

Introduced by: Councilmember Henry

*DORSEY 1/17, Burnett Bullock Pincus m. Salata*

Prepared by: Department of Legislative Reference

Date: January 17, 2018

*Cohen, Stokes, [crossed out], Sheed, Clarke, Pising*

Referred to: JUDICIARY AND LEGISLATIVE INVESTIGATIONS Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 18-0185

A BILL ENTITLED

AN ORDINANCE concerning

**Non-Owner-Occupied Dwelling Units, Rooming Houses, and Vacant Structures – Rental Dwellings – Registration and Licensing**

FOR the purpose of adding certain non-owner-occupied 1- and 2-family dwellings to the licensing, inspection, and related requirements for multi-family dwellings and rooming houses (collectively, "rental dwellings"); modifying the procedures and prerequisites for the registration of certain non-owner-occupied dwellings, rooming houses, and vacant structures; modifying the procedures and prerequisites for the licensing of rental dwellings; providing for the denial, suspension, or revocation of a rental dwelling license under certain circumstances; providing for judicial and appellate review of administrative decisions relating to the registration or the licensing of these structures; amending the underlying definition of "rooming house" to clarify its applicability to a bed and breakfast facility; defining and redefining certain other terms; imposing certain penalties; correcting, clarifying, and conforming related language; providing certain transition rules for pre-existing licenses; providing for a special effective date; and generally relating to the registration of non-owner-occupied dwellings, rooming houses, and vacant structures and to the licensing of rental dwellings.

*[Handwritten signature]*

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BY repealing and reordaining, with amendments  
Article 13 - Housing and Urban Renewal  
Sections 4-1, 4-6, 4-8, and 4-9  
Baltimore City Code  
(Edition 2000)

*[Handwritten signatures: Robertson, DORSEY, [unclear]]*

BY adding  
Article 13 - Housing and Urban Renewal  
New Section 4-12  
Baltimore City Code  
(Edition 2000)

*[Handwritten signatures: Smith, [unclear], [unclear]]*

**\*\*The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

**Agencies**

Baltimore City Public School System

Baltimore Development Corporation

City Solicitor

Comptroller's Office

Department of Audits

Department of Finance

Department of General Services

Department of Housing and Community Development

Department of Human Resources

Department of Planning

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Department of Public Works

Department of Real Estate

Department of Recreation and Parks

Department of Transportation

Fire Department

Health Department

Mayor's Office of Employment Development

Mayor's Office of Human Services

Mayor's Office of Information Technology

Office of the Mayor

Police Department

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Board of Estimates

Board of Ethics

Board of Municipal and Zoning Appeals

Comm. for Historical and Architectural Preservation

Commission on Sustainability

Employees' Retirement System

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Environmental Control Board

Fire & Police Employees' Retirement System

Labor Commissioner

Parking Authority Board

Planning Commission

Wage Commission

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Other: \_\_\_\_\_

**Boards and Commissions**

**ENROLLED**

**CITY OF BALTIMORE  
ORDINANCE **18-130**  
Council Bill 18-0185**

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Introduced by: Councilmembers Henry, Dorsey, Scott, Burnett, Bullock, Pinkett, Middleton,  
Cohen, Stokes, Sneed, Clarke, Reisinger  
Introduced and read first time: January 22, 2018  
Assigned to: Judiciary and Legislative Investigations Committee  
Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: March 26, 2018

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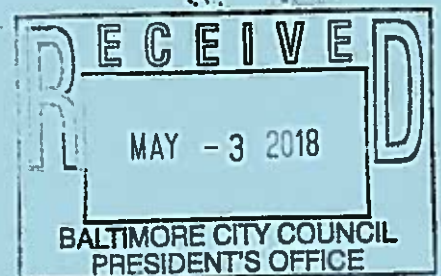
**AN ORDINANCE CONCERNING**

1                   **Non-Owner-Occupied Dwelling Units, Rooming Houses,**  
2                   **and Vacant Structures – Rental Dwellings – Registration and Licensing**

3   FOR the purpose of adding certain non-owner-occupied 1- and 2-family dwellings to the  
4   licensing, inspection, and related requirements for multi-family dwellings and rooming  
5   houses (collectively, “rental dwellings”); modifying the fees, procedures, and prerequisites  
6   for the registration of certain non-owner-occupied dwellings, rooming houses, and vacant  
7   structures; modifying the procedures and prerequisites for the licensing of rental dwellings;  
8   providing for the denial, suspension, or revocation of a rental dwelling license under certain  
9   circumstances; providing for judicial and appellate review of administrative decisions  
10   relating to the registration or the licensing of these structures; amending the underlying  
11   definition of “rooming house” to clarify its applicability to a bed and breakfast facility;  
12   defining and redefining certain other terms; imposing certain penalties; correcting, clarifying,  
13   and conforming related language; providing certain transition rules for pre-existing licenses;  
14   providing for a special effective date; and generally relating to the registration of non-owner-  
15   occupied dwellings, rooming houses, and vacant structures and to the licensing of rental  
16   dwellings.

17   BY repealing and reordaining, with amendments  
18   Article 13 - Housing and Urban Renewal  
19   Sections 4-1, 4-6, 4-8, and 4-9  
20   Baltimore City Code  
21   (Edition 2000)

22   BY adding  
23   Article 13 - Housing and Urban Renewal  
24   New Section 4-12  
25   Baltimore City Code  
26   (Edition 2000)



**EXPLANATION:** CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike-out~~ indicates matter stricken from the bill by  
amendment or deleted from existing law by amendment.  
Underlined italics indicate matter added to the bill  
by amendment after printing for third reading.

