

**CITY OF BALTIMORE
COUNCIL BILL 24-0484
(First Reader)**

Introduced by: Councilmember Ramos and the Administration

Introduced and read first time: January 22, 2024

Assigned to: Ways and Means Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Department of Housing and Community Development

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **In Rem Foreclosure – Nuisance Property**

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

9 BY repealing and re-ordaining, with amendments

10 Article 28 - Taxes
11 Sections 8.1-2, 8.1-7(c), and 8.1-15(b)
12 Baltimore City Code
13 (Edition 2000)

14 BY adding
15 Article 28 - Taxes
16 Section 8.1-16
17 Baltimore City Code
18 (Edition 2000)

19 BY adding
20 Article 28 - Taxes
21 Sections 8.2-1 to 8.2-16, to be under the new subtitle designation,
22 “Subtitle 8.2-1. In Rem Foreclosure – Nuisance Property
23 Baltimore City Code
24 (Edition 2000)

25 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
26 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 **§ 8.1-15. Post-judgment sale.**

3 (b) *Land bank.*

4 If [Baltimore] THE City establishes a Land Bank Authority in accordance with City
5 Charter, Article II, § 65 {"Land Bank Authority"}, the City may convey [the] A property
6 DESCRIBED UNDER THIS SECTION to that Authority to be used for the City's or the
7 Authority's blight elimination and revitalization goals.

8 **§ 8.1-16. REOPENING JUDGMENT.**

9 (A) *IN GENERAL.*

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

14 (2) A COURT MAY NOT REOPEN ANY JUDGMENT UNDER PARAGRAPH (1) OF THIS
15 SUBSECTION ON THE GROUND OF CONSTRUCTIVE FRAUD IN THE CONDUCT OF THE
16 PROCEEDINGS TO FORECLOSE UNLESS AN APPLICATION TO REOPEN A JUDGMENT
17 RENDERED IS FILED WITHIN 1 YEAR AFTER THE DATE OF JUDGMENT.

18 (B) *PLAINTIFF – PROCEDURES.*

19 A PLAINTIFF IN AN ACTION TO REOPEN AN IN REM FORECLOSURE JUDGMENT UNDER THIS
20 SECTION SHALL:

21 (1) EXCEPT AS PROVIDED IN SUBSECTION (A)(2) OF THIS SECTION, FILE THE ACTION
22 WITHIN 3 YEARS AFTER THE ISSUANCE OF THE IN REM FORECLOSURE JUDGMENT;

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

24 (3) WITHIN 30 DAYS AFTER FILING THE ACTION, SUBMIT EVIDENCE TO THE COURT
25 THAT THE PLAINTIFF HAS OBTAINED A BOND EQUAL TO THE REASONABLE VALUE
26 OF THE PROPERTY.

27 (C) *JUDGMENT SET ASIDE.*

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

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

31 (2) THE REASONABLE VALUE, AT THE DATE THE JUDGMENT IS SET ASIDE, OF ALL
32 IMPROVEMENTS MADE ON THE PROPERTY AND ALL COSTS INCURRED WITH RESPECT
33 TO DEVELOPMENT OF THE PROPERTY BY THE PURCHASER AND THE PURCHASER'S
34 SUCCESSORS IN INTEREST.

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SUBTITLE 8.2. IN REM FORECLOSURE – NUISANCE PROPERTY

§ 8.2-1. DEFINITIONS.

(A) *IN GENERAL.*

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

(B) *DEPARTMENT.*

(1) *IN GENERAL.*

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

(2) *INCLUSION.*

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

(C) *INTERESTED PARTY.*

“INTERESTED PARTY” HAS THE MEANING STATED IN § 14-873 {“DEFINITIONS: INTERESTED PARTY”} OF THE STATE TAX-PROPERTY ARTICLE.

(D) *NUISANCE PROPERTY.*

“NUISANCE PROPERTY” HAS THE MEANING STATED UNDER BALTIMORE CITY BUILDING CODE § 116.4.1.3.

(E) *PROPERTY; REAL PROPERTY.*

“PROPERTY” OR “REAL PROPERTY” HAS THE MEANING STATED IN § 1-101 {“DEFINITIONS: REAL PROPERTY”} OF THE STATE TAX-PROPERTY ARTICLE.

