

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 20-0529**

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Introduced by: The Council President  
At the request of: The Administration (Department of Housing and Community Development)  
Introduced and read first time: May 11, 2020  
Assigned to: Taxation, Finance and Economic Development Committee  
Committee Report: Favorable  
Council action: Adopted  
Read second time: July 20, 2020

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**AN ORDINANCE CONCERNING**

**1           Property Tax – In Rem Foreclosure and Sale – Vacant and Abandoned Property**

2       FOR the purpose of requiring the Director of Finance to withhold from tax sale certain real  
3       property designated by the Board of Estimates for foreclosure and sale under a certain  
4       process; authorizing the Mayor and City Council acting by and through the Department of  
5       Housing and Community Development to initiate an in rem foreclosure and sale of certain  
6       real property for delinquent taxes; authorizing the Mayor and City Council to enact certain  
7       laws authorizing in rem foreclosure and sale of certain real property; authorizing the Mayor  
8       and City Council acting by and through the Department of Housing and Community  
9       Development to commence an in rem foreclosure action; prohibiting commencing an in rem  
10      foreclosure action until tax on real property has been delinquent for a certain period and the  
11      right to appeal a certain notice has tolled; requiring certain taxes to be included in the  
12      foreclosure action; requiring any foreclosure action under this subtitle be filed in the Circuit  
13      Court for Baltimore City and that notice and a copy of the complaint be sent to each  
14      interested party within a certain period of time and in a certain manner; requiring the  
15      complaint for an in rem foreclosure to include certain information; allowing the complaint for  
16      an in rem foreclosure to be amended for certain purposes; providing that an interested party  
17      has a certain right to cure certain delinquent taxes and liens on the real property under certain  
18      circumstances; requiring a hearing on the in rem foreclosure complaint to be conducted at a  
19      certain time; providing that an interested party has the right to be heard at the hearing;  
20      requiring the court to enter a certain judgment on a certain finding; requiring the judgment to  
21      be recorded in certain land records; providing that title acquired in a certain foreclosure  
22      proceeding shall be a certain absolute or fee simple title except under certain circumstances;  
23      providing that a judgment in an action under this subtitle is binding and conclusive,  
24      regardless of legal disability, on certain persons; defining certain terms; providing for a  
25      special effective date; and generally relating to in rem foreclosure and sale of tax delinquent  
26      vacant and abandoned property.

27      BY authority of  
28      Tax-Property Article  
29      Title 14, Subtitle 8, Part V  
30      Maryland Code

**EXPLANATION:** CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike out~~ indicates matter stricken from the bill by  
amendment or deleted from existing law by amendment.

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1 BY adding  
2 Article 28 - Taxes  
3 Section(s) 8.1-1 to 8.1-15, to be under the new subtitle,  
4 “Subtitle 8.1. In Rem Foreclosure – Vacant and Abandoned Property”  
5 Baltimore City Code  
6 (Edition 2000)

### 7 **Recitals**

8 **Whereas**, thousands of vacant and abandoned structures and lots cause and contribute to  
9 blight in Baltimore’s neighborhoods and communities;

10 **Whereas**, the owners of these vacant and abandoned properties often fail to pay taxes, fees,  
11 and other municipal charges for which they are responsible, resulting in the unmarketability of  
12 these properties, in part because the municipal liens come to exceed the properties’ value;

13 **Whereas**, the City’s annual tax sale, being a mechanism for the collection of unpaid liens  
14 where the tax lien certificates are marketable, is not designed to address the problem of vacancy  
15 and abandonment;

16 **Whereas**, on February 20, 2019, the Baltimore City Council passed resolution 19-0140R,  
17 urging the Maryland General Assembly and Governor to enact legislation to allow Baltimore  
18 City to pursue in rem foreclosure against abandoned and vacant properties;

