessed value of the vacant and abandoned property or lot.	Yes	No
Eligible properties: When unpaid lien amounts are <u>below</u> the assessed value of the vacant and abandoned property or lot.	No	Yes
Title Search and Notice Requirements: 3 title searches and 3 notices plus one posting (a) pre-court filing, (b) post-court filing and posting, and (c) post judgment notice. This allows all parties on the title to receive notice, and the opportunity to contest the action in court.	Yes	Yes
Timeframe from court filing to judgement (ideally): 6-8 months.	Yes	Yes
Outstanding liens are foreclosed upon judgement and the right to cure the debt is extinguished.	Yes	Yes
Requirement to auction the property to the highest bidder.	No	No
Compensation to the last known owner of record: The difference between the outstanding lien amount and the appraised value of the property or proceeds from the auction sale.	No	Yes
Estimated percentage of privately owned vacant and abandoned structures and lots eligible (using Department of Finance lien data)	78%	71%

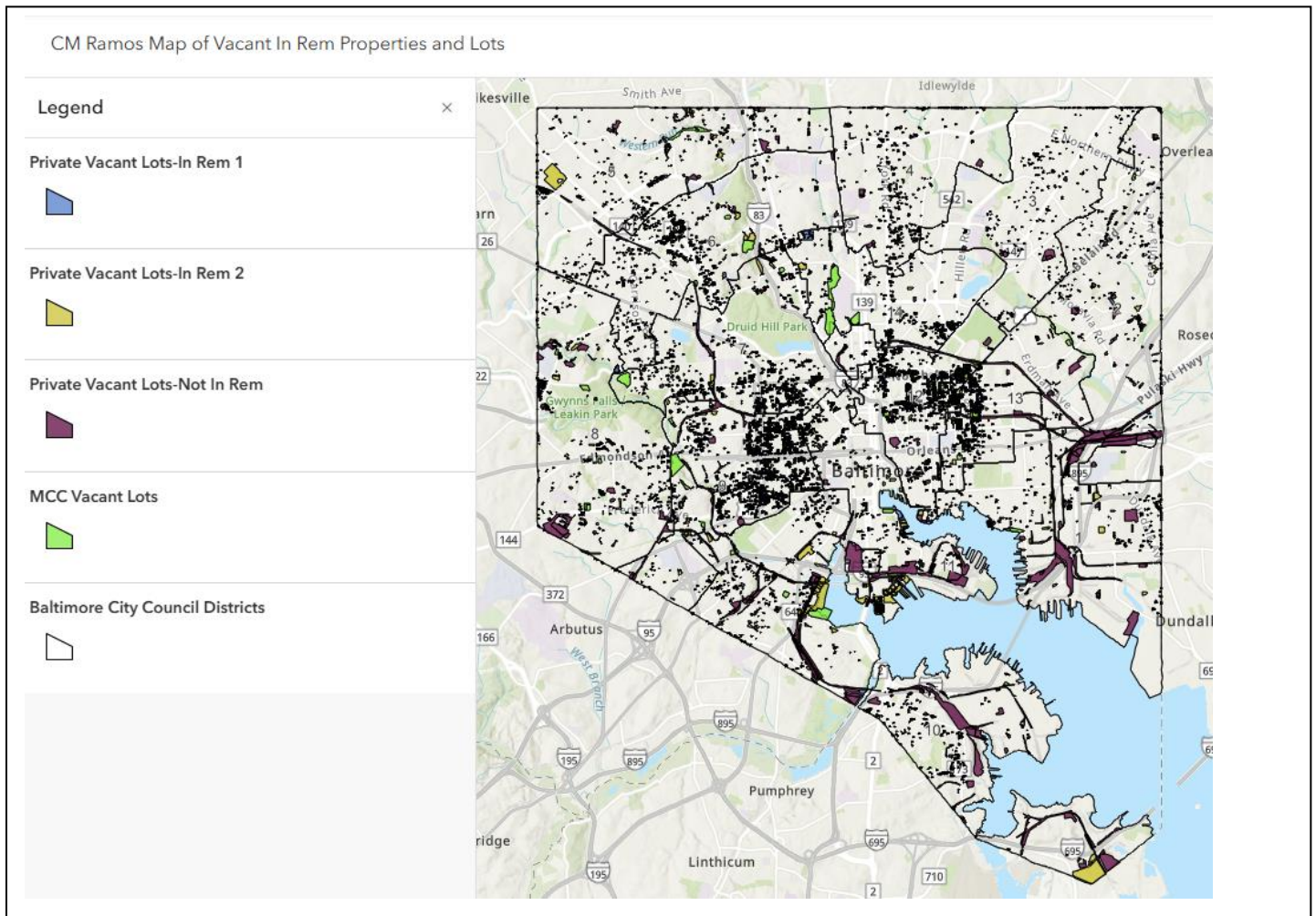
Appendix B.1

Map of In Rem Eligible Vacant Structures – Created by the Mayor’s Office of Performance and Innovation using Department of Finance data analyzed by the Office of Councilwoman Odette Ramos



Appendix B.2

Map of In Rem Eligible Vacant Lots – created by the Mayor’s Office of Performance and Innovation using Department of Finance Data analyzed by the office of Councilwoman Ramos



Appendix C.1 Chart of In Rem eligible properties by district, using data from the Department of Finance and analyzed by the Office of Councilwoman Odette Ramos

VBN PROPERTIES									
# by District	total	privately owned	mayor & cc/Gov't owned	privately owned in-rem 1.0 eligible	percentage privately owned In Rem1	privately owned in-rem 2.0 eligible	percentage privately owned In rem 2	privately owned total open-recievables	privately owned total assessed value
1	174	174	0	4	2%	86	49%	\$1,168,160.82	\$21,981,333.00
2	63	62	1	1	2%	45	73%	\$627,770.34	\$8,479,100.00
3	73	73	0	4	5%	35	48%	\$1,043,294.13	\$11,337,932.00
