

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2021, Legislative Day No. 8

Bill No. 43-21

Mr. Julian E. Jones, Jr., Chairman
By Request of County Executive

By the County Council, April 19, 2021

A BILL
ENTITLED

AN ACT concerning

Neglected Property Community Fund

FOR the purpose of establishing a non-lapsing Neglected Property Community Fund; providing for the purposes of the Fund; providing for the source of financing to the Fund; providing for joint administration of the Fund by the Directors of Permits, Approvals and Inspections and Budget and Finance; providing for financial assistance from the Fund in order to bring a property into compliance with the County Code; providing requirements and terms for receiving financial assistance from the Fund; requiring a notice of intent to the County Council; authorizing the County Council to approve or reject certain financial assistance within a certain time frame; requiring the Director of Permits Approvals and Inspections to provide the County Council with a certain annual report; requiring fees to be paid for application and approval of certain financial assistance; and generally relating to the establishment of the Fund.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

By adding

Sections 10-17-101 through 10-17-107
Article 10 - Finance
Title 17 - Neglected Property Community Fund
Baltimore County Code, 2015

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
COUNTY, MARYLAND, that the Laws of Baltimore County shall read as follows:

ARTICLE 10 - FINANCE

TITLE 17 - NEGLECTED PROPERTY COMMUNITY FUND.

§ 10-17-101.

THERE IS A NON-LAPSING NEGLECTED PROPERTY COMMUNITY FUND.

§ 10-17-102.

(A) THE PURPOSE OF THE FUND IS TO PROMOTE THE PUBLIC HEALTH,
SAFETY, AND WELFARE OF COUNTY RESIDENTS AND COMMUNITIES BY:

(1) STABILIZING, REPAIRING OR DEMOLISHING DERELICT,
BLIGHTED AND DETERIORATED PROPERTIES AND STRUCTURES;

(2) PROVIDING COUNTY RESIDENTIAL AND BUSINESS PROPERTY
OWNERS WITH FINANCIAL ASSISTANCE TO BRING PROPERTIES INTO
COMPLIANCE WITH THE COUNTY CODE; AND

(3) IMPLEMENTING OTHER EXISTING OR INNOVATIVE CODE

1 ENFORCEMENT COMPLIANCE TECHNIQUES, INCLUDING TALL GRASS, WEED,
2 RODENT, OR TRASH CONTROL.

3 (B) (1) THE COUNTY MAY PROVIDE FINANCIAL ASSISTANCE FROM THE
4 FUND IN THE FORM OF LOANS, GUARANTEES, AND GRANTS TO COUNTY
5 RESIDENTIAL OR BUSINESS PROPERTY OWNERS TO BRING PROPERTIES INTO
6 COMPLIANCE WITH THE COUNTY CODE.

7 (2) THE COUNTY'S FINANCIAL ASSISTANCE UNDER THIS TITLE MAY
8 SUPPLEMENT OTHER FEDERAL, STATE AND COUNTY FINANCIAL ASSISTANCE
9 PROGRAMS.

10 (C) THE FUND MAY BE USED TO PARTICIPATE WITH OTHER GOVERNMENT
11 AGENCIES OR PRIVATE SECTOR INSTITUTIONS TO LEVERAGE FUNDING FOR
12 SPECIAL PROJECTS.

13
14 § 10-17-103.

15 (A) THE FUND MAY BE FINANCED FROM:

16 (1) ANY REALTY LIENS AND ACCRUED INTEREST ASSESSED AND
17 COLLECTED AGAINST PROPERTIES FOR NON-PAYMENT OF A CIVIL PENALTY FOR
18 CODE ENFORCEMENT NON-COMPLIANCE; AND

19 (2) ANY OTHER FUNDS DESIGNATED AND PROVIDED BY THE
20 COUNTY.