19 **Whereas**, the City’s partners in nonprofit and community development organizations worked  
20 with City officials, the Maryland General Assembly, and the Governor to enact on April 30,  
21 2019, an enabling law to allow the counties and the City of Baltimore to create an in rem  
22 foreclosure process whereby the City and other jurisdictions may forego the annual tax sale and  
23 instead initiate and prosecute in rem foreclosure of certain vacant and abandoned properties  
24 through circuit court proceedings;

25 **Whereas**, the Mayor and City Council wishes to provide the City with every possible tool to  
26 eliminate blight in Baltimore's neighborhoods and communities and, therefore, wishes to provide  
27 for in rem foreclosure against qualifying vacant and abandoned properties throughout the City;

28 **Whereas**, tax lien certificates issued in the annual tax sale expire if no case to foreclose the  
29 right of redemption is filed within 2 years, but tax delinquent properties are placed in the tax sale  
30 every 3 years, leaving a 1-year gap during which foreclosure based on the liens accumulated  
31 against vacant and abandoned properties is impossible, effectively shielding roughly one-third of  
32 all vacant and abandoned properties from foreclosure at any given time; and

33 **Whereas**, an in rem foreclosure process would allow the City to acquire vacant and  
34 abandoned properties outside of the normal tax sale cycle, while still observing all the due  
35 process and redemption rights of the owners and other parties with an interest in the properties.

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

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**Baltimore City Code**

**Article 28. Taxes**

**Subtitle 8.1. IN REM FORECLOSURE – VACANT AND ABANDONED PROPERTY**

**§ 8.1-1. 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.

**Editor’s Note:** State Tax-Property Art. § 14-873(b), as enacted by Chapter 276, 2019 Laws of Maryland, reads as follows:

(b) “Interested party” means:

- (1) the person who last appears as owner of the real property on the collector's tax roll;
- (2) a mortgagee of the property or assignee of a mortgage of record;
- (3) a holder of a beneficial interest in a deed of trust recorded against the real property;
- (4) a taxing agency that has the authority to collect tax on the real property; or
- (5) any person having an interest in the real property whose identity and address are:
  - (i) reasonably ascertainable from the county land records; or
  - (ii) revealed by a full title search consisting of at least 50 years.

(D) *PERSON.*

“PERSON” MEANS:

- (1) AN INDIVIDUAL;

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1 (2) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR  
2 REPRESENTATIVE OF ANY KIND; OR

3 (3) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY  
4 KIND.

5 (E) *PROPERTY; REAL PROPERTY.*

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

8 (F) *TAX.*

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

11 **Editor’s Note:** State Tax-Property Art. § 14-801(d), as re-enacted by Chapter 276, 2019 Laws of  
12 Maryland, reads as follows:

13 (d) (1) “Tax” means any tax, or charge of any kind due to the State or any of its political subdivisions,  
14 or to any other taxing agency, that by law is a lien against the real property on which it is  
15 imposed or assessed.

16 (2) “Tax” includes interest, penalties, and service charges.

17 **§ 8.1-2. IN REM FORECLOSURE: AUTHORIZED.**

18 IN ACCORDANCE WITH STATE TAX-PROPERTY ARTICLE §§ 14-873 THROUGH 14-876, THE  
19 MAYOR AND CITY COUNCIL IS AUTHORIZED TO SUBJECT CERTAIN PROPERTY TO JUDICIAL IN  
20 REM FORECLOSURE AND SALE.

21 **§ 8.1-3. IN REM FORECLOSURE: GENERALLY; APPLICABLE PROPERTIES.**

22 (A) *IN GENERAL.*

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

26 (B) *APPLICABLE PROPERTIES.*

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

29 (1) THE REAL PROPERTY MUST BE:

30 (I) A VACANT LOT; OR

31 (II) AN IMPROVED PROPERTY CITED AS VACANT AND UNSAFE OR UNFIT FOR  
32 HABITATION OR OTHER AUTHORIZED USE ON A HOUSING OR BUILDING  
33 VIOLATION NOTICE, PROVIDED THAT:

