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**BALTIMORE CITY COUNCIL
WAYS AND MEANS
COMMITTEE**

Mission Statement

The Committee on Ways and Means (WM) is responsible for ensuring taxpayer dollars are expended prudently and equitably. WM will exercise regular oversight of the City's budget, expenditures, loans, and other financial matters. The committee's areas of jurisdiction include: budget & appropriations, taxation, financial services, consumer protection, audits, and the Comptroller's Office.

**The Honorable Eric T. Costello
Chairman**

PUBLIC HEARING

**TUESDAY, MARCH 28, 2023
10:00 AM**

COUNCIL CHAMBERS

Council Resolution 22-0125R

**Informational Hearing – Occupancy Permits – Inspections and Code
Enforcement**

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BILL SYNOPSIS

Committee: Ways and Means

Resolution: 22-0125R

Informational Hearing – Occupancy Permits – Inspections and Code Enforcement

Sponsor: Councilmember Burnett, et al

Introduced: August 15, 2022

Purpose:

For the purpose of requesting that representatives from the Department of Housing and Community Development, the Baltimore City Fire Department, and other interested parties appear before the Council to discuss the process of conducting building inspections and code enforcement prior to the issuance of an occupancy permit for a property in Baltimore City, problems that may occur during the process in connection with an unabated vacant building.

Effective: On the date it is enacted.

Agency Reports

Law Department	Favorable
Department of Housing and Community Development (DHCD)	None as of this writing
Baltimore City Fire Department	No Objection

Analysis

Current Law

Building, Fire, and Related Codes – Baltimore City Building Code

Section 110: Occupancy Permit; Certification of Completion

General: Occupancy Permits and Certificates of completion are governed by §111 of the Baltimore City Building Code

Section 111 Occupancy Permit; Certification of Complete

111.5 Certification of Completion. Within 10 days of written application, the Building Official will issue a certificate of completion if all work authorized by a building permit has been satisfactorily completed in compliance with this Code. The certificate certifies the satisfactory completion of the work and the purpose for which the structure may be used in its several parts.

Background

In order for a building or structure to be occupied, or a change in use/occupancy is to be made to an existing building, it must first be issued a Certificate of Occupancy. A Certificate of Occupancy is the final step to ensure a building is safe to occupy.

A Certificate of Occupancy to which the International Building Code refers is known in Baltimore City as an "Occupancy Permit.

An occupancy permit is a **document issued by the local zoning or building department stating that a house or property is fit for habitation.** However, in order to be suitable, it must be compliant with the local building code. An occupancy permit will also identify what class a building or property falls into or what its use is.

When work on a building or structure requires a permit, it goes through plan review and inspections. Afterwards when the project has been completed and the building is safe to occupy, a Certificate of Occupancy shall be issued to the building or portion thereof.

DHCD enforces the Baltimore City Building Code, as well as state laws pertaining to construction and occupancy.¹

DHCD's Office of Permits & Building Inspections issues building permits and provides subsequent inspections for; construction, alteration, electrical, mechanical, and plumbing work in both commercial and residential structures.²

All permits must have a final inspection before a **Certificate of Occupancy** can be issued.

On Tuesday, March 28, 2023, pertinent agency representatives will come before the committee to discuss problems that may occur and/or the process of conducting building inspections and code enforcement prior to the issuance of an occupancy permit for applicable properties in Baltimore City.

Additional Information

Fiscal Note: None

Information Source(s): City Code, Building, Fire and Related Codes, State Law, Resolution 22-0125R and all agency reports received as this writing.

Analysis by: *Marguerite M. Currin*
Analysis Date: March 23, 2023

Direct Inquiries to: (443) 984-3485

¹ Baltimore City's Department of Housing and Community Development Website

² Ibid

Council Resolution 22-0125R

AGENCY REPORT(S)

See attached

CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
JAMES L. SHEA, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

October 5, 2022

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 22-0125R – Informational Hearing – Occupancy Permits
– Inspections and Code Enforcement

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 22-0125R for form and legal sufficiency. The bill is for the purpose of inviting representatives from the Department of Housing and Community Development, the Baltimore City Fire Department, and other interested parties to appear before the Council to discuss the process of conducting building and code enforcement inspections prior to the issuance of an occupancy permit, problems that may occur during the process in connection with an unabated vacant building notice, and ways the process can be improved.


The City Council has an inherent power to investigate “in furtherance of its legislative function.” 4 McQuillin Mun. Corp. § 13:7. A resolution is an appropriate way for the City Council of Baltimore to conduct an informational hearing. *See, e.g., Inlet Assocs. v. Assateague House Condominium*, 313 Md. 413, 428 (1988).

Therefore, the Law Department approves this resolution for form and legal sufficiency.

Sincerely,

Jeffrey Hochstetler
Chief Solicitor

cc: James L. Shea, City Solicitor
Nina Themelis, Mayor’s Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Ashlea Brown, Chief Solicitor
D’Ereka Bolden, Assistant Solicitor
Michelle Toth, Special Solicitor

FROM	NAME & TITLE	Niles R. Ford, Ph.D, Chief of Fire Department <i>NRF</i>	City of Baltimore	
	AGENCY NAME & ADDRESS	Baltimore City Fire Department 401 East Fayette Street	MEMO	
	SUBJECT	City Council Bill #22-0125R – Informational Hearing - Occupancy Permits - Inspections and Code Enforcement		

TO **The Honorable Nick J. Mosby, President
And All Members of the Baltimore City Council
City Hall, Room 408**

DATE: August 26, 2022

The Baltimore City Fire Department has no objections for **City Council Bill #22-0125R – Informational Hearing - Occupancy Permits - Inspections and Code Enforcement**, provided that that all applicable sections of the Building, Fire, and Related Codes of Baltimore City 2020 Edition (As Enacted by Ord. 15-547, and Last Amended by Ord. 18-1830) and applicable Maryland laws, are adhered to.

**CITY OF BALTIMORE
COUNCIL BILL 22-0125R
(First Reader)**

Introduced by: Councilmember Burnett, Bullock, Middleton, Ramos

Introduced and read first time: August 15, 2022

Assigned to: Ways and Means Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Housing and Community Development, Baltimore City Fire Department

A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

2 **Informational Hearing - Occupancy Permits - Inspections and Code Enforcement**

3 FOR the purpose of requesting that representatives from the Department of Housing and
4 Community Development, the Baltimore City Fire Department, and other interested parties
5 appear before the Council to discuss the process of conducting building inspections and code
6 enforcement prior to the issuance of an occupancy permit for a property in Baltimore City,
7 problems that may occur during the process in connection with an unabated vacant building
8 notice, and ways the process can be improved.

9 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE**, That the City
10 Council requests that representatives from the Department of Housing and Community
11 Development, the Baltimore City Fire Department, and other interested parties appear before the
12 Council to discuss the process of conducting building inspections and code enforcement prior to
13 the issuance of an occupancy permit for a property in Baltimore City, problems that may occur
14 during the process in connection with an unabated vacant building notice, and ways the process
15 can be improved.

16 **AND BE IT FURTHER RESOLVED**, That a copy of this Resolution be sent to the Director of the
17 Department of Housing and Community Development, the Chief of the Baltimore City Fire
18 Department, and the Mayor's Legislative Liaison to the City Council.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.