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- 1 **BY renumbering**  
2 **Article 13 - Housing and Urban Renewal**  
3 **Current Sections 4-12 and 4-13**  
4 **to be**  
5 **New Sections 4-13 and 4-14**  
6 **Baltimore City Code**  
7 **(Edition 2000)**
- 8 **BY repealing and reordaining, with amendments**  
9 **Article 13 - Housing and Urban Renewal**  
10 **Subtitle 5, to be under the revised subtitle name,**  
11 **“Subtitle 5. Licensing of Rental Dwellings”**  
12 **Baltimore City Code**  
13 **(Edition 2000)**
- 14 **BY repealing and reordaining, with amendments**  
15 **Article 13 - Housing and Urban Renewal**  
16 **Section 8A-5(b)(2)**  
17 **Baltimore City Code**  
18 **(Edition 2000)**
- 19 **BY repealing and reordaining, with amendments**  
20 **Article 1 - Mayor, City Council, and Municipal Agencies**  
21 **Section 40-14(e)(1)**  
22 **Baltimore City Code**  
23 **(Edition 2000)**
- 24 **BY repealing and reordaining, with amendments**  
25 **Article 19 - Police Ordinances**  
26 **Sections 43-4(c)(1) and 43A-3(c)(1)**  
27 **Baltimore City Code**  
28 **(Edition 2000)**
- 29 **BY repealing and reordaining, with amendments**  
30 **Article - Building, Fire, and Related Codes**  
31 **Section 2-103 (BC §§ 114.21.2b and 202.48-2c) and**  
32 **Section 7-102 (PMC § 202.2.14.1)**  
33 **Baltimore City Revised Code**  
34 **(2015 Edition)**
- 35 **BY repealing and reordaining, without amendments**  
36 **Article - Building, Fire, and Related Codes**  
37 **Section 7-102 (PMC §§ 202.2.3, 202.2.6, and 202.2.15)**  
38 **Baltimore City Revised Code**  
39 **(2015 Edition)**

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1 BY repealing and reordaining, with amendments

2 Article - Health

3 Section 6-603.1(b)(1)(Article 13)

4 Baltimore City Revised Code

5 (Edition 2000)

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

8 **Baltimore City Code**

9 **Article 13. Housing and Urban Renewal**

10 **Subtitle 4. Registration of Non-Owner-Occupied Dwellings,**  
11 **Rooming Houses, and Vacant Structures**

12 **§ 4-1. Definitions.**

13 (a) *In general.*

14 In this subtitle, the following terms have the meanings indicated.

15 (b) *Commissioner.*

16 "Commissioner" means the Commissioner of Housing and Community Development or  
17 the Commissioner's designee.

18 (c) *Dwelling unit.*

19 "Dwelling unit" has the meaning stated in § 202.2 of the Baltimore City Property  
20 Maintenance Code.

21 (d) *Multiple-family dwelling.*

22 "Multiple-family dwelling" has the meaning stated in § 202.2 of the Baltimore City  
23 Property Maintenance Code.

24 (e) *Non-owner-occupied dwelling unit.*

25 (1) *In general.*

26 "Non-owner-occupied dwelling unit" means any:

27 (i) dwelling unit that is unoccupied;

28 (ii) dwelling unit that, even if occupied, is not occupied by an owner of record; or

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1 (iii) dwelling unit that, even if occupied, is not designated by the State  
2 Department of Assessments and Taxation as the owner's principle  
3 residence in accordance with the criteria governing the State Homestead  
4 Tax Credit.

5 (2) *Qualifications.*

6 For purposes of this definition:

7 (i) an owner may only have one owner-occupied dwelling UNIT in Baltimore  
8 City; and

9 (ii) an owner-occupied unit must be titled to a natural person.

10 (F) [(f-1)] *Rooming house.*

11 "Rooming house" has the meaning stated in § 202.2 of the Baltimore City Property  
12 Maintenance Code.

13 (G) [(f-2)] *Rooming unit.*

14 "Rooming unit" has the meaning stated in § 202.2 of the Baltimore City Property  
15 Maintenance Code.

16 (H) [(g)] *Vacant structure.*

17 (1) *In general.*

18 "Vacant structure" means any structure that is subject to an unabated violation notice  
19 issued under § 116 {"Unsafe Structures"} of the Baltimore City Building Code.

20 (2) *Exclusions.*

21 "Vacant structure" does not include an accessory structure that is not intended for  
22 occupancy, such as a garage, shed, or storage building.

23 **§ 4-6. Registration statement – Contents.**

24 (a) *In general.*

25 [(1)] Each registration statement must be in the form that the Commissioner requires and  
26 contain the following information:

27 (1) [(i)] a description of the premises by street number or by block-and-lot;

28 (2) [(ii)] the name, street address, telephone number, and email address of the  
29 premises' owner of record;

30 (3) [(iii)] the name, street address, telephone number, and email address of the  
31 premises' managing operator, if other than the owner; AND

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1 (4) [(iv)] if the owner is a corporation, PARTNERSHIP, limited partnership, limited  
2 liability company, or similar entity, the name, street address, telephone number,  
3 and email address of [its resident agent] A NATURAL PERSON WHO SERVES AS THE  
4 OWNER'S CHIEF EXECUTIVE OFFICER, MANAGING PARTNER, OR MANAGING  
5 MEMBER, OR IN A SIMILARLY AUTHORITATIVE POSITION[; and].