(F) *TAX.*

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

§ 8.2-2. AUTHORIZATION.

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

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1 **§ 8.2-3. HCD MAY INITIATE ACTION; APPLICABLE PROPERTIES.**

2 (A) *IN GENERAL.*

3 IN ACCORDANCE WITH THIS SUBTITLE, THE DEPARTMENT, ON BEHALF OF THE MAYOR AND
4 CITY COUNCIL, MAY FILE AN ACTION IN THE CIRCUIT COURT FOR BALTIMORE CITY FOR
5 THE IN REM FORECLOSURE OF REAL PROPERTY.

6 (B) *APPLICABLE PROPERTIES.*

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

9 (1) THE REAL PROPERTY MUST BE A NUISANCE PROPERTY;

10 (2) THE REAL PROPERTY MUST BE AT LEAST 6 MONTHS IN ARREARS ON TAXES AND
11 LIENS; AND

12 (3) THE TOTAL AMOUNT OF LIENS FOR UNPAID TAXES ON THE PROPERTY MUST NOT
13 EXCEED THE LESSER OF THE TOTAL VALUE OF THE PROPERTY AS LAST DETERMINED
14 BY:

15 (I) THE MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION; OR

16 (II) AN APPRAISAL REPORT PREPARED NOT MORE THAN 6 MONTHS BEFORE THE
17 FILING OF A COMPLAINT UNDER THIS SECTION BY A REAL ESTATE
18 APPRAISER WHO IS LICENSED UNDER TITLE 16 OF THE STATE BUSINESS
19 OCCUPATIONS AND PROFESSIONS ARTICLE.

20 (C) *OTHER TAX LIENS.*

21 (1) *IN GENERAL.*

22 THE DEPARTMENT MAY NOT FILE AN ACTION FOR FORECLOSURE AGAINST A PROPERTY
23 UNDER THIS SUBTITLE IF THE PROPERTY IS SUBJECT TO AN ACTIVE LIEN CERTIFICATE
24 HELD BY A THIRD PARTY.

25 (2) *EXCEPTION.*

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

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

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

33 **§ 8.2-4. {RESERVED}**

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1 **§ 8.2-5. RULES AND REGULATIONS.**

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

5 **§ 8.2-6. {RESERVED}**

6 **§ 8.2-7. COMPLAINT.**

7 (A) *PRE-COMPLAINT NOTICE.*

8 (1) *IN GENERAL.*

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

13 (2) *CONTENTS.*

14 THE NOTICE REQUIRED BY THIS SUBSECTION SHALL:

15 (I) CLEARLY IDENTIFY THE PROPERTY;

16 (II) IDENTIFY THE TAX AND OTHER MUNICIPAL LIENS DUE TO THE MAYOR AND
17 CITY COUNCIL; AND

18 (III) STATE THAT UNLESS FULL PAYMENT OF ALL MUNICIPAL LIENS IS MADE TO THE
19 DEPARTMENT OF FINANCE WITHIN 30 DAYS, THE DEPARTMENT MAY FILE AN IN
20 REM FORECLOSURE ACTION IN THE CIRCUIT COURT FOR BALTIMORE CITY AND
21 SEEK THE VESTING OF TITLE TO THE PROPERTY IN THE MAYOR AND CITY
22 COUNCIL OF BALTIMORE.

23 (B) *IN GENERAL.*

24 THE DEPARTMENT MAY FILE A COMPLAINT IN THE CIRCUIT COURT FOR BALTIMORE CITY
25 TO INITIATE AN IN REM FORECLOSURE ACTION IF:

26 (1) THE PROPERTY OTHERWISE MEETS THE SPECIFICATIONS IN § 8.2-3(B)
27 {“APPLICABLE PROPERTIES”} OF THIS SUBTITLE;

28 (2) THE DEPARTMENT HAS SENT THE NOTICE REQUIRED BY SUBSECTION (A) OF THIS
29 SECTION; AND

30 (3) THE FULL PAYMENT OF MUNICIPAL LIENS HAS NOT BEEN PAID WITHIN 30 DAYS
31 FROM THE DATE THE NOTICE DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION
32 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 PROPERTY AS IT APPEARS IN CITY LAND RECORDS;
- 6 (3) THE TAX IDENTIFICATION NUMBER OF THE PROPERTY;
- 7 (4) A STATEMENT THAT TAXES FOR THE PROPERTY ARE DELINQUENT AT THE TIME OF
8 FILING;
- 9 (5) THE AMOUNT OF TAXES THAT ARE DELINQUENT FOR THE PROPERTY AT THE TIME OF
10 FILING;
- 11 (6) THE NAMES AND LAST KNOWN ADDRESSES OF ALL INTERESTED PARTIES TO THE
12 PROPERTY AND, IF APPLICABLE, A STATEMENT THAT THE ADDRESS OF A
13 PARTICULAR INTERESTED PARTY TO THE PROPERTY IS UNKNOWN;
- 14 (7) A STATEMENT THAT THE PROPERTY IS A NUISANCE PROPERTY;
- 15 (8) A COPY OF ANY NOTICES OR CITATIONS ISSUED BY THE DEPARTMENT RELEVANT TO
16 THE PROPERTY'S DESIGNATION AS A NUISANCE PROPERTY;
- 17 (9) A REQUEST THAT THE CIRCUIT COURT NOT SCHEDULE A HEARING ON THE
18 COMPLAINT UNTIL 30 DAYS AFTER THE DATE THAT THE COMPLAINT HAS BEEN
19 FILED; AND
- 20 (10) A REQUEST THAT THE CIRCUIT COURT ENTER A JUDGMENT THAT:
- 21 (I) FORECLOSES THE EXISTING INTERESTS OF ALL INTERESTED PARTIES TO THE
22 PROPERTY; AND
- 23 (II) ORDERS OWNERSHIP OF THE PROPERTY TO BE TRANSFERRED TO THE 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 AND LIENS ON THE PROPERTY BY PAYING ALL PAST DUE FEES,
30 PAYMENTS, AND PENALTIES AT ANY TIME PRIOR TO THE ENTRY OF THE FORECLOSURE
31 JUDGMENT.

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1 (2) AN INTERESTED PARTY MAY NOT CURE THE DELINQUENT TAXES AND LIENS ON THE
2 PROPERTY BY PAYING ALL PAST DUE FEES, PAYMENTS, AND PENALTIES AFTER THE
3 ENTRY OF THE FORECLOSURE JUDGMENT.

4 **§ 8.2-8. DEFENDANTS; SERVICE OF PROCESS.**

5 (A) *IN GENERAL.*

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

9 (B) *LAST KNOWN ADDRESS.*

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

12 (I) ANY RECORD EXAMINED AS PART OF THE TITLE EXAMINATION FOR THE
13 PROPERTY;

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

17 (III) ANY OTHER LIKELY ADDRESS THAT IS KNOWN TO THE DEPARTMENT.

18 (2) OTHER THAN THE METHODS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE
19 DEPARTMENT IS NOT REQUIRED TO CONDUCT ANY FURTHER INVESTIGATIONS OR TO
20 SEARCH ANY ADDITIONAL RECORD TO ASCERTAIN AN ADDRESS FOR A DEFENDANT.

21 (C) *UNKNOWN OWNERS.*

22 (1) *"OWNER" DEFINED.*

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

25 (2) *IN GENERAL.*

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

27 (I) THE UNKNOWN OWNER TO THE PROPERTY MAY BE INCLUDED AS A DEFENDANT
28 BY THE FOLLOWING DESIGNATION:

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

9 (II) THE UNKNOWN OWNER SHALL BE REFERRED TO THROUGHOUT THE
10 PROCEEDING USING THIS DESIGNATION, AND THE PROCEEDINGS SHALL
11 CONTINUE AGAINST THE UNKNOWN OWNER BY PUBLICATION UNDER ORDER OF
12 THE COURT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION.

13 (3) *RECORDS SEARCH REQUIRED.*

14 IN ORDER FOR THE DEPARTMENT TO DESIGNATE A DEFENDANT AS DESCRIBED IN
15 PARAGRAPH (2) OF THIS SUBSECTION, IMMEDIATELY BEFORE THE FILING OF THE
16 COMPLAINT, THE DEPARTMENT SHALL PERFORM A FULL RECORDS SEARCH CONSISTING
17 OF AT LEAST 50 YEARS IN ACCORDANCE WITH GENERALLY ACCEPTED STANDARDS FOR
18 TITLE EXAMINATION.

