

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-47-2015

Chapter No. _____

Proposed and Presented by Council Members Lehman, Glaros and Franklin

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 County Foreclosure Registry

3 For the purpose of establishing an administrative fee for filing with the County Foreclosure
4 Registry; increasing the amount of the civil penalty; and generally relating to foreclosure.

5 BY renumbering and repealing and reenacting with amendments:

6 SUBTITLE 13. HOUSING AND PROPERTY
7 STANDARDS.

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

10 The Prince George's County Code
11 (2011 Edition; 2014 Supplement).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
13 Maryland, that Sections 13-1101, 13-1102, 13-1103, 13-1104, and 13-1105 of the Prince
14 George's County Code be and the same are hereby repealed and reenacted with the following
15 amendments:

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

17 **DIVISION 12. NOTICE CONCERNING RESIDENTIAL OR COMMERCIAL**
18 **PROPERTY SUBJECT TO FORECLOSURE.**

19 **Sec. 13-1101. Definitions.**

20 (a) **Director** means the Director of the Department of Permitting, Inspections, and
21 Enforcement or the Director's designee.

1 (b) **Person authorized to make the sale** means the person designated pursuant to the
2 Maryland Rules to sell residential property subject to foreclosure.

3 (e) **Residential property** means real property improved by four or fewer single family
4 dwelling units.

5 (d) **Municipality** means an incorporated city or town within Prince George's County.

6 (e) **Commercial property** means any improved and unimproved real property that is
7 zoned industrial, commercial, or nonresidential use under the provisions of Subtitle 27 of this
8 Code.

9 **Sec. 13-1102. Registration of residential and commercial property subject to foreclosure.**

10 (a) Within five calendar days after a person authorized to make the sale of a residential or
11 commercial property has filed an order to docket or a complaint to foreclose a mortgage or deed
12 of trust on residential or commercial property located in the County, the person authorized to
13 make the sale shall give notice of the filing to the Director.

14 (b) The notice shall identify the residential or commercial property subject to foreclosure
15 by street address and, if known, by tax account number, and shall include the names and
16 addresses, if known, of all owners of the residential or commercial property subject to the
17 foreclosure action and the name, address, and telephone number of the person authorized to
18 make the sale.

19 (c) The person authorized to make the sale may provide to the Director the name, address,
20 and telephone number of a person authorized to manage and maintain the residential or
21 commercial property prior to the sale of the residential or commercial property.

22 **Sec. 13-1103. Administrative Fee.**

23 (a) The Director shall charge filing fees for registering a residential or commercial
24 property of:

- 25 (1) Fifty Dollars (\$50) for an initial registration filed within the time period required
26 under Section 13-1102; and
27 (2) One Hundred Dollars (\$100) for an initial registration filed after the time period
28 required under Section 13-1102.
29 (3) A filing fee paid pursuant to this Section is nonrefundable.

30 **[Sec. 13-1103.] Sec. 13-1104. Failure to provide notice.**

31 A person authorized to make the sale that fails to give notice as required in this Division

1 shall pay a civil penalty of Two Hundred and fifty dollars [(\$50)] (\$250) for each calendar day
 2 the notice is not filed.

3 **[Sec. 13-1104.] Sec. 13-1105. Disclosure of information under the Maryland Public**
 4 **Information Act.**

5 (a) In order to deter vandalism, theft, arson, or trespassers, the notice filed with the
 6 Director shall be maintained as confidential financial information of the person authorized to
 7 make the sale and shall not be disclosed by the Director until a deed has been recorded for the
 8 property.

9 (b) Notwithstanding subsection (a) above, the Director may enter into a Memorandum of
 10 Understanding to disclose the confidential information about the finances of an individual with a
 11 municipality that has enacted a local ordinance or law implementing Chapter 149, Laws of
 12 Maryland, 2009. The Memorandum of Understanding shall specify that the confidential
 13 financial information shall not be shared with any third parties pursuant to the Maryland Public
 14 Information Act.

15 **[Sec. 13-1105.] Sec. 13-1106. Maintenance standards for property subject to foreclosure.**

16 (a) All owners or persons authorized to manage and maintain the residential or commercial
 17 property to be foreclosed shall be responsible for the property standards and maintenance
 18 requirements in Division 1 and 7 of Subtitle 13.

19 (b) The Director shall have authority, in accordance with Division 1 and 7 of Subtitle 13,
 20 to seek compliance with the property standards and maintenance of properties registered under
 21 this Division.

22 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 23 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 24 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
 25 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
 26 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
 27 Act, since the same would have been enacted without the incorporation in this Act of any such
 28 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
 29 or section.

30 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
 31 calendar days after it becomes law.

Adopted this _____ day of _____, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Mel Franklin
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.