

# SENATE BILL 197

L3, N1, Q1

5lr1122

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By: **Senator Astle**

Introduced and read first time: February 2, 2015

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Municipalities – Vacant and Blighted Buildings**

3 FOR the purpose of authorizing the governing body of a municipality, by ordinance, to  
4 establish a Vacant and Blighted Buildings Registry and to require an owner of a  
5 vacant building to register the building and pay a certain fee; authorizing the  
6 ordinance to apply to all land within the municipality or to certain specific areas;  
7 requiring a municipality to consider certain factors in determining whether a  
8 building is a vacant building or a blighted vacant building; prohibiting a building  
9 from being determined to be a vacant building or a blighted vacant building for a  
10 certain period of time under certain circumstances; requiring the owner of a building  
11 in a municipality that has adopted an ordinance under this Act to register the  
12 building and pay a certain fee within a certain period of time after the building  
13 becomes vacant; making a violation of the registration requirement a misdemeanor  
14 subject to a certain penalty; providing that a person who violates the registration  
15 requirement is also liable to the municipality for a certain civil penalty; requiring a  
16 municipality to inspect a vacant building promptly after receiving an application to  
17 register the building; requiring the municipality to register the building under  
18 certain circumstances; authorizing the governing body of a municipality to set special  
19 tax rates for vacant buildings and blighted vacant buildings; requiring a  
20 municipality to notify the owner of a building within a certain period of time after  
21 denying an application to register a vacant building or determining that a  
22 unregistered building is a vacant building or a blighted vacant building; authorizing  
23 an owner of a building aggrieved by a decision of a municipality under this Act to file  
24 a certain appeal; defining certain terms; and generally relating to vacant and  
25 blighted vacant buildings in municipalities.

26 BY adding to

27 Article – Local Government

28 Section 5–501 through 5–508 to be under the new subtitle “Subtitle 5. Vacant and  
29 Blighted Buildings”

30 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2013 Volume and 2014 Supplement)

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

**Article – Local Government**

**SUBTITLE 5. VACANT AND BLIGHTED BUILDINGS.**

**5-501.**

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

(B) “BLIGHTED VACANT BUILDING” MEANS A VACANT BUILDING THAT IS DETERMINED BY A MUNICIPALITY TO BE UNSAFE OR INSANITARY OR THAT IS OTHERWISE DETERMINED TO THREATEN THE HEALTH, SAFETY, OR GENERAL WELFARE OF THE COMMUNITY.

(C) “VACANT BUILDING” MEANS REAL PROPERTY IMPROVED BY A BUILDING THAT IS NOT OCCUPIED CONTINUOUSLY.

**5-502.**

(A) BY ORDINANCE, THE GOVERNING BODY OF A MUNICIPALITY MAY ESTABLISH A VACANT AND BLIGHTED BUILDINGS REGISTRY AND REQUIRE OWNERS OF VACANT BUILDINGS TO REGISTER THEIR BUILDINGS IN ACCORDANCE WITH THIS SUBTITLE.

(B) THE ORDINANCE MAY APPLY TO:

(1) ALL LAND WITHIN THE MUNICIPALITY; OR

(2) SPECIFIC GEOGRAPHIC AREAS WITHIN THE MUNICIPALITY DESIGNATED BY THE GOVERNING BODY.

**5-503.**

(A) IN DETERMINING IF A BUILDING IS A VACANT BUILDING, A MUNICIPALITY SHALL CONSIDER WHETHER:

(1) AN ELECTRICAL, GAS, OR WATER METER IS NOT RUNNING OR IS SHOWING LOW USAGE;

- 1           **(2) THERE IS ACCUMULATED MAIL;**
- 2           **(3) THERE HAVE BEEN ANY COMPLAINTS FROM NEIGHBORS;**
- 3           **(4) THERE ARE WINDOW COVERINGS;**
- 4           **(5) ANY FURNITURE IS OBSERVABLE;**
- 5           **(6) THE BUILDING IS OPENLY ACCESSIBLE;**
- 6           **(7) THERE IS DEFERRED MAINTENANCE, INCLUDING LOOSE OR**  
7 **FALLING GUTTERS, SEVERE PAINT CHIPPING, OR OVERGROWN GRASS; AND**
- 8           **(8) THE BUILDING IS BOARDED UP.**

9           **(B) IN DETERMINING IF A VACANT BUILDING IS A BLIGHTED VACANT**  
10 **BUILDING, A MUNICIPALITY SHALL CONSIDER WHETHER THE VACANT BUILDING:**

