

**PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 7/28/98

Reference No.: CB-71-1998

Proposer: Del Giudice

Draft No.: 1

Sponsors: Del Giudice

Item Title: An Act concerning housing and property standards for the purpose of authorizing the Director to condemn open, hazardous residential buildings and to provide for a lien on the property for the costs of such work

Drafter: Ralph E. Grutzmacher
Legislative Officer

Resource Personnel: Terese Yewell
Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	5/5/98	Executive Action: 8/17/98	S
Committee Referral:	5/5/98	THE	Effective Date: 10/2/98
Committee Action:	6/25/98	FAV	
Date Introduced:	7/7/98		
Pub. Hearing Date:	7/28/98	11:00 A.M.	

Council Action: 7/28/98 ENACTED

Council Votes: RVR:A, DB:A, SD:A, JE:A, IG:A, TH:A, WM:A, AS:A, MW:A

Pass/Fail: P

Remarks: _____

TRANSPORTATION, HOUSING AND ENVIRONMENT COMMITTEE DATE: 6/25/98

Committee Vote: Favorable, 4-0, (In favor: Council Members Wilson, Scott, Gourdine and Maloney).

This legislation amends Section 13-113.02 of the Code authorizing the Director to condemn open, hazardous residential buildings and to provide for a lien on the property for the costs of such work. This legislation is based upon a City of Chicago statute that was upheld in McKenzie v. City of Chicago.

CB-71-1998 provides the Department of Environmental Resources additional enforcement mechanism in handling problem housing cases. This legislation allows the Director to determine that a residential building three stories or less in height is open and vacant. After which, notices are posted and timeframes are adhered to, steps can be taken without Court proceedings to demolish, repair, or enclose a building or remove any garbage, debris, or other hazardous noxious or unhealthy substance and to bill the property owner via a lien. If however, before the Director proceed with any of the actions, the homeowner can initiate action in a court, then the County shall not proceed with the demolition, repair and enclosure.

The Department of Housing & Community Development (DHCD) supports the legislation and suggests that Department of Environmental Resources continue using the statement on the notice of violation which informs the owner that assistance is available through DHCD for rehabilitation programs.

Discussion centered on the fact that the legislation targeted residential building and not commercial and buildings three stories or less.

The Department of Environmental Resources recommends that "immediate and continuing hazard" be defined as a condition which, if not immediately corrected, would constitute a threat to the public health and/or safety of the citizens. If the house in question is boarded and secured, this legislation would not be enforceable. Further, the court has required a judge's order prior to the demolition of a house and imposition of a lien in order to recover cost.

BACKGROUND INFORMATION/FISCAL IMPACT

(Includes reason for proposal, as well as any unique statutory requirements)

Open and hazardous residential structures adversely impact adjacent property and the neighborhood in which it is located. The proposed legislation provides an expedited process for the Director of the Department of Environmental Resources to order the elimination of open and hazardous residential structures and to take prompt remedial action to abate the hazard. This legislation is based upon a City of Chicago statute that was upheld in *McKenzie v. City of Chicago*, 118 F. 3rd. 552 (7th Cir. 1997).

CODE INDEX TOPICS: