



Senate Bill 28

Real Property – Blighted Property – Nuisance Abatement

MACo Position:

SUPPORT WITH AMENDMENTS

Date: January 29, 2013

To: Education, Health, & Environmental
Affairs Committee

From: Leslie Knapp Jr.

The Maryland Association of Counties (MACo) SUPPORTS Senate Bill 28 (SB 28) WITH AMENDMENTS. The bill would give local governments an additional tool to address recalcitrant residential property owners who allow their property to become blighted and who refuse to address valid local government livability and building code concerns. However, MACo also feels that the bill's current language should be refined to avoid unintended consequences.

SB 28 would require an owner of a blighted property who receives notice from a local government to submit a remediation plan to the local government. If the local government approves the plan, the property owner must remediate the property within a certain amount of time. The local government may declare the property a nuisance and order abatement if the owner refuses to comply with the remediation requirements.

The bill would further require that an owner must abate the nuisance or put the property up for sale at a specified price. If the owner refuses to abate the nuisance or sell the property within a specified time period, the local government may impose a fine on the owner equal to three times the amount of the local property tax imposed on the property.

While MACo appreciates the good intentions of the bill, several areas of the bill need to be amended or clarified:

LOCAL OPTION, NOT LIMITING: MACo believes the bill was intended to offer a local option, but is concerned that the language of the bill is ambiguous, and therefore should be amended to avoid the unintentional imposition of a mandate. Further, the bill should clearly

state that it does not eclipse any similar remedies or powers already granted to local governments under other existing laws.

DEFINITION OF BLIGHTED PROPERTY: The definition of “blighted property” is overbroad and should be narrowed. While it is appropriate to reference boarded properties, the vacancy requirement should be removed from definition. A home may be vacant for a year or more yet still be well-maintained. Homes of this sort should not be subject to the provisions of the bill because of a minor violation such as having a nonfunctioning smoke detector or a missed grass cutting.

Nuisance complaints and code violations should be limited to exterior concerns, such as trash, health hazards, and substantive exterior litter and external structural failings or degradations.

Finally, the one year time frame should be extended to two years where a property has been subject to flood or fire damage and the property owner can show that the property is still undergoing the insurance claim process.

SALE OR DEMOLITION OF PROPERTY: The property owner should be allowed to meet the remediation plan requirements or nuisance abatement requirements by demolishing and cleaning up the property (exempting structures deemed historic, where such an action may not be appropriate). Additionally, if the property owner chooses to put the property up for sale, the bill should not establish a fixed minimum sale price. A property might have underlying debt that exceeds the assessment or other circumstances that would limit the ability of a property owner from selling the property at the bill’s mandated price.

In conclusion, MACo believes that SB 28 can be amended to address MACo’s concerns and is willing to work with the bill sponsor and the Committee to draft suitable amendments. If amended, SB 28 could provide a useful option that local governments could use to selectively remediate blighted residential properties and prevent neighborhood decay. Accordingly, MACo recommends the Committee issue a report of FAVORABLE WITH AMENDMENTS on SB 28.