- 11           **(1) IS THE SUBJECT OF A CONDEMNATION PROCEEDING;**
- 12           **(2) IS BOARDED UP; AND**
- 13           **(3) DOES NOT COMPLY WITH THE FOLLOWING MAINTENANCE**  
14 **STANDARDS:**

15                   **(I) DOORS, WINDOWS, AREAWAYS, AND OTHER OPENINGS ARE**  
16 **WEATHER-TIGHT AND SECURED AGAINST ENTRY BY BIRDS, VERMIN, AND**  
17 **TRESPASSERS, AND MISSING OR BROKEN DOORS, WINDOWS, AND OTHER OPENINGS**  
18 **ARE COVERED;**

19                   **(II) THE EXTERIOR WALLS ARE FREE OF HOLES, BREAKS,**  
20 **GRAFFITI, AND LOOSE OR ROTTING MATERIALS, AND EXPOSED METAL AND WOOD**  
21 **SURFACES ARE PROTECTED FROM THE ELEMENTS AND AGAINST DECAY OR RUST BY**  
22 **PERIODIC APPLICATION OF WEATHER-COATING MATERIALS, SUCH AS PAINT; AND**

23                   **(III) ALL BALCONIES, PORCHES, CANOPIES, MARQUEES, SIGNS,**  
24 **METAL AWNINGS, STAIRWAYS, ACCESSORY AND APPURTENANT STRUCTURES, AND**  
25 **SIMILAR FEATURES ARE SAFE AND SOUND, AND EXPOSED METAL AND WOOD**  
26 **SURFACES ARE PROTECTED FROM THE ELEMENTS BY APPLICATION OF**  
27 **WEATHER-COATING MATERIALS, SUCH AS PAINT.**

28           **(C) A BUILDING MAY NOT BE DETERMINED TO BE A VACANT BUILDING OR A**  
29 **BLIGHTED VACANT BUILDING FOR A PERIOD OF 1 YEAR, OR A LONGER PERIOD**

1 APPROVED BY THE MUNICIPALITY, AFTER THE BUILDING CEASES TO BE  
2 CONTINUOUSLY OCCUPIED, IF:

3 (1) THE BUILDING IS UNDER ACTIVE CONSTRUCTION OR IS  
4 UNDERGOING ACTIVE REHABILITATION, RENOVATION, OR REPAIR IN COMPLIANCE  
5 WITH ALL LEGALLY ISSUED ZONING AND BUILDING PERMITS;

6 (2) THE OWNER IS ACTIVELY SEEKING IN GOOD FAITH TO RENT OR  
7 SELL THE BUILDING;

8 (3) THE BUILDING IS THE SUBJECT OF A PROBATE PROCEEDING OR  
9 THE TITLE IS SUBJECT TO LITIGATION; OR

10 (4) THE BUILDING IS THE SUBJECT OF A PENDING ZONING  
11 APPLICATION FOR APPROVAL TO DEVELOP THE BUILDING.

12 **5-504.**

13 (A) (1) IF THE GOVERNING BODY OF A MUNICIPALITY HAS ADOPTED AN  
14 ORDINANCE UNDER § 5-502 OF THIS SUBTITLE, WITHIN 30 DAYS AFTER A BUILDING  
15 LOCATED IN THE MUNICIPALITY OR A GEOGRAPHIC AREA OF THE MUNICIPALITY  
16 SUBJECT TO THE ORDINANCE BECOMES A VACANT BUILDING, THE OWNER SHALL  
17 REGISTER THE BUILDING WITH THE MUNICIPALITY AND PAY THE REGISTRATION  
18 FEE SET BY THE MUNICIPALITY.

19 (2) THE MUNICIPALITY MAY EXTEND THE TIME FOR REGISTRATION  
20 OF A VACANT BUILDING FOR GOOD CAUSE SHOWN.

21 (B) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS GUILTY  
22 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING  
23 \$2,000.

24 (C) (1) IN ADDITION TO THE PENALTY PROVIDED UNDER SUBSECTION (B)  
25 OF THIS SECTION, A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS  
26 LIABLE TO THE MUNICIPALITY FOR A CIVIL PENALTY OF \$2,000 PER DAY FOR EACH  
27 DAY THAT THE VIOLATION CONTINUES.