21 (B) MONIES PROVIDED TO THE FUND UNDER SUBSECTION (A) OF THIS
22 SECTION SHALL BE TREATED AS A GRANT TO THE FUND.

23 (C) THE DIRECTOR OF BUDGET AND FINANCE SHALL DEPOSIT IN THE

1 FUND THE MONIES COLLECTED FOR PRINCIPAL AND INTEREST ON THE LOANS
2 AND ANY AUTHORIZED LOAN CHARGES AND FEES ON TRANSACTIONS
3 AUTHORIZED UNDER THIS TITLE.

4 (D) THE FUND SHALL CONTINUE FROM YEAR TO YEAR.

5 (E) THE FUND SHALL BE CHARGED FOR THE REASONABLE EXPENSES OF
6 ADMINISTERING THE PROVISIONS OF THIS TITLE.

7 (F) IF THE COUNTY COUNCIL DISSOLVES THE FUND, THE MONIES IN THE
8 FUND AND ALL MONIES DUE AND OWING AT THE TIME SHALL REVERT TO THE
9 GENERAL FUND OF THE COUNTY.

10
11 § 10-17-104.

12 (A) THE DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS AND THE
13 DIRECTOR OF BUDGET AND FINANCE SHALL ADMINISTER THE FUND
14 ACCORDING TO ACCEPTED PRINCIPLES OF SOUND ACCOUNTING AND FISCAL
15 MANAGEMENT.

16 (B) IN ADDITION TO THE REQUIREMENTS OF § 10-17-105 AND 10-17-106 OF
17 THIS TITLE, THE DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS SHALL
18 RECOMMEND, AND THE DIRECTOR OF BUDGET AND FINANCE SHALL APPROVE,
19 THE TERMS FOR THE FINANCIAL ASSISTANCE PROVIDED UNDER THIS TITLE.

20 (C) IN CONSULTATION WITH THE DIRECTOR OF BUDGET AND FINANCE,
21 THE DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS SHALL DETERMINE
22 THE TERMS OF AND THE METHOD AND PROCEDURES FOR ACCOUNTING FOR:

23 (1) FINANCIAL ASSISTANCE FROM THE FUND; AND

1 (2) PAYMENTS BY OR CHARGES AGAINST THE FUND.

2 (D) THE DIRECTOR OF BUDGET AND FINANCE SHALL:

3 (1) COLLECT REPAYMENTS ON ACCOUNTS, SUBJECT TO THE TERMS
4 AND CONDITIONS CONTAINED IN THE FINANCIAL ASSISTANCE DOCUMENTS AND
5 THIS TITLE; AND

6 (2) MAINTAIN RECORDS IN ACCORDANCE WITH GENERALLY
7 ACCEPTED ACCOUNTING PRINCIPLES.

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9 § 10-17-105.

10 (A) IF A PROPERTY OWNER IS ISSUED A CORRECTION NOTICE OR
11 CITATION AND IS UNABLE TO PAY THE COST OF THE REPAIRS OR ALTERATIONS
12 ORDERED BY THE CODE OFFICIAL, THE PROPERTY OWNER MAY APPLY TO THE
13 DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS FOR FINANCIAL
14 ASSISTANCE.

15 (B) AN APPLICANT FOR FINANCIAL ASSISTANCE SHALL APPLY ON A FORM
16 REQUIRED BY THE COUNTY.

17 (C) THE FINANCIAL ASSISTANCE APPLICATION FORM SHALL REQUIRE AN
18 APPLICANT TO SUPPLY INFORMATION NECESSARY TO EVALUATE THE
19 REQUESTED FINANCIAL ASSISTANCE INCLUDING:

20 (1) NEED;

21 (2) FINANCIAL ABILITY OF THE APPLICANT;

22 (3) SOURCES OF REPAYMENT;

23 (4) PROPOSED COSTS AND EXPENDITURES;

1 (5) FAIR VALUE OF COMPLETED PROJECT;
2 (6) SECURITY FOR THE TRANSACTION;
3 (7) CONTRIBUTION TO THE ENHANCEMENT OF THE NEIGHBORHOOD
4 WHERE THE PROPERTY IS LOCATED; AND
5 (8) ANY OTHER INFORMATION THAT MAY BE APPROPRIATE OR
6 USEFUL IN EVALUATING THE APPLICATION.