6 [(v) if the owner is a partnership or other similar entity, the name, street  
7 address, telephone number, and email address of a responsible partner or  
8 officer.]

9 [(2) The failure to provide or maintain an email address is not cause to reject an  
10 application and is not a violation of this subtitle.]

11 (b) *Change of [operator, or agent] LISTED INFORMATION.*

12 The Commissioner must be notified within 10 days of any change in the [managing  
13 operator or resident agent] IDENTITY OF OR CONTACT INFORMATION FOR THE OWNER OF  
14 RECORD OR ANY OTHER PERSON LISTED IN THE REGISTRATION STATEMENT.

15 § 4-8. Registration fees.

16 (A) [(a-1)] *Rooming houses.*

17 (1) BASE FEE.

18 Except as otherwise specified in this section, an annual registration fee must be paid  
19 for rooming houses at the rate of \$25 per rooming unit.

20 (2) INCREASED FEE.

21 FOR ANY ROOMING HOUSE THAT HAS HAD THE TERM OF ITS RENTAL DWELLING  
22 LICENSE REDUCED UNDER § 5-9 (C) OR (D) {"TIERED [LICENSE] TERMS"} OF THIS  
23 ARTICLE TO A 1-YEAR TERM, THE ANNUAL REGISTRATION FEE UNDER THIS SECTION  
24 FOR EACH SUCCEEDING REGISTRATION YEAR BEGINNING AFTER THE START OF EACH 1-  
25 YEAR RENTAL DWELLING LICENSE TERM IS INCREASED BY AN ADDITIONAL \$15 PER  
26 ROOMING UNIT, WHICH ADDITIONAL AMOUNT SHALL BE DEPOSITED IN THE  
27 CONTINUING, NONLAPSING FUND CREATED BY CITY CHARTER ARTICLE I, § 14  
28 {"AFFORDABLE HOUSING TRUST FUND"}.

29 (B) [(a)] *Non-owner-occupied dwelling units.*

30 (1) BASE FEE.

31 Except as otherwise specified in this section, an annual registration fee must be paid  
32 for non-owner-occupied dwelling units at the following rates:

33 (1) for properties with 1 and 2 dwelling units – \$30 per dwelling unit.

34 (2) for multiple-family dwellings – \$35 per dwelling unit, plus  
35 \$25 per rooming unit.





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1 ~~(B) STAYS.~~

2 ~~(1) THE FILING OF A PETITION FOR JUDICIAL REVIEW DOES NOT STAY THE DECISION OF THE~~  
3 ~~COMMISSIONER.~~

4 ~~(2) HOWEVER, ON MOTION AND AFTER HEARING, THE COURT MAY GRANT A STAY AS~~  
5 ~~PROVIDED IN THE MARYLAND RULES OF PROCEDURE.~~

6 ~~(C) APPELLATE REVIEW.~~

7 ~~A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE~~  
8 ~~COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF~~  
9 ~~PROCEDURE.~~

10 **§ 4-12. {RESERVED}**

11 **§ 4-13. [§ 4-12.] Enforcement by citation.**

12 (a) *In general.*

13 In addition to any other civil or criminal remedy or enforcement procedure, this subtitle  
14 may be enforced by issuance of an environmental citation as authorized by City Code  
15 Article 1, Subtitle 40 {"Environmental Control Board"}.

16 (b) *Process not exclusive.*

17 The issuance of an environmental citation to enforce this subtitle does not preclude  
18 pursuing any other civil or criminal remedy or enforcement action authorized by law.

19 **§ 4-14. [§ 4-13.] Penalties.**

20 (a) *In general.*

21 Any person who violates a provision of this subtitle or of a rule, regulation, or order  
22 adopted or issued under this subtitle is guilty of a misdemeanor and, on conviction, is  
23 subject to a fine of not more than \$500 for each offense.

24 (b) *Each day a separate offense.*

25 Each day that a violation continues is a separate offense.

26 **Subtitle 5. Licensing of RENTAL DWELLINGS**  
27 **[Multiple-Family Dwellings and Rooming Houses]**

28 **§ 5-1. Definitions.**

29 (a) *In general.*

30 In this subtitle, the following terms have the meanings indicated.

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1 (B) [(c)] *Dwelling unit.*

2 "Dwelling unit" has the meaning stated in § 202.2 of the Property Maintenance Code of  
3 Baltimore City.

4 (C) [(b)] *HOUSING COMMISSIONER; Commissioner.*

5 "HOUSING COMMISSIONER" OR "Commissioner" means the Commissioner of Housing  
6 and Community Development or the Commissioner's designee.

7 (d) *Multiple-family dwelling.*

8 "Multiple-family dwelling" has the meaning stated in § 202.2 of the Property  
9 Maintenance Code of Baltimore City.

10 (E) *NON-OWNER-OCCUPIED DWELLING UNIT.*

11 "NON-OWNER-OCCUPIED DWELLING UNIT" HAS THE MEANING STATED IN § 4-1 OF THIS  
12 ARTICLE.

13 (F) [(e)] *Person.*

14 (1) *In general.*

15 "Person" means:

- 16 (i) an individual;
- 17 (ii) a partnership, firm, association, corporation, or other entity of any kind; and
- 18 (iii) a receiver, trustee, guardian, personal representative, fiduciary, or  
19 representative of any kind.

20 (2) *Inclusions.*

21 "Person" includes, except as used in § 5-21 {"Penalties"} of this subtitle, a  
22 governmental entity or an instrumentality or unit of a governmental entity.

23 (G) *RENTAL DWELLING.*

24 "RENTAL DWELLING" MEANS:

- 25 (1) ANY MULTIPLE-FAMILY DWELLING;
- 26 (2) ANY ROOMING HOUSE; AND
- 27 (3) ANY NON-OWNER-OCCUPIED DWELLING UNIT IN A 1- OR 2-FAMILY DWELLING THAT  
28 IS LEASED OR RENTED OR OFFERED OR AVAILABLE FOR LEASE OR RENTAL IN  
29 EXCHANGE FOR ANY FORM OF CONSIDERATION.

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1 (H) [(f)] *Rooming house.*

2 "Rooming house" has the meaning stated in § 202.2 of the Property Maintenance Code of  
3 Baltimore City.

4 (I) [(g)] *Rooming unit.*

5 "Rooming unit" has the meaning stated in § 202.2 of the Property Maintenance Code of  
6 Baltimore City.

7 **§ 5-2. Rules and regulations.**

8 (a) *Commissioner [may] TO adopt.*

9 The HOUSING Commissioner [may] MUST adopt rules and regulations to carry out this  
10 subtitle.

11 (b) *Filing with Legislative Reference.*

12 A copy of all rules and regulations adopted under this subtitle must be filed with the  
13 Department of Legislative Reference BEFORE THEY TAKE EFFECT.

14 **§ 5-3. {Reserved}**

15 **§ 5-4. License required.**

16 (A) *IN GENERAL.*

17 [No] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, NO person may:

18 (1) [operate] RENT OR OFFER TO RENT TO ANOTHER ALL OR ANY PART OF any  
19 [multiple-family dwelling or rooming house] RENTAL DWELLING without a  
20 CURRENTLY EFFECTIVE license to do so from the HOUSING Commissioner; OR

21 (2) CHARGE, ACCEPT, RETAIN, OR SEEK TO COLLECT ANY RENTAL PAYMENT OR OTHER  
22 COMPENSATION FOR PROVIDING TO ANOTHER THE OCCUPANCY OF ALL OR ANY  
23 PART OF ANY RENTAL DWELLING UNLESS THE PERSON WAS LICENSED UNDER THIS  
24 SUBTITLE AT BOTH THE TIME OF OFFERING TO PROVIDE AND THE TIME OF  
25 PROVIDING THIS OCCUPANCY.

26 (B) *EXCEPTION.*

27 A LICENSE IS NOT REQUIRED UNDER THIS SUBTITLE FOR ANY RENTAL DWELLING THAT IS  
28 OWNED AND OPERATED BY THE HOUSING AUTHORITY OF BALTIMORE CITY.

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1 § 5-5. Application for NEW OR RENEWAL license.

2 (a) *In general.*

3 The application for a NEW OR RENEWAL RENTAL DWELLING license must be made in the  
4 form AND CONTAIN THE INFORMATION AND DOCUMENTATION that the HOUSING  
5 Commissioner requires.

6 (b) *By whom to be made.*

7 The application must be made and signed by:

8 (1) the owner of the premises; and

9 (2) the [lessee] MANAGING OPERATOR OF THE PREMISES, if [any] OTHER THAN THE  
10 OWNER[, who will operate the business].

11 (c) *APPLICATION PERIOD FOR RENEWAL.*

12 TO RENEW A LICENSE ISSUED UNDER THIS SUBTITLE, AN APPLICATION FOR RENEWAL MUST  
13 BE SUBMITTED TO THE COMMISSIONER NO LESS THAN ~~30 DAYS~~ NOR MORE THAN ~~60~~ 120  
14 DAYS BEFORE THE LICENSE EXPIRES.

15 § 5-6. Prerequisites for NEW OR RENEWAL license -- IN GENERAL.

16 A RENTAL DWELLING license may be issued or renewed under this subtitle only if:

17 (1) all dwelling units AND ROOMING UNITS are currently registered [under] AS REQUIRED  
18 BY Subtitle 4 {"REGISTRATION OF Non-Owner-Occupied Dwellings[:], ROOMING  
19 HOUSES, AND Vacant Structures"} of this article;

20 (2) [the] ALL registration fees FOR THESE UNITS and all [outstanding] RELATED interest  
21 and late fees required by Subtitle 4 have been paid;

22 (3) the premises have [been inspected] PASSED ~~A RECENT AN~~ INSPECTION [by the  
23 Commissioner], AS REQUIRED BY § 5-7 {"PREREQUISITES ... - INSPECTION"} OF THIS  
24 SUBTITLE;

25 (4) the premises are in compliance with ALL FEDERAL, State, AND CITY laws and  
26 regulations governing lead paint;

27 (5) [(6) if] FOR [the] premises THAT include a hotel OR MOTEL subject to City Code  
28 Article 15 {"Licensing and Regulation"}, Subtitle 10 {"Hotels"}, the hotel OR MOTEL  
29 is in compliance with the training, certification, and posting requirements of that  
30 subtitle[.];

31 (6) [(5)] the premises are not subject to [an unabated] ANY violation notice OR ORDER  
32 THAT:

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1 (I) HAS BEEN issued under [§ 116 {"Unsafe Structures"} of] the Baltimore City  
2 [Building Code] BUILDING, FIRE, AND RELATED CODES ARTICLE; AND

3 (II) NOTWITHSTANDING THE PASSAGE OF MORE THAN 90 DAYS SINCE ITS ISSUANCE,  
4 HAS NOT BEEN ABATED BEFORE THE LICENSE ISSUANCE OR RENEWAL[; and].

5 **§ 5-7. PREREQUISITES FOR NEW OR RENEWAL LICENSE – INSPECTION.**

6 (A) *IN GENERAL.*

7 THE INSPECTION REQUIRED BY § 5-6 {"PREREQUISITES ... – IN GENERAL"} OF THIS  
8 SUBTITLE MUST COMPLY WITH EITHER:

9 (1) SUBSECTION (B) {"THIRD-PARTY HOME INSPECTIONS"} OF THIS SECTION; OR

10 (2) SUBSECTION (C) {"GOVERNMENTAL AGENCY INSPECTIONS"} OF THIS SECTION.

11 (B) *THIRD-PARTY HOME INSPECTIONS.*

12 (1) *DEFINITIONS.*

13 (i) *IN GENERAL.*

14 IN THIS SUBSECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

15 (ii) *HOME INSPECTION.*

16 "HOME INSPECTION" MEANS A HOME INSPECTOR'S WRITTEN EVALUATION OF A  
17 RENTAL DWELLING'S COMPLIANCE WITH THE CITY'S HEALTH AND SAFETY  
18 STANDARDS SPECIFIED IN THE HOUSING COMMISSIONER'S RULES AND  
19 REGULATIONS ADOPTED UNDER THIS SUBTITLE.

20 (iii) *HOME INSPECTOR.*

21 "HOME INSPECTOR" MEANS AN INDIVIDUAL:

22 (A) WHO IS LICENSED AS A HOME INSPECTOR UNDER TITLE 16, SUBTITLE 3A OF  
23 THE STATE BUSINESS OCCUPATION AND PROFESSIONS ARTICLE; AND

24 (B) WHO, AS REQUIRED BY THE RULES AND REGULATIONS ADOPTED UNDER  
25 THIS SUBTITLE:

26 1. HAS REGISTERED WITH THE HOUSING COMMISSIONER AS  
27 GENERALLY AVAILABLE TO INSPECT AND CERTIFY RENTAL  
28 DWELLINGS UNDER THIS SUBSECTION; ~~AND~~

29 2. HAS, AS SPECIFIED BY THE RULES AND REGULATIONS ADOPTED  
30 UNDER THIS SUBTITLE, SUBMITTED TO THE COMMISSIONER A  
31 FINANCIAL DISCLOSURE CONFLICT-OF-INTEREST STATEMENT; AND

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1                   3. ~~2-~~ FOR EACH HOME INSPECTION TO BE PERFORMED UNDER THIS  
2                   SUBSECTION, CERTIFIES THAT NEITHER THE HOME INSPECTOR NOR  
3                   ANY OWNER, PARTNER, DIRECTOR, OFFICER, EMPLOYEE, OR AGENT  
4                   OF THE HOME INSPECTOR OR OF THE HOME INSPECTOR'S BUSINESS  
5                   HAS ANY FINANCIAL INTEREST IN:

- 6                                   A. THE RENTAL DWELLING TO BE INSPECTED;  
7                                   B. THE OWNER OR OPERATOR OF THAT RENTAL DWELLING; OR  
8                                   C. ANY OWNER, PARTNER, DIRECTOR, OFFICER, EMPLOYEE, OR  
9                                   AGENT OF THE RENTAL DWELLING'S OWNER OR OPERATOR.

10                   (2) *APPLICANT TO CONTRACT FOR TIMELY INSPECTION.*

11                                   (i) BEFORE APPLYING FOR A RENTAL DWELLING LICENSE OR RENEWAL LICENSE, THE  
12                                   APPLICANT MUST, AT THE APPLICANT'S EXPENSE, CONTRACT WITH A HOME  
13                                   INSPECTOR TO PERFORM A HOME INSPECTION UNDER THIS SECTION.

14                                   (ii) THE INSPECTION MUST BE PERFORMED AS FOLLOWS:

15   (A) FOR A MULTIPLE-FAMILY DWELLING, NOT MORE THAN 90 DAYS BEFORE A  
16   COMPLETED APPLICATION FOR A LICENSE OR RENEWAL LICENSE IS  
17   SUBMITTED TO THE HOUSING COMMISSIONER; AND

18   (B) FOR A 1- OR 2-FAMILY DWELLING, NOT MORE THAN 30 DAYS BEFORE A  
19   COMPLETED APPLICATION FOR A LICENSE OR RENEWAL LICENSE IS  
20   SUBMITTED TO THE HOUSING COMMISSIONER.

21                   (3) *NUMBER OF UNITS TO BE INSPECTED.*

22                                   (i) FOR ANY RENTAL DWELLING THAT COMPRISES 9 OR FEWER DWELLING OR ROOMING  
23                                   UNITS, ALL DWELLING AND ROOMING UNITS MUST BE INSPECTED UNDER THIS  
24                                   SUBSECTION.

25                                   (ii) FOR ANY MULTIPLE-FAMILY DWELLING OR ROOMING HOUSE THAT COMPRISES 10  
26                                   OR MORE DWELLING OR ROOMING UNITS, THE NUMBER OF UNITS THAT MUST BE  
27                                   INSPECTED ARE AS DETERMINED IN THE RULES AND REGULATIONS ADOPTED UNDER  
28                                   THIS SUBTITLE.

29                   (4) *INSPECTOR'S ~~REPORT~~ REPORTS AND CERTIFICATION.*

30                                   (i) AFTER THE HOME INSPECTION, THE HOME INSPECTOR MUST ISSUE TO THE  
31                                   APPLICANT:

32   (A) ~~A COPY OF THE INSPECTION REPORT~~ A WRITTEN REPORT OF EVERY  
33   INSPECTION CONDUCTED UNDER THIS SECTION; AND

34   (B) IF THE RENTAL DWELLING MEETS THE CITY'S HEALTH AND SAFETY  
35   STANDARDS SPECIFIED IN THE RULES AND REGULATIONS ADOPTED UNDER

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1                   THIS SUBTITLE, A CERTIFICATE OF SATISFACTORY COMPLIANCE WITH THOSE  
2                   STANDARDS.

3                   ~~(H) THE REPORT AND THE CERTIFICATE MUST BE IN THE FORM REQUIRED BY THE~~  
4                   ~~COMMISSIONER AND UNDER THE HOME INSPECTOR'S SEAL.~~

5                   (I) THE REPORTS AND THE CERTIFICATION MUST BE:

6                   (A) IN THE FORM REQUIRED BY THE COMMISSIONER; AND

7                   (B) SIGNED BY THE HOME INSPECTOR, UNDER OATH AND  
8                   UNDER THE HOME INSPECTOR'S SEAL.

9                   (C) *GOVERNMENTAL AGENCY INSPECTIONS.*

10                  (1) *SCOPE OF SUBSECTION.*

11                  THIS SUBSECTION APPLIES TO ANY RENTAL DWELLING UNIT THAT IS REQUIRED TO  
12                  UNDERGO PERIODIC INSPECTIONS CONDUCTED BY A GOVERNMENTAL AGENCY IN  
13                  ACCORDANCE WITH FEDERAL OR STATE INSPECTION STANDARDS.

14                  (2) *REQUIRED EVIDENCE OF COMPLIANCE WITH MOST RECENT INSPECTION.*

15                  FOR A RENTAL DWELLING UNIT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION,  
16                  THE APPLICANT FOR A LICENSE OR RENEWAL LICENSE MAY, IN LIEU OF THE  
17                  REQUIREMENTS OF SUBSECTION (B) {"THIRD-PARTY HOME INSPECTIONS"} OF THIS  
18                  SECTION, SUBMIT EVIDENCE SATISFACTORY TO THE HOUSING COMMISSIONER THAT  
19                  THE UNIT HAS PASSED THE MOST RECENT PERIODIC INSPECTION BY THE APPLICABLE  
20                  GOVERNMENTAL AGENCY.

21                  (D) COMMISSIONER TO AUDIT INSPECTIONS.

22                  AS PRESCRIBED BY THE RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE, THE  
23                  HOUSING COMMISSIONER MUST CONDUCT AN ANNUAL AUDIT OF INSPECTIONS  
24                  CONDUCTED UNDER THIS SECTION.

25                  (E) ~~(D)~~ COMMISSIONER'S INSPECTION AUTHORITY NOT AFFECTED.

26                  THIS SECTION DOES NOT IN ANY WAY PREVENT OR LIMIT THE AUTHORITY OF THE HOUSING  
27                  COMMISSIONER TO CONDUCT ROUTINE, SPOT, QUALITY-CONTROL, OR OTHER INSPECTIONS  
28                  OF RENTAL DWELLINGS UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE

29                  § 5-8. [§ 5-7.] License fees.

30                  No fee is imposed for a RENTAL DWELLING license issued under this subtitle.

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1 § 5-9. [§ 5-8.] [Term and renewal] TIERED TERMS OF LICENSES.

2 (a) *In general.*

3 [Except as otherwise provided under this section,] UNLESS TIMELY RENEWED, each  
4 RENTAL DWELLING license ISSUED UNDER THIS SUBTITLE expires [1 year from] ON THE 1<sup>ST</sup>,  
5 2<sup>ND</sup>, OR 3<sup>RD</sup> ANNIVERSARY OF [the date of] its issuance [and may be renewed annually], AS  
6 PROVIDED IN THIS SECTION.

7 [(b) *Stagger.*]

8 [The Commissioner may provide for staggered license terms, by issuing an  
9 original license or, on a 1-time basis, a renewal license for a period of less than 1  
10 year or for a period of more than 1 year but less than 2 years.]

11 [(c) *Notice of renewal and reinspection.*]

12 [(1) Before a license expires, the Commissioner will mail notice to the licensee,  
13 specifying a date and time when an inspector will be present to reinspect the  
14 premises.]

15 [(2) Within 1 week of receiving the notice, the licensee may reschedule the  
16 inspection to a date no more than 2 weeks after the date specified in the  
17 notice.]

18 [(3) The license will not be renewed if the licensee fails to provide entry for a  
19 scheduled inspection or unduly delays the inspection.]

20 [(d) *Vacant dwellings.*]

21 [If a dwelling has remained vacant for more than a year, a renewal license may be  
22 issued only if reoccupancy of the dwelling would not violate the Zoning Code of  
23 Baltimore City.]

24 (B) *INITIAL LICENSE.*

25 A DWELLING UNIT LICENSE INITIALLY ISSUED UNDER THIS SUBTITLE TO ANY RENTAL  
26 DWELLING EXPIRES 2 YEARS FROM THE DATE OF ITS ISSUANCE, UNLESS TIMELY RENEWED.