28 (2) THE MAXIMUM AMOUNT OF A CIVIL PENALTY UNDER THIS  
29 SUBSECTION MAY NOT EXCEED THE ASSESSED VALUE OF THE PROPERTY.

30 **5-505.**

1           **(A) PROMPTLY AFTER RECEIVING AN APPLICATION TO REGISTER A VACANT**  
2 **BUILDING UNDER § 5-504 OF THIS SUBTITLE, THE MUNICIPALITY SHALL INSPECT**  
3 **THE BUILDING.**

4           **(B) THE MUNICIPALITY SHALL APPROVE THE REGISTRATION IF THE**  
5 **MUNICIPALITY DETERMINES THAT:**

6                   **(1) THE BUILDING IS NOT A BLIGHTED VACANT BUILDING;**

7                   **(2) THE VACANCY OF THE BUILDING WILL NOT:**

8                           **(I) BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND**  
9 **WELFARE;**

10                           **(II) UNREASONABLY INTERFERE WITH THE REASONABLE AND**  
11 **LAWFUL USE AND ENJOYMENT OF OTHER BUILDINGS IN THE NEIGHBORHOOD; AND**

12                           **(III) POSE A HAZARD TO POLICE OFFICERS OR FIREFIGHTERS**  
13 **ENTERING THE BUILDING IN AN EMERGENCY;**

14                   **(3) THE BUILDING COMPLIES WITH APPLICABLE FIRE, BUILDING, AND**  
15 **HOUSING CODES;**

16                   **(4) THE CONTINUANCE OF ANY MAINTENANCE WORK IS NOT**  
17 **DANGEROUS TO LIFE OR PROPERTY;**

18                   **(5) NO FALSE STATEMENTS OR MISREPRESENTATIONS HAVE BEEN**  
19 **MADE ON THE REGISTRATION APPLICATION; AND**

20                   **(6) ANY ORDERS REGARDING THE BUILDING HAVE BEEN COMPLIED**  
21 **WITH AND THE BUILDING COMPLIES WITH ANY APPLICABLE OCCUPANCY**  
22 **REQUIREMENTS.**

23 **5-506.**

24           **(A) (1) THE GOVERNING BODY OF A MUNICIPALITY MAY SET A SPECIAL**  
25 **TAX RATE UNDER § 6-303 OF THE TAX – PROPERTY ARTICLE FOR VACANT**  
26 **BUILDINGS OF UP TO \$5.00 MORE PER \$100 OF ASSESSED VALUE THAN THE RATE**  
27 **THAT WOULD OTHERWISE APPLY TO THE BUILDING.**

28                   **(2) A SPECIAL TAX RATE SET UNDER PARAGRAPH (1) OF THIS**  
29 **SUBSECTION APPLIES WHETHER OR NOT A VACANT BUILDING IS REGISTERED IN**  
30 **ACCORDANCE WITH § 5-504 OF THIS SUBTITLE.**

1           **(B) THE GOVERNING BODY OF A MUNICIPALITY MAY SET A SPECIAL TAX**  
2 **RATE UNDER § 6-303 OF THE TAX – PROPERTY ARTICLE FOR BLIGHTED VACANT**  
3 **BUILDINGS OF UP TO \$10.00 MORE PER \$100 OF ASSESSED VALUE THAN THE RATE**  
4 **THAT WOULD OTHERWISE APPLY TO THE BUILDING.**

5 **5-507.**

6           **(A) A MUNICIPALITY SHALL NOTIFY THE OWNER OF A BUILDING WITHIN 30**  
7 **DAYS AFTER:**

8                   **(1) DENYING AN APPLICATION TO REGISTER A VACANT BUILDING; OR**

9                   **(2) DETERMINING THAT AN UNREGISTERED BUILDING IS A VACANT**  
10 **BUILDING OR A BLIGHTED VACANT BUILDING.**

11           **(B) THE NOTICE SHALL BE SENT BY FIRST-CLASS AND CERTIFIED MAIL,**  
12 **RETURN RECEIPT REQUESTED, TO THE ADDRESS OF THE OWNER SHOWN ON THE**  
13 **ASSESSMENT RECORDS.**

14 **5-508.**

15           **AN OWNER OF A BUILDING WHO IS AGGRIEVED BY A DECISION OF A**  
16 **MUNICIPALITY UNDER THIS SUBTITLE MAY APPEAL TO THE CIRCUIT COURT FOR THE**  
17 **COUNTY IN WHICH THE MUNICIPALITY IS LOCATED.**

18           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
19 **October 1, 2015.**