

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND,
AMENDING CITY CODE CHAPTER 125 "HOUSING REGULATIONS", ARTICLE II,
"STANDARDS" BY ADDING "§125-32 "NOTICE OF RESIDENTIAL PROPERTY
SUBJECT TO FORECLOSURE" AND AMENDING CHAPTER 110, "FEES AND
PENALTIES", SECTION 110-2, "PENALTIES", TO REQUIRE THAT CERTAIN
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
FAILURE TO COMPLY.

WHEREAS, pursuant to Md. Code Ann., Art. 23A, §2, the City of College Park, 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 §§ 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 property 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, difficult to obtain compliance in a timely manner; and

WHEREAS, the Mayor and 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

<u>CAPS</u>	: Indicate matter added to existing law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set Forth in Ordinance.
<u>UNDERLINED CAPS</u>	: Indicates matter added to Ordinance by amendment.
{Brackets}	: Indicate matter deleted from Ordinance by amendment.

deed of trust is filed on residential property will aid the City in identifying responsible parties, and so is in the public interest.

Section 1. NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland that Chapter 125, "Housing Regulations", §125-32 "Notice of Residential Property Subject To Foreclosure" be and it is hereby adopted to read as follows:

§ 125-32. NOTICE OF RESIDENTIAL PROPERTY SUBJECT TO FORECLOSURE.

A. DEFINITIONS

1. RESIDENTIAL PROPERTY – REAL PROPERTY IMPROVED BY FOUR OR FEWER SINGLE FAMILY DWELLING UNITS.
2. PERSON AUTHORIZED TO MAKE THE SALE- THE PERSON DESIGNATED PURSUANT TO THE MARYLAND RULES TO SELL RESIDENTIAL PROPERTY SUBJECT TO FORECLOSURE.

B. NOTICE OF FILING – WITHIN FIVE 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 IN THE CITY, THE PERSON AUTHORIZED TO MAKE THE SALE SHALL GIVE WRITTEN NOTICE OF THE FILING TO THE CITY. THE SAID NOTICE, WHICH SHALL BE DIRECTED TO THE CITY'S FINANCIAL OFFICER, SHALL INCLUDE:

1. THE STREET ADDRESS OF THE RESIDENTIAL PROPERTY SUBJECT TO THE FORECLOSURE ACTION;
2. THE NAMES AND ADDRESSES, IF KNOWN, OF ALL OWNERS OF THE

RESIDENTIAL PROPERTY SUBJECT TO THE FORECLOSURE ACTION; AND
 3. THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE PERSON
 AUTHORIZED TO MAKE THE SALE.

C. VIOLATION- FAILURE TO PROVIDE THE NOTICE REQUIRED BY THIS SECTION
 SHALL CONSTITUTE A MUNICIPAL INFRACTION, AND IS SUBJECT TO THE
 PENALTY PROVIDED IN CHAPTER 110, FEES AND PENALTIES, OF THIS CODE.

Section 2. NOW, THEREFORE, BE IT FURTHER ORDAINED AND ENACTED,

by the Mayor and Council of the City of College Park, Maryland that Chapter 110, "Fees and
 Penalties", §110-2 " be and it is hereby repealed and re-enacted with amendments to read as
 follows:

§110-2 Penalties.

Unless otherwise noted herein, the violation of a City ordinance or resolution is a municipal
 infraction. The following fines and/or imprisonment for violations of various ordinances or
 resolutions are applicable in the City of College Park:

Chapter/Section	Violation	Penalty
	* * * * *	
Ch. 125 Housing Regulations Art. 1 General Provisions Art. 2 Standards		
	* * * * *	
§125-32	FAILURE TO GIVE NOTICE	
	FIRST VIOLATION	\$100.00
	EACH ADDITIONAL CALENDAR DAY	
	VIOLATION CONTINUES	\$100.00

* * * * *

Section 3. NOW, THEREFORE, BE IT FURTHER ORDAINED AND ENACTED

by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall publish this proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for 7:45 P.M. on the 22nd day of September, 2009, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. As soon as practicable after adoption, the City Clerk shall have a fair summary of the Ordinance and notice of its adoption published in a newspaper having a general circulation in the City of College Park and available at the City's offices. This Ordinance shall become effective on October 13, 2009 provided that a fair summary of this Ordinance is published at least once prior to the date of passage and once as soon as practical after the date of passage in a newspaper having general circulation in the City.

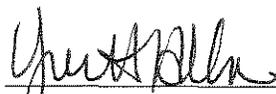
INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 8th day of September 2009.

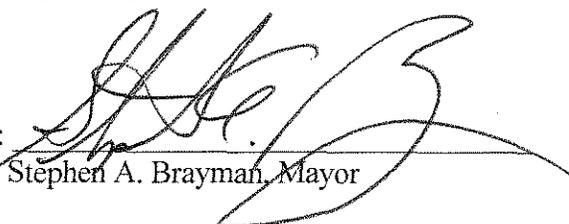
ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 22 day of September 2009.

EFFECTIVE the 13th day of October, 2009.

ATTEST:

**THE CITY OF COLLEGE PARK,
MARYLAND**

By: 
Jareen S. Miller, City Clerk
Yvette Allen
Asst. City Clerk

By: 
Stephen A. Brayman, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**


Suellen M. Ferguson, City Attorney