

Introduced: Ms. Pope
First Reading: June 6, 2011
Passed: June 20, 2011
Posted: June 21, 2011
Effective: June 30, 2011

ORDINANCE NO. 1311

AN ORDINANCE TO AMEND CHAPTER 10 "LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS" OF THE GREENBELT CITY CODE TO ADD A NEW ARTICLE VI ENTITLED "NOTICE OF FORECLOSURE ON RESIDENTIAL PROPERTY" TO REQUIRE NOTICE BE GIVEN TO THE CITY WHEN AN ORDER TO DOCKET OR A COMPLAINT TO FORECLOSE A MORTGAGE OR DEED OF TRUST IS FILED ON A RESIDENTIAL PROPERTY AS DEFINED, AND TO PROVIDE A PENALTY FOR THE FAILURE TO COMPLY

WHEREAS, pursuant to the Annotated Code of Maryland, Article 23(a), Section 2, the City of Greenbelt, Maryland (hereinafter, the "City"), has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens of the municipality; and

WHEREAS, the Maryland State Legislature enacted Chapter 149 of the Laws of Maryland, 2009, codified at Section 7-105.1(a) and 14-126 of the Real Property Article, Annotated Code of Maryland, which authorizes the City to enact a law requiring that notice be given to the City when an order to docket, or a complaint to foreclose, a mortgage or deed of trust is filed on certain residential properties located within the City; and

WHEREAS, a number of residential properties in the City have become vacant due to foreclosure and are now in the control of financial institutions; and

WHEREAS, it has become difficult to identify and notify said financial institutions when various property code violations occur on the vacant properties, and as a result, it is difficult to obtain compliance in a timely manner; and

WHEREAS, the Mayor and City Council have determined that adopting a law requiring that notice be given to the City when an order to docket, or a complaint to foreclose, a mortgage or deed of trust is filed on residential property will aid the City in identifying the responsible parties and so it is in the public interest and will protect the public health, safety and welfare; NOW, THEREFORE,

BE IT ORDAINED by the Council of the City of Greenbelt, Maryland, that a new Article VI entitled "Notice of Foreclosure on Residential Property", hereby is added to Chapter 10 of the Greenbelt City Code.

CHAPTER 10
LICENSES, PERMITTS AND MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE VI – NOTICE OF FORECLOSURE ON RESIDENTIAL PROPERTY

Section 10-61. Definitions: For the purposes of this Article, the following terms shall have the meaning provided:

- a. Residential Property/Real Property - property improved by four or fewer single family dwelling units
- b. Person authorized to make sale - Person designated pursuant to the Maryland Rules to sell residential property subject to foreclosure.

Section 10-62. Notice of filing:

Within five (5) calendar days after the filing of an Order to Docket or a complaint to foreclose a mortgage or deed of trust on a residential property located within the City, the person authorized to make the sale shall give written notice of the filing to the City. Said notice shall be directed to the Mayor of the City and shall include:

- a. The street address of the residential property subject to the foreclosure action;
- b. The names and addresses, if known, of all owners of the residential property subject to the foreclosure action;
- c. The name, address and telephone number of the person authorized to sell the property on behalf of the lender.
- d. The name, address, telephone number and email address of the person responsible for maintenance and security of the property on behalf of the lender.

Section 10-63. Violation:

- a. Failure to provide the notice required by this section shall constitute a municipal infraction and is subject to the penalty provided herein below.
- b. The lender shall maintain the property in accordance with all local laws, codes and Ordinances. Failure to do so will result in the fines established by applicable law, code and Ordinance. Each additional calendar day that a violation continues shall be fined to the limit established by this article.

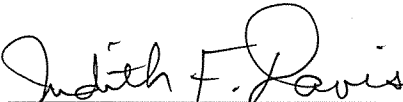
Section 10-64. Penalties

The following fines for violation of this Ordinance shall be applicable in the City of Greenbelt:

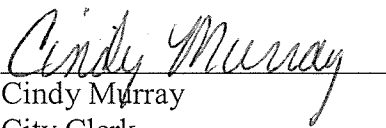
- a. Failure to give notice of the first violation is \$100.00 fine.
- b. Each additional calendar day that the violation continues is \$100.00.

Sections 10-65 to 10-70. Reserved

PASSED, by the Council of the City of Greenbelt, Maryland at its regular meeting of June 20, 2011.


Judith F. Davis
Mayor

Attest:


Cindy Murray
City Clerk

Key:

Underscoring indicates language added to existing law.

~~Overstriking~~ indicates language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.