4	145	139	6	10	7%	76	55%	\$1,911,898.47	\$14,234,666.00
5	169	161	8	44	27%	63	39%	\$1,872,215.61	\$10,583,898.00
6	937	883	54	259	29%	432	49%	\$15,392,908.45	\$48,106,759.00
7	1,897	1,761	136	481	27%	889	50%	\$29,824,265.14	\$93,112,700.00
8	300	295	5	40	14%	173	59%	\$5,841,431.12	\$26,373,425.00
9	4,087	3,842	245	1,462	38%	1,717	45%	\$60,206,017.85	\$103,759,383.00
10	651	598	53	95	16%	346	58%	\$9,017,506.19	\$35,848,518.00
11	196	163	33	19	12%	96	59%	\$1,915,755.88	\$29,367,963.00
12	1,444	1,316	128	321	24%	691	53%	\$17,197,876.62	\$87,087,297.00
13	1,088	1,032	56	215	21%	540	52%	\$11,380,555.71	\$44,455,665.00
14	394	330	64	82	25%	177	54%	\$4,244,357.04	\$20,361,634.00
total	11,618	10,829	789	3,037	28%	5,366	50%	\$161,644,013.37	\$555,090,273.00

Source: Baltimore City Department of Finance, Analysed by Councilwoman Odette Ramos office

# by District	total	privately owned	mayor & cc/Gov't owned	privately owned in-rem 1.0 eligible	percentage privately owned In Rem1	privately owned in-rem 2.0 eligible	percentage privately owned In rem 2	privately owned total open-recievables	privately owned total assessed value
VACANT LOTS									
# by District									
1	424	409	15	95	23%	126	31%	\$1,744,087.13	\$15,986,300.00
2	365	349	16	75	21%	108	31%	\$1,091,680.58	\$4,849,033.00
3	328	321	7	58	18%	109	34%	\$418,382.79	\$3,551,467.00
4	449	419	30	158	38%	100	24%	\$1,334,930.56	\$4,886,520.00
5	492	462	30	189	41%	112	24%	\$1,260,577.16	\$6,875,932.00
6	989	558	431	269	48%	115	21%	\$2,710,620.71	\$7,255,534.00
7	1,493	994	499	526	53%	201	20%	\$4,760,957.28	\$10,726,900.00
8	2,278	1,527	751	495	32%	446	29%	\$3,885,121.37	\$16,186,431.00
9	1,318	1,254	64	1,217	97%	37	3%	\$13,499,937.21	\$3,826,833.00
10	932	873	59	254	29%	293	34%	\$4,925,182.34	\$41,881,475.00
11	592	470	122	95	20%	268	57%	\$5,388,414.85	\$78,724,186.00
12	2,035	1,172	863	672	57%	236	20%	\$5,125,392.37	\$18,806,233.00
13	1,363	929	434	615	66%	124	13%	\$5,615,416.64	\$10,472,800.00
14	556	349	207	143	41%	81	23%	\$1,866,464.21	\$3,287,933.00
total	13,614	10,086	3,528	4,861	48%	2,356	23%	\$53,627,165.20	\$227,317,577.00