7 (D) THE DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS:

8 (1) SHALL REVIEW FINANCIAL ASSISTANCE APPLICATIONS FOR
9 NEED AND FINANCIAL ABILITY OF THE APPLICANT; AND

10 (2) MAY APPROVE A FINANCIAL ASSISTANCE APPLICATION UP TO
11 THE AMOUNT REQUESTED IF SUFFICIENT MONIES EXIST IN THE FUND.

12 (E) TO ASSIST THE DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS
13 TO ASSURE COMPLIANCE WITH GENERALLY ACCEPTED ACCOUNTING
14 PRINCIPLES AND BORROWING PURPOSES, THE DIRECTOR OF BUDGET AND
15 FINANCE MAY:

16 (1) REVIEW THE APPLICATIONS, FINANCIAL STATUS, AND OTHER
17 INFORMATION; AND

18 (2) ADVISE THE DIRECTOR OF PERMITS, APPROVALS AND
19 INSPECTIONS.

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21 § 10-17-106.

22 (A) (1) THE DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS MAY
23 LEND, GUARANTEE, OR GRANT TO RESIDENTIAL OR BUSINESS PROPERTY
24

OWNERS WHO ARE:

(I) ISSUED A CORRECTION NOTICE OR CITATION TO BRING
THEIR PROPERTY INTO COMPLIANCE WITH THE COUNTY CODE; AND

(II) UNABLE TO PAY FOR THE COST OF REPAIRS AND
ALTERATIONS ORDERED BY THE CODE OFFICIAL.

(2) THE GRANTING OF AN APPLICATION FOR FINANCIAL
ASSISTANCE IS GOOD CAUSE FOR AN EXTENSION OF TIME FOR CORRECTING A
VIOLATION IF:

(I) THE PROPERTY OWNER APPLIES FOR AN EXTENSION AND
SHOWS GOOD CAUSE FOR GRANTING THE EXTENSION; AND

(II) THE EXTENSION WILL NOT THREATEN THE PUBLIC
HEALTH, WELFARE OR SAFETY.

(B) THE TERM OF A LOAN OR GUARANTEE MADE UNDER THIS TITLE MAY
NOT EXCEED TEN YEARS.

(C) THE ASSESSMENT UNDER SUBSECTION (D) OF THIS SECTION SHALL
CONSTITUTE A LIEN ON THE PROPERTY UNTIL THE LOAN IS REPAYED.

(D) (1) (I) ON APPLICATION, THE COUNTY MAY PROVIDE FOR THE
REPAYMENT OF A LOAN UNDER THIS SECTION IN UP TO TEN ANNUAL
INSTALLMENTS.

(II) INSTALLMENT PAYMENTS ARE NOT ALLOWED UNLESS
UNDER AN AGREEMENT BETWEEN THE PROPERTY OWNER AND THE COUNTY
BEFORE PERFORMANCE OF THE WORK.

(2) THE DIRECTOR OF BUDGET AND FINANCE MAY ADD ONE-TENTH

1 OF A LOAN ASSESSMENT WITH NO INTEREST TO THE TAX BILL FOR THE
2 PROPERTY FOR EACH OF THE NEXT SUCCEEDING TEN YEARS.

3 (3) THE DIRECTOR OF BUDGET AND FINANCE SHALL COLLECT THE
4 ASSESSMENT IN THE SAME MANNER AND AT THE SAME TIME AS STATE AND
5 COUNTY TAXES ARE COLLECTED.