27 (C) *1<sup>ST</sup> RENEWAL OF INITIAL LICENSE.*

28 SUBJECT TO COMPLIANCE WITH § 5-6 {"PREREQUISITES FOR ... RENEWAL LICENSE – IN  
29 GENERAL"} OF THIS SUBTITLE, THE 1<sup>ST</sup> RENEWAL OF AN INITIAL 2-YEAR LICENSE WILL BE  
30 FOR A 3-, 2-, OR 1-YEAR RENEWAL TERM, BASED ON THE FOLLOWING RISK FACTORS:

31 (1) *3-YEAR TERM:* THE RENEWAL LICENSE WILL BE FOR A 3-YEAR TERM IF, DURING THE  
32 24 MONTHS IMMEDIATELY PRECEDING SUBMISSION OF A COMPLETED RENEWAL  
33 APPLICATION, ALL VIOLATION NOTICES OR ORDERS ISSUED DURING THOSE MONTHS  
34 UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE HAVE BEEN  
35 ABATED WITHIN 60 DAYS OF THEIR ISSUANCE.



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1 (2) *2-YEAR TERM*: THE RENEWAL LICENSE WILL BE FOR A 2-YEAR TERM IF, DURING THE  
2 24 MONTHS IMMEDIATELY PRECEDING SUBMISSION OF A COMPLETED RENEWAL  
3 APPLICATION, ALL VIOLATION NOTICES OR ORDERS ISSUED DURING THOSE MONTHS  
4 UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE HAVE BEEN  
5 ABATED WITHIN 90 DAYS OF THEIR ISSUANCE.

6 (3) *1-YEAR TERM*: THE RENEWAL LICENSE WILL BE FOR A 1-YEAR TERM IF THE RENTAL  
7 DWELLING DOES NOT QUALIFY UNDER THIS SUBSECTION FOR A 2- OR 3-YEAR  
8 RENEWAL.

9 (D) *SUBSEQUENT RENEWALS.*

10 SUBJECT TO COMPLIANCE WITH § 5-6 {"PREREQUISITES FOR ... RENEWAL LICENSE – IN  
11 GENERAL"} OF THIS SUBTITLE, ALL SUBSEQUENT RENEWAL TERMS WILL BE BASED ON THE  
12 FOLLOWING RISK FACTORS:

13 (1) *3-YEAR TERM*: THE RENEWAL LICENSE WILL BE FOR A 3-YEAR TERM IF, DURING THE  
14 36 MONTHS IMMEDIATELY PRECEDING SUBMISSION OF A COMPLETED RENEWAL  
15 APPLICATION, ALL VIOLATION NOTICES OR ORDERS ISSUED DURING THOSE MONTHS  
16 UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE HAVE BEEN  
17 ABATED WITHIN 60 DAYS OF THEIR ISSUANCE.

18 (2) *2-YEAR TERM*: THE RENEWAL LICENSE WILL BE FOR A 2-YEAR TERM IF, DURING THE  
19 24 MONTHS IMMEDIATELY PRECEDING SUBMISSION OF A COMPLETED RENEWAL  
20 APPLICATION, ALL VIOLATION NOTICES OR ORDERS ISSUED DURING THOSE MONTHS  
21 UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE HAVE BEEN  
22 ABATED WITHIN 90 DAYS OF THEIR ISSUANCE.

23 (3) *1-YEAR TERM*: THE RENEWAL LICENSE WILL BE FOR A 1-YEAR TERM IF THE RENTAL  
24 DWELLING DOES NOT QUALIFY UNDER THIS SUBSECTION FOR A 2- OR 3-YEAR  
25 RENEWAL.

26 § 5-10. [§ 5-9.] *{Reserved}*

27 § 5-11. [§ 5-10.] **Posting license.**

28 The license issued under this subtitle must be prominently displayed:

29 (1) FOR A MULTIPLE-FAMILY DWELLING OR ROOMING HOUSE, in the vestibule, lobby, or  
30 other public place on the premises; AND

31 (2) FOR A 1- OR 2-FAMILY DWELLING, IN AN AREA OF EACH DWELLING UNIT THAT IS  
32 ACCESSIBLE TO THAT UNIT'S OCCUPANTS AND TO HOUSING INSPECTORS.

33 § 5-12. [§ 5-11.] **Transfer of license.**

34 (a) *In general.*

35 Any person who assumes the ownership or operation of a licensed [multiple-family]  
36 RENTAL dwelling [or rooming house] must, within 15 days of assuming ownership or  
37 operation, apply to the HOUSING Commissioner for transfer of the license.

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1 (b) *Fee.*

2 The fee for a transfer is \$25.

3 **§ 5-13. [§ 5-12.] Discontinuance of [use] MULTIPLE-FAMILY OR ROOMING HOUSE**  
4 **OPERATIONS.**

5 Notwithstanding [a] ANY discontinuance, IN WHOLE OR IN PART, of A MULTIPLE-FAMILY  
6 DWELLING'S OR A ROOMING HOUSE'S operations, [an annual] A license ISSUED UNDER THIS  
7 SUBTITLE [must be obtained] IS STILL REQUIRED unless the HOUSING Commissioner has  
8 issued a permit reflecting a change of use for the property.