Source: Baltimore City Department of Finance, analyzed by Councilwoman Odette Ramos office

Appendix C.2 Explanation of the data in the Charts

Privately Owned VBN properties: Appendix C the first chart provides a general overview of summary of the privately owned VBN properties eligible for In Rem 1 and In Rem 2, the percentage of them, and amount of the liens vs assessed value. It is also organized by the City Council district. You will note the following from this summary:

- The total amount of vacant properties reviewed is off. I'm not sure why roughly 1,000 are missing from this list. It could be that they are new VBNs, or a recording error between DHCD and Finance.
- This list has roughly 787 VBN properties owned by the Mayor and City Council, as well as the Housing Authority of Baltimore City and the State of Maryland. These government publicly owned vacant properties are removed for the purposes of our analysis.
- Roughly 28% or 3,037 of the privately owned VBN properties are eligible for In Rem 1 in that the unpaid liens exceed the assessed value of the property.
- Roughly 50% or 5,366 of the privately owned VBN properties are eligible for In Rem 2 where the unpaid liens are below the assessed value of the property and in arrears for at least a year. This calculation is a rough estimate. I estimated that if a VBN property had a specific value of unpaid liens or less, that they are about to pay the taxes and therefore not eligible for In Rem 2. This might be different depending on the value of the property. I assumed one amount for each district, with District 1 being \$3,000 and District 9 being \$500
- The last 22% or roughly 2,426 are current on their taxes and paying the citations. There are four subsets that will need further analysis to understand what actions to take:
 - VBNs fully rehabbed but without permits and the U and O was never applied for
 - VBNs in the process of rehab
 - VBNs being held by a developer in the hopes of working on the entire block or area at the same time, and waiting for financing
 - VBNs being held by the owner and may need receivership intervention.

Privately Owned Vacant Lots: The same analysis was conducted for privately owned vacant lots using September 2025 data from the Department of Finance, and is on the 2nd chart in Appendix C.

- The total amount of vacant lots may be inaccurate. This list has 13,614 vacant lots, when we've quoted different numbers in the past. This is the first year I am conducting this analysis for vacant lots, and DHCD is still doing work to clean up the vacant lot data.
- This list has roughly 3,358 vacant lots or 25% of the entire total of vacant properties are owned by the City or other government entity. These are removed for the purpose of our analysis. Please note that several City owned properties are slated for redevelopment already, such as in Park Heights and the Tivoly Project in Coldstream Homestead Montebello.
- Roughly 48% or 4,861 of the privately owned vacant lots are eligible for In Rem 1 where the unpaid liens exceed the assessed value of the property.
- Roughly 23% or 3,356 of the privately owned vacant lots are eligible for In Rem 2 where the unpaid liens are below the assessed value of the property and in arrears for at least a year. This calculation is a rough estimate. I estimated that if a VBN property had \$250 value of unpaid liens or less, that they are about to pay the taxes and therefore not eligible for In Rem 2. This might be different depending on the value of the property. For instance, properties in District 1 may be of more value and therefore the threshold to assume someone will pay the property taxes is higher. Separate analysis should be done district by district for accuracy.
- The last 1,869 or 29% are current on their taxes and paying the citations. While In Rem 1 and In Rem 2 can be used on vacant lots, receivership cannot be used on vacant lots. The only strategy for these vacant lots where the taxes and citations are being paid is private sale. The vacant property tax proposed in my legislation might help with this as an incentive to do something with the property, or for the liens to stack up enough for In Rem.