

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

Meeting Date: 4/20/99

Reference No.: CB-11-1999

Proposer: Hendershot, Wilson, Shapiro

Draft No.: 1

Sponsors: Hendershot, Wilson, Shapiro

Item Title: An Act concerning Housing and Property Standards for the purpose of authorizing the Director to condemn open, hazardous commercial and industrial buildings, provide for a lien on the property for the costs of such work, and make conforming amendments

Drafter: Ralph E. Grutzmacher
Legislative Officer

Resource Personnel: Carol B. White
Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 2/23/99

Executive Action: 5/6/99 S

Committee Referral: 2/23/99 THE

Effective Date: 6/21/99

Committee Action: 3/25/99 FAV

Date Introduced: 3/30/99

Pub. Hearing Date: 4/20/99 10:00 A.M.

Council Action: 4/20/99 ENACTED

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

Pass/Fail: P

Remarks: _____

TRANSPORTATION, HOUSING & ENVIRONMENT COMMITTEE REPORT - 3/25/99

Committee vote: Favorable, 4-0 (In favor: Council Members Gourdine, Shapiro, Maloney and Wilson) (Absent: Council Member Scott)

Communities and municipalities throughout the County encounter tremendous difficulties in abating public nuisances, which result when commercial structures are left open and/or vacant. Such properties pose an immediate and continuing hazard to the community in which they are located. CB-11-1999 provides an expedited process for the Director of the Department of Environmental

Resources to order the elimination of open and hazardous commercial and industrial structures and to take prompt remedial action to abate the hazard, to the community and protect adjacent properties and neighborhoods.

The Bill may also encourage the owners of open, hazardous commercial and industrial buildings to repair them and remove garbage and debris and other hazardous and unhealthy substances from the property prior to the intervention of the Department. Overall, it may encourage property owners to maintain their properties.

A representative from the Department of Environmental Resources indicated that the wording, "if the Director determines that a structure is open and vacant...", would limit the Department's ability to accomplish the intended purpose of the legislation. The sponsor of the legislation recommended deleting the phrase "open and vacant" from the language. The Legislative Officer recommended keeping the language as drafted, since this language had been upheld in court in other jurisdictions. The Legislative Officer explained that the "open and vacant" language is a key part of the definition for public nuisance. The representative from the Department of Environmental Resources indicated that it was not the intent of the Director to have the language deleted, but to get clarification. After lengthy discussion no amendment was recommended.

The Office of Law find the legislation to be in proper legislative form and the Office of Audits and Investigations find that there should be negative fiscal impact on the County as a result of enacting CB-11-1999.

BACKGROUND INFORMATION/FISCAL IMPACT

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

The proposed legislation provides a procedure, similar to the procedure enacted in CB-71-1998 for residential property, for abating code violations for commercial properties.

CODE INDEX TOPICS: