

**CITY OF BALTIMORE  
COUNCIL BILL 06-0468  
(First Reader)**

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Introduced by: Councilmembers Conaway, D’Adamo, Young, Branch, Kraft, Clarke,  
Reisinger, President Dixon, Councilmembers Harris, Holton, Welch, Mitchell  
Introduced and read first time: July 10, 2006  
Assigned to: Judiciary and Legislative Investigations Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning  
Appeals, Planning Commission, Department of Housing and Community Development

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Vacant Structures – Requisites for Transfer**

3 FOR the purpose of prohibiting the transfer of certain vacant structures without approved plans  
4 for the minimal repair of the structures; defining certain terms; and generally relating to the  
5 transfer of vacant structures.

6 BY repealing and reordaining, with amendments

7 Article - Building, Fire, and Related Codes  
8 Section(s) 2-103 (BC § 113.23)  
9 Baltimore City Revised Code  
10 (Edition 2000)

11 BY repealing and reordaining, without amendments

12 Article - Building, Fire, and Related Codes  
13 Section(s) 2-103 (BC § 115.4.1 and 115.4.2)  
14 Baltimore City Revised Code  
15 (Edition 2000)

16 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
17 Laws of Baltimore City read as follows:

18 **Baltimore City Revised Code**

19 **Article – Building, Fire, and Related Codes**

20 **Part II. International Building Code**

21 **§ 2-103. City modifications.**

22 The additions, deletions, amendments, and other modifications adopted by the City are as  
23 follows:

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

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**Chapter 1. Administration**

**Section 113 Violations**

**113.23 Responsibility of transferor and transferee.** This § 113.23 applies whenever any property is transferred by sale, assignment, ground rent lease, or otherwise, with or without consideration (“transfer”). Except as provided in § 113.25, this § 113.23 does not apply to a mortgagee or to the holder of a note secured by a deed of trust.

**113.23.1 Duties [of parties] before transfer – GENERALLY.** Before any transfer of property:

- a. the transferor must give the transferee a copy of every outstanding violation and condemnation notice to which the property is subject, and
- b. the transferee must obtain a copy of a violation report for the property.

**113.23.2 DUTIES BEFORE TRANSFER – CERTIFICATION.** NO DEED FOR THE TRANSFER OF PROPERTY MAY BE RECORDED UNLESS ACCOMPANIED BY A CERTIFICATE FROM THE BUILDING OFFICIAL:

- A. THAT THE TRANSFER DOES NOT INVOLVE A VACANT STRUCTURE, AS DEFINED IN § 115.4; OR
- B. FOR A TRANSFER INVOLVING A VACANT STRUCTURE, AS DEFINED IN § 115.4, THAT THE BUILDING OFFICIAL HAS REVIEWED AND APPROVED FUNDED PLANS BY THE TRANSFEE TO PROMPTLY REPAIR OR REPLACE, AS NEEDED, THE STRUCTURE’S ROOF, GUTTERS, WALLS, WINDOWS, DOORS, AND DOORBELL.

**113.23.3 [113.23.2] Primary liability of transferee.** On transfer of the property, if any violation or condemnation notices lie against the property, the transferee:

- a. becomes primarily liable for those notices the same as if the notices had been addressed to the transferee,
- b. must abate the violation, and
- c. is liable in accordance with § 117 of this Code for any expenses incurred by the City in abating the violation or condemnation notice, if the transferee:
  - 1. received a copy of the notice under § 113.23.1a, or
  - 2. failed to request a violation report under § 113.23.1b.

**113.23.3.1 [113.23.2.1] Reliance on violation report.** A transferee is not liable for a notice or for abatement expenses incurred by the City if, before the transfer, the transferee requested a violation report and the report does not show the violation.

**113.23.4 [113.23.3] Primary liability of transferor.** If, before the transfer, the transferor fails to give the transferee a copy of any outstanding violation or condemnation

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1 notice (as required by § 113.23.1a), the transferor remains primarily liable for all  
2 abatement expenses incurred by the City through 1 year from the date of the transfer.

3 **113.23.5 [113.23.4] Joint liability.** If, before the transfer, the transferor fails to give the  
4 transferee a copy of any outstanding violation or condemnation notice (as required by  
5 § 113.23.1a) and the transferee fails to request a violation report (as required by  
6 § 113.23.1b), the transferor and transferee are jointly and severally liable for all  
7 abatement expenses incurred by the City.

8 **113.23.6 [113.23.5] Notice of transfer to Department.** Within 10 days of the execution  
9 of any deed, assignment, ground rent lease, or other instrument for the transfer of  
10 property covered by this Code, the transferor and transferee, or their respective agents,  
11 must furnish the Department with an affidavit, made on personal knowledge, that  
12 contains:

- 13 a. the address of the property involved,
- 14 b. the name and current address of the transferor,
- 15 c. the name and current address of the transferee or, if the transferee is a  
16 corporation, the mailing address of the corporation and the names and addresses  
17 of its officers and resident agent,
- 18 d. the nature of the transaction,
- 19 e. the date of the transfer, and
- 20 f. the transferor’s attestation that copies of all violation and condemnation notices  
21 have been given the transferee as required by § 113.23.1a.

22 **Section 115 Unsafe Structures**

23 **115.4 Unsafe vacant structures.** Every vacant structure , as defined in this § 115.4, is  
24 declared to be a fire hazard and a nuisance per se, and must be safeguarded and otherwise  
25 maintained as required in this § 115.4.

26 **115.4.1 Definition.** “Vacant structure” means an unoccupied structure that is unsafe or  
27 unfit for human habitation or other authorized use.

28 **115.4.2 Determinations.** A determination of vacancy and a determination of  
29 noncompliance with a notice or order issued under this section may be based on  
30 observation that a structure:

- 31 a. is open to casual entry,
- 32 b. has boarded windows or doors, or
- 33 c. lacks intact window sashes, walls, or roof surfaces to repel weather entry.

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1       **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
2 are not law and may not be considered to have been enacted as a part of this or any prior  
3 Ordinance.

4       **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
5 after the date it is enacted.