

MINUTES
Public Hearing of the College Park City Council
Tuesday, September 22, 2009 – 7:45 P.M.

Ordinance 09-O-08

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.

PRESENT: Mayor Brayman; Councilmembers Molinatto, Wojahn, Catlin, Perry, Stulich, Mark Cook, Hampton, and Mary Cook. Deputy Student Liaison Becca Lurie.

ABSENT: None.

ALSO PRESENT: Joe Nagro, City Manager; Yvette Allen, Assistant City Clerk; Fred Sussman, City Attorney; Sara Imhulse, Assistant To The City Manager; Steve Groh, Finance Director and Terry Schum, Planning Director.

Mayor Brayman announced that this Public Hearing was being held to take public comment on Ordinance 09-O-08, an 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.

Mayor Brayman invited Sara Imhulse to provide a summary.

Ms. Imhulse stated that during the 2009 General Assembly Session, Delegate Pena-Melnyk introduced a law that was passed 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. The state law requires that specific language be used within a county or municipal corporation, which is included in 09-O-08.

Councilmember Hampton asked whether the state or county already has a program established.

Ms. Imhulse replied that the state law enables any county or municipality to adopt the law. Prince George's county passed a law similar to Ordinance 09-O-08. The current County law requires that notice be sent to the County, our ordinance requires a notice to be sent to us. The County law also has a disclosure clause that precludes the county from sharing this information.

Councilmember Mary Cook asked if we knew how the County enforced their law and what are the penalties.

Councilmember Hampton asked how we were going to administer the notification to the bank industry.

Ms. Imhulse stated that we will be working closely with the banking industry, information regarding the Ordinance will be placed on our website and notification will be sent to Prince George's County.

Councilmember Perry confirmed that this ordinance duplicates Prince George's County legislation that already exists and that they are precluded from sharing any information due to a disclosure they inserted in their law.

Ms. Imhulse stated that the state law dictates the wording that must be included in a County or Municipal Ordinance. Prince George's County has the same law as ordinance 09-O-08 except they elected to add a disclosure statement whereas they do not have to share any information they receive.

Councilmember Wojahn asked if we would be able to share the information we receive with perspective buyers?

Ms. Imhulse stated that it would be an administrative decision that the state law does not address this issue.

Jack Robson, 4710 Harvard Road, believes this ordinance is a waste of time and money since we are duplicating a County law. He feels that this Ordinance should be postponed until we get more information and ask the County to change their law to allow them to pass on their information. Mr. Robson further stated that most banks are not foreclosing on properties since they would have to pay the property taxes.

The public hearing was declared closed at 8:00 p.m.

Yvette Allen, Assistant, City Clerk