19 (4) *AFFIDAVIT.*

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

23 (D) *SUMMONS.*

24 (1) *IN GENERAL.*

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

28 (2) *SERVICE OF SUMMONS.*

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

33 (E) *ORDER OF PUBLICATION.*

34 (1) *IN GENERAL.*

35 (I) AT THE SAME TIME THAT THE SUMMONS IS ISSUED, AS PROVIDED BY SUBSECTION
36 (C) OF THIS SECTION, THE COURT SHALL PASS AN ORDER OF PUBLICATION
37 DIRECTED TO ALL DEFENDANTS, NAMING THEM AS PROVIDED BY THIS SUBTITLE.

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1 (II) THE PROPERTY SHALL BE DESCRIBED IN THE ORDER OF PUBLICATION AS THE
2 PROPERTY IS DESCRIBED IN THE COMPLAINT.

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

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

7 (B) THAT, IN CASE OF FAILURE TO APPEAR, ANSWER, OR REDEEM THE
8 PROPERTY, AN IN REM FORECLOSURE JUDGMENT WILL BE ENTERED TO
9 FORECLOSE ALL RIGHTS OF REDEMPTION IN THE PROPERTY AND ORDER
10 OWNERSHIP OF THE REAL PROPERTY BE VESTED IN THE MAYOR AND CITY
11 COUNCIL OF BALTIMORE.

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

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

18 (2) *FORM OF ORDER.*

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

20 **ORDER OF PUBLICATION**

21 “THE OBJECT OF THIS PROCEEDING IS TO SECURE THE FORECLOSURE OF ALL RIGHTS
22 OF REDEMPTION IN AND VEST TITLE IN THE MAYOR AND CITY COUNCIL OF
23 BALTIMORE TO THE FOLLOWING PROPERTY IN THE CITY OF BALTIMORE:

24 (HERE INSERT DESCRIPTION OF PROPERTY IN SUBSTANTIALLY THE SAME FORM
25 AS THE DESCRIPTION THAT APPEARS IN THE COMPLAINT.)

26 THE COMPLAINT STATES, AMONG OTHER THINGS, THAT THE REAL PROPERTY IS A
27 NUISANCE PROPERTY PURSUANT TO § 116.4.1.3 OF THE BALTIMORE CITY
28 BUILDING CODE AND THAT THE AMOUNTS NECESSARY FOR REDEMPTION HAVE
29 NOT BEEN PAID.

30 IT IS THEREUPON THIS DAY OF, 20.., BY THE CIRCUIT COURT FOR
31 BALTIMORE CITY, ORDERED, THAT NOTICE BE GIVEN BY THE INSERTION OF A COPY
32 OF THIS ORDER IN SOME NEWSPAPER HAVING A GENERAL CIRCULATION IN ONCE
33 A WEEK FOR 3 SUCCESSIVE WEEKS, WARNING ALL PERSONS INTERESTED IN THE
34 PROPERTY TO APPEAR IN THIS COURT BY THE DAY OF, 20.., AND REDEEM
35 THE PROPERTY AND ANSWER THE COMPLAINT OR THEREAFTER A FINAL
36 JUDGMENT WILL BE ENTERED FORECLOSING ALL RIGHTS OF REDEMPTION IN THE
37 PROPERTY, AND VESTING TITLE IN THE MAYOR AND CITY COUNCIL OF
38 BALTIMORE, FREE AND CLEAR OF ALL ENCUMBRANCES.”.

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

2 (I) THIS PARAGRAPH ONLY APPLIES TO INSTANCES WHEN THE DEPARTMENT HAS
3 ASCERTAINED A DEFENDANT’S LAST KNOWN ADDRESS.

4 (II) ON ISSUANCE OF THE ORDER OF PUBLICATION, THE DEPARTMENT SHALL SEND A
5 COPY OF THE ORDER TO EACH DEFENDANT, AT THE DEFENDANT’S LAST KNOWN
6 ADDRESS, BY FIRST CLASS MAIL OR CERTIFIED MAIL, POSTAGE PREPAID.

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

8 (1) *IN GENERAL.*

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

11 (2) *AFFIDAVIT.*

12 IF NOTICE IS MADE UNDER THIS SUBSECTION, THE DEPARTMENT SHALL FILE AN
13 AFFIDAVIT WITH THE COURT CERTIFYING THE NOTICE WITH A DESCRIPTION OF THE
14 METHOD SERVICE USED AND THE TIME OF SERVICE.

15 (G) *AFFIDAVIT REQUIREMENT.*

16 IF A DEFENDANT HAS NOT BEEN SERVED WITH THE SUMMONS ISSUED UNDER SUBSECTION
17 (D) OF THIS SECTION OR IF THE DEFENDANT HAS NOT BEEN SERVED BY ALTERNATIVE
18 MEANS AS DESCRIBED IN SUBSECTION (F) OF THIS SECTION, THE DEPARTMENT MUST FILE
19 WITH THE COURT:

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

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

24 (I) THE RECEIPT OBTAINED FROM THE UNITED STATES POST OFFICE FOR THE
25 MAILING;

26 (II) THE CERTIFIED MAIL RECEIPT; OR

27 (III) AN AFFIDAVIT OF A PROCESS SERVER.

28 **§ 8.2-9. POST-FILING NOTICE.**

29 WITHIN 5 DAYS AFTER THE FILING OF THE COMPLAINT, THE DEPARTMENT SHALL SEND A COPY
30 OF THE COMPLAINT TO EACH INTERESTED PARTY TO THE ACTION, BY FIRST-CLASS MAIL AND
31 CERTIFIED MAIL, POSTAGE PRE-PAID, RETURN RECEIPT REQUESTED, TO THE ADDRESS OR
32 ADDRESSES IDENTIFIED IN THE CAPTION OF THE COMPLAINT, IF THOSE ADDRESSES WERE
33 FOUND.

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§ 8.2-10. SUFFICIENCY OF NOTICE.

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

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

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

§ 8.2-11. HEARING.

(A) *SCHEDULING.*

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

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

(B) *HEARING PARTICIPATION.*

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

§ 8.2-12. JUDGMENT.

(A) *SCOPE.*

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

(1) THE DEPARTMENT SENT NOTICE AND A COPY OF THE COMPLAINT TO EACH INTERESTED PARTY IN ACCORDANCE WITH THIS SUBTITLE;

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

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

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1 (B) *IN GENERAL.*

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

4 (1) ENTER A JUDGMENT FINDING THAT:

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

6 (II) THE REAL PROPERTY IS A NUISANCE PROPERTY PURSUANT TO § 116.4.1.3 OF
7 THE BALTIMORE CITY BUILDING CODE; AND

8 (2) ORDER THAT THE OWNERSHIP OF THE REAL PROPERTY IS TRANSFERRED TO THE
9 MAYOR AND CITY COUNCIL PURSUANT TO § 8.2-13 {"TITLE; RECORDATION"} OF
10 THIS SUBTITLE.

11 (C) *EFFECT OF JUDGMENT.*

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

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

17 (2) ALL PERSONS WHO WERE NOT PARTIES TO THE ACTION AND HAD A CLAIM TO THE
18 PROPERTY THAT WAS NOT RECORDED AT THE TIME THAT THE ACTION WAS
19 COMMENCED.

20 **§ 8.2-13. TITLE; RECORDATION.**

21 (A) *IN GENERAL.*

22 UNLESS SPECIFIED OTHERWISE IN THE COURT’S JUDGMENT OR IN THIS SECTION, THE TITLE
23 ACQUIRED IN AN IN REM FORECLOSURE PROCEEDING SHALL BE AN ABSOLUTE FEE SIMPLE
24 TITLE.

25 (B) *LEASEHOLD PROPERTIES.*

26 (1) IF THE DEPARTMENT’S TITLE SEARCH INDICATES THAT A PROPERTY’S TITLE IS HELD IN
27 LEASEHOLD AND THE DEPARTMENT WISHES FOR THE PROPERTY TO BE AWARDED IN
28 LEASEHOLD, THE DEPARTMENT MAY ASK THE COURT TO AWARD LEASEHOLD TITLE.