6 (4) THE PROPERTY OWNER MAY ACCELERATE THE PAYMENTS
7 WITHOUT PENALTY OR DISCOUNT.

8 (5) IF THE PROPERTY OWNER SELLS, TRANSFERS OR CONVEYS THE
9 PROPERTY, THE TOTAL BALANCE THEN OUTSTANDING SHALL BE IMMEDIATELY
10 DUE AND PAID IN FULL.

11 (E) UPON WRITTEN REQUEST OF THE PROPERTY OWNER AND SHOW OF
12 GOOD CAUSE, THE DIRECTORS OF PERMITS, APPROVALS AND INSPECTIONS,
13 BUDGET AND FINANCE, AND THE COUNTY ADMINISTRATIVE OFFICER MAY
14 WAIVE THE BALANCE OF THE LOAN.

15 (F) IF THEY CONCUR, THE DIRECTOR OF PERMITS, APPROVALS AND
16 INSPECTIONS, THE DIRECTOR OF BUDGET AND FINANCE, AND THE COUNTY
17 ADMINISTRATIVE OFFICER MAY MODIFY THE FINANCIAL ASSISTANCE
18 REQUIREMENTS ESTABLISHED IN THIS SECTION.

19 (G) (1) THE DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS,
20 THROUGH THE COUNTY ADMINISTRATIVE OFFICER, SHALL PROVIDE WRITTEN
21 NOTIFICATION TO EACH MEMBER OF THE COUNTY COUNCIL OF THE DIRECTOR'S
22 INTENT TO PROVIDE FINANCIAL ASSISTANCE UNDER THIS TITLE.

23 (2) IF THE DIRECTOR HAS NOT RECEIVED A WRITTEN NOTICE FROM

1 THE COUNCIL OBJECTING TO THE DIRECTOR'S INTENT WITHIN SEVEN DAYS
2 AFTER THE DAY THAT THE DIRECTOR'S NOTICE IS DELIVERED TO THE COUNCIL
3 MEMBERS, THE DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS MAY
4 PROCEED TO PROVIDE FINANCIAL ASSISTANCE AS DESCRIBED.

5 (H) THE DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS SHALL
6 PROVIDE EACH MEMBER OF THE COUNTY COUNCIL WITH AN ANNUAL REPORT
7 THAT OUTLINES THE FINANCIAL ASSISTANCE THAT HAS BEEN PROVIDED UNDER
8 THIS TITLE.

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10 § 10-17-107.

11 (A) SUBJECT TO ARTICLE 3, TITLE 1, SUBTITLE 2 OF THE CODE, THE
12 COUNTY ADMINISTRATIVE OFFICER MAY CHARGE FEES FOR THE APPLICATION
13 FOR AND APPROVAL OF FINANCIAL ASSISTANCE UNDER THIS TITLE.

14 (B) (1) THE DIRECTORS OF PERMITS, APPROVALS AND INSPECTIONS
15 AND BUDGET AND FINANCE SHALL RECOMMEND TO THE COUNTY
16 ADMINISTRATIVE OFFICER THE FEES TO BE CHARGED FOR THE FINANCIAL
17 ASSISTANCE PROVIDED UNDER THIS TITLE.

18 (2) PROCEEDS FROM FEES CHARGED FOR FINANCIAL ASSISTANCE
19 FROM COUNTY FUNDS SHALL BE DEPOSITED IN THE FUND AND EXPENDED IN
20 ACCORDANCE WITH THIS TITLE.

21 (C) PROCEEDS FROM FEES CHARGED FOR FINANCIAL ASSISTANCE FROM
22 FEDERAL OR STATE GRANT MONIES SHALL BE DEPOSITED IN THE FUND AND
23 EXPENDED IN ACCORDANCE WITH THE TERMS OF THE FEDERAL OR STATE

1 GRANTS.

2

3 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having passed by the
4 affirmative vote of five members of the County Council, shall take effect on July 1, 2021.