



MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Alice Kennedy, Housing Commissioner



Date: June 14, 2022

Re: City Council Bill 22-0207 - Vacant Building Notices

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 22-0207 for the purpose of defining the term “vacant building notice”; creating and amending certain penalties for failing to abate a vacant building notice; and generally related to the issuance and enforcement of vacant building notices.

If enacted, City Council Bill 22-0207 would add a new Section to 116 “Unsafe Structures” of the Building, Fire, and Related Codes, to be called 116.11 “Failure to Abate a Vacant Building Notice” to include definitions, citations, penalties and offenses related to an owner’s failure to abate building notices on unsafe structures. The Bill defines a “vacant building notice” to mean a violation issued that designates a structure to be a vacant structure and provides for the issuance of a citation for failure to abate a vacant building notice. Those citations are to be issued at the discretion of the building official until the notice is abated. The Bill would create a \$1,000 penalty for each citation issued for failure to abate a vacant building notice and stipulates that each day that the notice is not abated be considered a separate offense. Currently the citation fine for failing to abate a vacant building notice is \$900.

DHCD Analysis

The Department frequently issues failure to abate building notices on unsafe structures, if unpaid, these fines can become liens on the property and put the property at risk of tax sale or may make it eligible for In Rem tax sale foreclosure. It is uncertain if increasing the fine for failing to abate a vacant building notice (VBN) and making each day a separate violation, will compel property owners to abate the VBN by rehabbing or demolishing the property or risk receiving considerable fines.

It is worth noting that there are some situations where a property is vacant but a failure to abate citation is not appropriate. For example, properties under permit, waiting on BMZA approval or occupied by a new owner that is unaware that the property they purchased was subject to a vacant building notice. It is important that the building official retain the discretion to issue failure to abate vacant building notices.

Additionally, the lack of clear title of many privately owned vacant properties poses a significant challenge to the City. Many vacant properties don’t have a responsible party to hold accountable,

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for example a deceased owner or a defunct entity. More than half of the VBNs currently issued were issued at least 5 years ago and have failed to be abated despite owners receiving multiple \$900 failure to abate citations, suggesting that increasing the fee from \$900 to \$1,000 is not necessarily going to be recouped or get the desired response from the property owner.

Conclusion

DHCD recognizes the blighting influence privately-owned, vacant properties have on our communities and the hardships they can impose on adjacent residential properties. While it is uncertain if imposing the increased fine proposed in this legislation would be recouped in certain circumstances or compel property owners to abate the vacant building notice more expeditiously than we are presently seeing, used appropriately, it may allow the City to minimize wait times related to redevelopment and blight-elimination objectives, ultimately reducing the number of vacant properties.

We do not object to the changes proposed in the ordinance but we do not believe that there needs to be any additional language added to the Building Fire and Related Codes. DHCD would recommend striking lines 3 through 16 as we are already able to issue citations for failing to abate a vacant building notice without this addition to the code.

DHCD is committed to implementing the 30-day vacancy recommendations to reduce the number of vacant properties developed by the Scott Administration workgroup led by CAO Christopher Shorter and comprised of senior officials from the Department of Housing and Community Development, the City Solicitor's Office, the Department of Public Works, and the Department of Finance.

DHCD **does not object** to the passage of Council Bill 22-0207.

AK/sm

*cc: Ms. Nina Themelis, Mayor's Office of Government Relations
Ms. Natawna Austin, Executive Secretary of the City Council*