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

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1 (C) *RECORDATION.*

2 THE DEPARTMENT SHALL RECORD A JUDGMENT TRANSFERRING TITLE TO THE MAYOR AND
3 CITY COUNCIL UNDER THIS SUBTITLE IN THE LAND RECORDS OF BALTIMORE CITY.

4 **§ 8.2-14. {RESERVED}**

5 **§ 8.2-15. POST-JUDGMENT SALE.**

6 (A) *IN GENERAL.*

7 (1) AFTER OBTAINING AND RECORDING AN IN REM FORECLOSURE JUDGMENT, THE CITY
8 MAY RETAIN TITLE TO THE PROPERTY OR SELL THE PROPERTY, PURSUANT TO CITY
9 CHARTER, ARTICLE V, § 5, AND CITY CODE, ARTICLE 15, § 2-7, TO ADVANCE THE
10 CITY'S BLIGHT ELIMINATION GOALS.

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

14 (B) *LAND BANK.*

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

19 (C) *DISPOSITION.*

20 (1) *IN GENERAL.*

21 (I) AT THE TIME THE CITY SELLS ANY PROPERTY OBTAINED UNDER THIS SUBTITLE,
22 THE CITY SHALL DEPOSIT INTO THE COURT REGISTRY ANY EXCESS FUNDS PAID BY
23 THE BUYER, EITHER DIRECTLY FOR THE PROPERTY OR ON A PRO-RATA BASIS IF THE
24 PROPERTY WAS CONSOLIDATED WITH OTHER LOTS TO CREATE A SINGLE PARCEL,
25 BEYOND THE LIEN AMOUNTS OWED TO THE MAYOR AND THE CITY COUNCIL,
26 INCLUSIVE OF INTEREST, FEES, AND PENALTIES, AT THE TIME OF THE IN REM
27 FORECLOSURE JUDGMENT UNDER THIS SUBTITLE.

28 (II) IN DEPOSITING THE EXCESS FUNDS, THE CITY SHALL PROVIDE AN ACCOUNTING OF
29 THE AMOUNT OF CITY LIENS AT THE TIME OF THE IN REM FORECLOSURE JUDGMENT
30 ON THE PROPERTY AND DETAIL THE PRICE OR PRO-RATA SHARE OF THE PRICE
31 ULTIMATELY PAID BY THE BUYER OF THE PROPERTY.

32 (2) *DISTRIBUTION OF PROCEEDS.*

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

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1 **§ 8.2-16. REOPENING JUDGMENT.**

2 (A) *IN GENERAL.*

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

7 (2) A COURT MAY NOT REOPEN ANY JUDGMENT UNDER PARAGRAPH (1) OF THIS
8 SUBSECTION ON THE GROUND OF CONSTRUCTIVE FRAUD IN THE CONDUCT OF THE
9 PROCEEDINGS TO FORECLOSE UNLESS AN APPLICATION TO REOPEN A JUDGMENT
10 RENDERED IS FILED WITHIN 1 YEAR AFTER THE DATE OF JUDGMENT.

11 (B) *PLAINTIFF – PROCEDURES.*

12 A PLAINTIFF IN AN ACTION TO REOPEN AN IN REM FORECLOSURE JUDGMENT UNDER THIS
13 SECTION SHALL:

14 (1) EXCEPT AS PROVIDED IN SUBSECTION (A)(2) OF THIS SECTION, FILE THE ACTION
15 WITHIN 3 YEARS AFTER THE ISSUANCE OF THE IN REM FORECLOSURE JUDGMENT;

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

17 (3) WITHIN 30 DAYS AFTER FILING THE ACTION, SUBMIT EVIDENCE TO THE COURT
18 THAT THE PLAINTIFF HAS OBTAINED A BOND EQUAL TO THE REASONABLE VALUE
19 OF THE PROPERTY.

20 (C) *JUDGMENT SET ASIDE.*

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

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

24 (2) THE REASONABLE VALUE, AT THE DATE THE JUDGMENT IS SET ASIDE, OF ALL
25 IMPROVEMENTS MADE ON THE PROPERTY AND ALL COSTS INCURRED WITH RESPECT
26 TO DEVELOPMENT OF THE PROPERTY BY THE PURCHASER AND THE PURCHASER'S
27 SUCCESSORS IN INTEREST.

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