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1 (A) THE TIME FOR APPEAL OF THE VIOLATION NOTICE HAS EXPIRED  
2 WITHOUT AN APPEAL HAVING BEEN FILED; OR

3 (B) AN ADMINISTRATIVE REVIEW OF A FILED APPEAL HAS BEEN DECIDED IN  
4 FAVOR OF THE BUILDING OFFICIAL AS DEFINED IN THE CITY BUILDING,  
5 FIRE, AND RELATED CODES;

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

8 (3) THE TOTAL AMOUNT OF LIENS FOR UNPAID TAXES ON THE PROPERTY MUST EXCEED  
9 THE LESSER OF THE TOTAL VALUE OF THE PROPERTY AS LAST DETERMINED BY :

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

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

15 (C) *OTHER TAX LIENS.*

16 (1) *IN GENERAL.*

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

20 (2) *EXCEPTION.*

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

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

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

28 **§ 8.1-4. {RESERVED}**

29 **§ 8.1-5. RULES AND REGULATIONS.**

30 (A) *IN GENERAL.*

31 THE COMMISSIONER OF HOUSING AND COMMUNITY DEVELOPMENT MAY ADOPT RULES  
32 AND REGULATIONS TO CARRY OUT THIS SUBTITLE.

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1 (B) *FILING WITH LEGISLATIVE REFERENCE.*

2 A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE FILED  
3 WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

4 **§ 8.1-6. {RESERVED}**

5 **§ 8.1-7. COMPLAINT.**

6 (A) *PRE-COMPLAINT NOTICE.*

7 (1) *IN GENERAL.*

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

12 (2) *CONTENTS.*

13 THE NOTICE REQUIRED BY THIS SUBSECTION SHALL:

14 (1) CLEARLY IDENTIFY THE PROPERTY;

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

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

22 (B) *IN GENERAL.*

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

25 (1) THE PROPERTY OTHERWISE MEETS THE SPECIFICATIONS IN § 8.1-3(B) {"IN REM  
26 FORECLOSURE: GENERALLY; APPLICABLE PROPERTIES"} OF THIS SUBTITLE;

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

29 (3) THE FULL PAYMENT OF MUNICIPAL LIENS HAS NOT BEEN PAID WITHIN 30 DAYS  
30 FROM THE DATE THE NOTICE DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION  
31 WAS SENT.

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1 (C) *CONTENTS.*

2 A COMPLAINT FILED UNDER THIS SECTION SHALL INCLUDE:

- 3 (1) A DESCRIPTION OF THE PROPERTY AS IT APPEARS IN CITY LAND RECORDS;
- 4 (2) THE TAX IDENTIFICATION NUMBER OF THE PROPERTY;
- 5 (3) A STATEMENT THAT TAXES FOR THE PROPERTY ARE DELINQUENT AT THE TIME OF  
6 FILING;
- 7 (4) THE AMOUNT OF TAXES THAT ARE DELINQUENT FOR THE PROPERTY AT THE TIME OF  
8 FILING;
- 9 (5) THE NAMES AND LAST KNOWN ADDRESSES OF ALL INTERESTED PARTIES TO THE  
10 PROPERTY AND, IF APPLICABLE, A STATEMENT THAT THE ADDRESS OF A  
11 PARTICULAR INTERESTED PARTY TO THE PROPERTY IS UNKNOWN;
- 12 (6) A STATEMENT THAT THE PROPERTY IS EITHER:
- 13 (I) A VACANT LOT; OR
- 14 (II) AN IMPROVED PROPERTY CITED BY THE DEPARTMENT AS VACANT AND  
15 UNSAFE OR UNFIT FOR HABITATION OR ANOTHER AUTHORIZED USE;
- 16 (7) IF THE DEPARTMENT STATES THAT THE PROPERTY IS AN IMPROVED PROPERTY  
17 CITED BY THE DEPARTMENT AS VACANT AND UNSAFE OR UNFIT FOR HABITATION  
18 OR ANOTHER AUTHORIZED USE, A COPY OF ANY RELEVANT NOTICES OR CITATIONS  
19 ISSUED BY THE DEPARTMENT;
- 20 (8) A REQUEST THAT THE CIRCUIT COURT NOT SCHEDULE A HEARING ON THE  
21 COMPLAINT UNTIL 30 DAYS AFTER THE DATE THAT THE COMPLAINT HAS BEEN  
22 FILED; AND
- 23 (9) A REQUEST THAT THE CIRCUIT COURT ENTER A JUDGMENT THAT FORECLOSES THE  
24 EXISTING INTERESTS OF ALL INTERESTED PARTIES TO THE PROPERTY AND ORDERS  
25 OWNERSHIP OF THE PROPERTY TO TRANSFERRED TO THE CITY.

26 (D) *AMENDMENT.*

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

29 (E) *CURE.*

- 30 (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN INTERESTED PARTY MAY CURE  
31 THE DELINQUENT TAXES AND LIENS ON THE PROPERTY BY PAYING ALL PAST DUE FEES,  
32 PAYMENTS, AND PENALTIES AT ANY TIME PRIOR TO THE ENTRY OF THE FORECLOSURE  
33 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 **§ 8.1-8. 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 SPECIFIED  
8 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:

29 "UNKNOWN OWNER OF (IDENTIFY THE NATURE OF THE INTEREST: FEE  
30 SIMPLE, LEASEHOLD, OR REVERSIONARY) INTEREST IN THE PROPERTY ....  
31 (GIVING A DESCRIPTION OF THE PROPERTY IN SUBSTANTIALLY THE SAME  
32 FORM AS THE DESCRIPTION THAT APPEARS ON THE PRE-COMPLAINT  
33 NOTICE), THE UNKNOWN OWNER'S HEIRS, DEVISEES, AND PERSONAL  
34 REPRESENTATIVES AND THEIR OR ANY OF THEIR HEIRS, DEVISEES,

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1 EXECUTORS, ADMINISTRATORS, GRANTEES, ASSIGNS, OR SUCCESSORS IN  
2 RIGHT, TITLE AND INTEREST,”; AND

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

7 (3) *RECORDS SEARCH REQUIRED.*

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

13 (4) *AFFIDAVIT.*

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

17 (D) *SUMMONS.*

18 (1) *IN GENERAL.*

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

22 (2) *SERVICE OF SUMMONS.*

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

27 (E) *ORDER OF PUBLICATION.*

28 (1) *IN GENERAL.*

29 (I) AT THE SAME TIME THAT THE SUMMONS IS ISSUED, AS PROVIDED BY SUBSECTION  
30 (C) OF THIS SECTION, THE COURT SHALL PASS AN ORDER OF PUBLICATION  
31 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

19 (2) *FORM OF ORDER.*

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

21 **ORDER OF PUBLICATION**

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

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

27 THE COMPLAINT STATES, AMONG OTHER THINGS, THAT THE REAL PROPERTY IS A  
28 VACANT LOT OR IMPROVED PROPERTY CITED AS VACANT AND UNSAFE OR UNFIT FOR  
29 HABITATION OR OTHER AUTHORIZED USE ON A HOUSING OR BUILDING VIOLATION  
30 NOTICE, AND THAT THE AMOUNTS NECESSARY FOR REDEMPTION HAVE NOT BEEN PAID.

31 IT IS THEREUPON THIS .... DAY OF ....., 20.., BY THE CIRCUIT COURT FOR BALTIMORE  
32 CITY, ORDERED, THAT NOTICE BE GIVEN BY THE INSERTION OF A COPY OF THIS ORDER  
33 IN SOME NEWSPAPER HAVING A GENERAL CIRCULATION IN .... ONCE A WEEK FOR 3  
34 SUCCESSIVE WEEKS, WARNING ALL PERSONS INTERESTED IN THE PROPERTY TO APPEAR  
35 IN THIS COURT BY THE .... DAY OF ....., 20.., AND REDEEM THE PROPERTY .... AND

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1 ANSWER THE COMPLAINT OR THEREAFTER A FINAL JUDGMENT WILL BE ENTERED  
2 FORECLOSING ALL RIGHTS OF REDEMPTION IN THE PROPERTY, AND VESTING TITLE IN  
3 THE MAYOR AND CITY COUNCIL OF BALTIMORE, FREE AND CLEAR OF ALL  
4 ENCUMBRANCES.”.

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

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

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

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

12 (1) *IN GENERAL.*

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

15 (2) *AFFIDAVIT.*

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

19 (G) *AFFIDAVIT REQUIREMENT.*

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

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

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

28 (I) THE RECEIPT OBTAINED FROM THE UNITED STATES POST OFFICE FOR THE  
29 MAILING;

30 (II) THE CERTIFIED MAIL RECEIPT; OR

31 (III) AN AFFIDAVIT OF A PROCESS SERVER.

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1 **§ 8.1-9. POST-FILING NOTICE.**

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

7 **§ 8.1-10. SUFFICIENCY OF NOTICE.**

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

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

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

21 **§ 8.1-11. HEARING.**

22       (A) *SCHEDULING.*

23               (I) WHETHER TO SCHEDULE A HEARING IS WITHIN THE CIRCUIT COURT'S DISCRETION.

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

27       (B) *HEARING PARTICIPATION.*

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

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1 **§ 8.1-12. JUDGMENT.**

2 (A) *SCOPE.*

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

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

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

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

9 (B) *IN GENERAL.*

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

12 (1) ENTER A JUDGMENT FINDING THAT:

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

14 (II) THE REAL PROPERTY IS A VACANT LOT OR AN IMPROVED PROPERTY CITED  
15 AS VACANT AND UNSAFE OR UNFIT FOR HABITATION OR OTHER  
16 AUTHORIZED USE ON A HOUSING OR BUILDING VIOLATION NOTICE; AND

17 (2) ORDER THAT THE OWNERSHIP OF THE REAL PROPERTY IS TRANSFERRED TO THE  
18 MAYOR AND CITY COUNCIL PURSUANT TO § 8.1-13 {“TITLE; RECORDATION”} OF  
19 THIS SUBTITLE.

20 (C) *EFFECT OF JUDGMENT.*

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

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

26 (2) ALL PERSONS WHO WERE NOT PARTIES TO THE ACTION AND HAD A CLAIM TO THE  
27 PROPERTY THAT WAS NOT RECORDED AT THE TIME THAT THE ACTION WAS  
28 COMMENCED.  
29

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1 **§ 8.1-13. TITLE; RECORDATION.**

2 (A) *IN GENERAL.*

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

6 (B) *LEASEHOLD PROPERTIES.*

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

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

15 (C) *RECORDATION.*

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

18 **§ 8.1-14. {RESERVED}**

19 **§ 8.1-15. POST-JUDGEMENT SALE.**

20 (A) *IN GENERAL.*

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

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

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1 (B) *LAND BANK.*

2 IN THE EVENT THE MAYOR AND CITY COUNCIL ESTABLISH A LAND BANK AUTHORIZED  
3 UNDER CITY CHARTER, ARTICLE II, § 65 {"LAND BANK AUTHORITY"}, THE CITY MAY  
4 CONVEY THE PROPERTY TO THE AUTHORITY DESCRIBED IN THE IMPLEMENTING  
5 ORDINANCE TO BE USED FOR THE CITY’S OR THE AUTHORITY’S BLIGHT ELIMINATION AND  
6 REVITALIZATION GOALS.

7 (C) *DISPOSITION.*

8 (1) *IN GENERAL.*

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

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

20 (2) *DISTRIBUTION OF PROCEEDS.*

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

24 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
25 are not law and may not be considered to have been enacted as a part of this or any prior  
26 Ordinance.

27 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is  
28 enacted.

**Council Bill 20-0529**

Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Mayor, Baltimore City