

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
1998 Legislative Session

Bill No. CB-71-1998
 Chapter No. 54
 Proposed and Presented by Council Member Del Giudice
 Introduced by Council Member Del Giudice
 Co-Sponsors _____
 Date of Introduction July 7, 1998

BILL

1 AN ACT concerning

2 Housing and Property Standards

3 For the purpose of authorizing the Director to condemn open, hazardous residential buildings and
 4 to provide for a lien on the property for the costs of such work.

5 BY adding:

6 SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

7 Section 13-113.02,

8 The Prince George's County Code

9 (1995 Edition, 1997).

10 BY repealing and reenacting:

11 SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

12 Section 13-113,

13 The Prince George's County Code

14 (1995 Edition, 1997).

15 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 16 Maryland, that Section 13-113.02 of the Prince George's County Code be and the same is hereby
 17 added:

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

19 **DIVISION 1. HOUSING CODE.**

20 **Subdivision 2. Amendments to Housing Code.**

21 **Sec. 13-113.02. Section H-130.2. Condemnation of open, hazardous residential buildings.**

1 Section H-130.2 is added to read as follows: "Condemnation of open, hazardous residential
2 buildings.

3 (a) If the Director determines that a residential building three stories or less in height is
4 open and vacant and is an immediate and continuing hazard to the community in which the
5 building is located, then the Director shall be authorized to post a notice of not less than two feet
6 by two feet in size on the front of the building. The notice shall be dated as of the date of the
7 posting and shall state that unless the building is demolished, repaired, or enclosed, and unless
8 any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials are
9 removed so that an immediate and continuing hazard to the community no longer exists, then the
10 building may be demolished, repaired, or enclosed, or any garbage, debris, and other hazardous,
11 noxious, or unhealthy substances or materials may be removed, by the County.

12 (b) Not later than 30 days following the posting of the notice, the Director shall do all of
13 the following:

14 (1) Cause to be sent, by certified mail, a notice to all owners of record of the property
15 stating the intent of the County to demolish, repair, or enclose the building, or remove any
16 garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if that action is
17 not taken by the owner;

18 (2) Cause to be published, for three consecutive days, in a newspaper of record a notice
19 setting forth (i) the address of the building or description of the real estate sufficient for its
20 identification, (ii) a statement that the property is open and vacant and constitutes an immediate
21 and continuing hazard to the community, and (iii) a statement that the County intends to
22 demolish, repair, or enclose the building, or remove any garbage, debris, or other hazardous,
23 noxious, or unhealthy substances or materials if the owner fails to do so.

24 (3) If a building is an identified historic resource on the Adopted and Approved Historic
25 Sites and District Plan of Prince George's County, Maryland, cause a copy of the notice to be
26 sent to the Historic Preservation Commission and demolition shall not be authorized without
27 approval of the Historical Preservation Commission.

28 (c) A person objecting to the proposed actions of the County may file his or her objection
29 in an appropriate form in a court of competent jurisdiction.

30 (d) If the building is not demolished, repaired, or enclosed, or the garbage, debris, or other
31 hazardous, noxious, or unhealthy substances or materials are not removed, within 30 days of

1 mailing the notice to the owners of record, or within 30 days of the last day of publication of the
 2 notice, whichever is later, the Director shall have the power to demolish, repair, or enclose the
 3 buildings, or to remove any garbage, debris, or other hazardous, noxious, or unhealthy
 4 substances or materials.

5 (e) The County may proceed to demolish, repair, or enclose a building or remove any
 6 garbage, debris, or other hazardous, noxious or unhealthy substances or materials under this
 7 subsection within a 120-day period following the date of the mailing of the notice if the Director
 8 determines that the demolition, repair, enclosure, or removal of any garbage, debris, or other
 9 hazardous, noxious, or unhealthy substances or materials is necessary to remedy the immediate
 10 and continuing hazard. If, however, before the Director proceeds with any of the actions
 11 authorized by this chapter, any person has initiated an action under this Division in a court of
 12 competent jurisdiction and has served a copy of the complaint on the County, then the County
 13 shall not proceed with the demolition, repair, enclosure, or removal of garbage, debris, or other
 14 substances until the court determines that action is necessary to remedy the hazard and issues an
 15 order authorizing the County to do so."

16 SECTION 2. BE IT FURTHER ENACTED that Section 13-113. of the Prince George's
 17 County Code be and the same is hereby repealed and reenacted with the following amendments:

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

19 **DIVISION 1. HOUSING CODE.**

20 **Subdivision 2. Amendments to Housing Code.**

21 **Sec. 13-113. Section H-130.12.**

22 (a) Section H-130.12 is added to read as follows:

23 "(a) Creation of a Tax Lien. There is created a tax lien on real property for monies
 24 expended by the County for the razing, demolition, removal or making safe buildings and/or
 25 abatement of other unsafe nuisances or conditions constituting a danger to the public health and
 26 safety where the responsible party refuses or fails to comply with a lawful order of the Building
 27 Official of the County after due notice thereof, either actual or constructive, is given as provided
 28 in Sections 123 and 124 of the Building Code.

29 "(b) There is created a tax lien on real property for monies expended by the County for
 30 the elimination of infestation constituting a danger to the public health and safety where the
 31 responsible party refuses or fails to comply with the lawful order of the Building Official of the

1 County after due notice thereof, either actual or constructive or as provided in Section H-130.3
2 of the Housing Code.

3 "(c) There is created a tax lien on real property for monies expended by the County for
4 the demolition, repair, or enclosure of a building, or removal of garbage, debris, or other
5 hazardous, noxious, or unhealthy substances or materials where the responsible party refuses or
6 fails to comply with the lawful order of the Director after due notice thereof, either actual or
7 constructive or as provided in Section H-130.2 of the Housing Code. Following the demolition,
8 repair, or enclosure of a building, or removal of garbage, debris, or other hazardous, noxious, or
9 unhealthy substances or materials under Section H-130.2, the County may file a notice of lien
10 against the real estate for the cost of the demolition, repair, enclosure, or removal within 180
11 days after the repair, demolition, enclosure, or removal occurred, for the cost and expense
12 incurred, with the Director of Finance. The notice of lien shall consist of a sworn statement by
13 the Director setting forth (i) a description of the real estate, such as the address or other
14 description of the property, sufficient for its identification; (ii) the expenses incurred by the
15 County in undertaking the remedial actions authorized by this Division; (iii) the date or dates that
16 the expenses were incurred by the Director; (iv) a statement that the building was open and
17 vacant and constituted an immediate and continuing hazard to the community; (v) a statement
18 that the required sign was posted on the building, that notice was sent by certified mail to the
19 owners of record, and that notice was published in accordance with this section; and (vi) a
20 statement as to when and where the notice was published.

21 "[(c)](d) Upon certification from the County Attorney that a tax lien has been created,
22 the amount of such lien shall be collected by the Director of Finance in the same manner as other
23 County real estate taxes."

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

Adopted this 28th day of July, 1998.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Ronald V. Russell
Chairman

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Wayne K. Curry
County Executive

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