9 **§ 5-14. [§§ 5-13 and 5-14.] {Reserved}**

10 **§ 5-15. [Revocation] DENIAL, SUSPENSION, OR REVOCATION of license – In general.**

11 (A) *"NUISANCE PROPERTY" DEFINED.*

12 ~~IN THIS SECTION, "NUISANCE PROPERTY" MEANS ANY PROPERTY THAT, IN ACCORD WITH~~  
13 ~~1 OR ANOTHER OF THE FOLLOWING LAWS, HAS BEEN FOUND TO CONSTITUTE A PUBLIC~~  
14 ~~NUISANCE OR TO BE MAINTAINED OR OPERATED SO AS TO CAUSE OR ALLOW A PUBLIC~~  
15 ~~NUISANCE:~~

16 (1) ~~STATE CODE REAL PROPERTY ARTICLE § 14-120 ("ACTIONS TO ABATE~~  
17 ~~NUISANCES") {SEE ESP. SUBSECTION (A)(5) (DEFINING "NUISANCE")};~~

18 (2) ~~CITY CODE ARTICLE 19, SUBTITLE 43 ("PUBLIC NUISANCES") {SEE ESP. § 43-1(L)~~  
19 ~~(DEFINING "PUBLIC NUISANCE")}; AND~~

20 (3) ~~CITY CODE ARTICLE 19, SUBTITLE 43B ("NEIGHBORHOOD NUISANCES AND~~  
21 ~~UNRULY SOCIAL EVENTS") {SEE ESP. § 43B-1(B) (DEFINING "NEIGHBORHOOD~~  
22 ~~NUISANCE"), § 43B-1(K) (DEFINING "PERSON RESPONSIBLE"), AND § 43B-1(O)~~  
23 ~~(DEFINING "UNRULY SOCIAL EVENT")};~~

24 IN THIS SECTION, "NUISANCE PROPERTY" MEANS ANY PROPERTY THAT IS MAINTAINED  
25 OR OPERATED SO AS TO CAUSE OR ALLOW A NUISANCE OF THE SORT DESCRIBED IN ANY 1  
26 OR ANOTHER OF THE FOLLOWING DEFINITIONS:

27 (1) STATE CODE REAL PROPERTY ARTICLE § 14-120(A)(5) {DEFINING "NUISANCE"};

28 (2) CITY CODE ARTICLE 19, § 43-1(L) {DEFINING "PUBLIC NUISANCE"};

29 (3) CITY CODE ARTICLE 19, § 43B-1(B) {DEFINING "NEIGHBORHOOD NUISANCE"};  
30 AND

31 (4) CITY CODE ARTICLE 19, § 43B-1(O) {DEFINING "UNRULY SOCIAL EVENT"}.

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1 (B) *CAUSES FOR DENIAL, SUSPENSION, OR REVOCATION.*

2  
3 Subject to the hearing provisions of § 5-16 of this subtitle, the HOUSING Commissioner  
4 may DENY, SUSPEND, OR revoke a RENTAL DWELLING license OR RENEWAL LICENSE FOR  
5 ANY OF THE FOLLOWING CAUSES:

6 (1) MAKING ANY MATERIAL FALSE STATEMENT IN AN APPLICATION FOR AN INITIAL OR  
7 RENEWAL LICENSE;

8 (2) FRAUDULENTLY OR DECEPTIVELY OBTAINING A RENTAL DWELLING LICENSE FOR  
9 ONESELF OR FOR ANOTHER;

10 (3) FRAUDULENTLY OR DECEPTIVELY USING A RENTAL DWELLING LICENSE;

11 (4) FALSIFYING ANY INSPECTION REPORT OR CERTIFICATE;

12 (5) REFUSAL BY AN OWNER OR OPERATOR OF A RENTAL DWELLING TO ALLOW THE  
13 COMMISSIONER TO CONDUCT A ROUTINE, SPOT, QUALITY-CONTROL, OR OTHER  
14 INSPECTION OF THE RENTAL DWELLING AS AUTHORIZED BY THE CITY BUILDING,  
15 FIRE, AND RELATED CODES ARTICLE;

16 (6) FAILING TO ABATE WITHIN 120 DAYS OF ISSUANCE ANY VIOLATION NOTICE, ORDER,  
17 OR CITATION FOR VIOLATING ANY PROVISION OF THE CITY BUILDING, FIRE, AND  
18 RELATED CODES ARTICLE, THE CITY HEALTH ARTICLE, OR THE ZONING CODE OF  
19 BALTIMORE CITY;

20 (7) FAILING TO COMPLY WITH ANY PROVISION OF THIS SUBTITLE OR OF ANY RULE OR  
21 REGULATION ADOPTED UNDER THIS SUBTITLE; OR

22 (8) if the HOUSING Commissioner finds, or if the Fire Chief, Health Commissioner, or  
23 Police Commissioner certify to the HOUSING Commissioner, that:

24 (i) [(1)] the owner or lessee of a [multiple-family dwelling or rooming house]  
25 RENTAL DWELLING has failed to comply with any lawful notice, [or] order,  
26 OR CITATION to correct a violation that affects the health, safety, morals, or  
27 general welfare of the occupants of the property or of the general public; or

28 (ii) [(2)] the owner or lessee of a [multiple-family dwelling or rooming house]  
29 RENTAL DWELLING, or any agent of the owner or lessee:

30 (A) [(i)] has allowed the premises to be used [for the purpose  
31 prostitution, drug trafficking, or other criminal activity or for any  
32 other activity that creates or constitutes] AS a nuisance PROPERTY;  
33 or

34 (B) [(ii)] knew or should have known that the premises were being  
35 used [for one of these purposes] AS A NUISANCE PROPERTY and  
36 failed to prevent them from being so used.

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1 § 5-16. [Revocation] DENIAL, SUSPENSION, OR REVOCATION of license – Notice and hearing.

2 (a) *In general.*

3 No license may be DENIED, SUSPENDED, OR revoked unless the HOUSING Commissioner  
4 first gives the licensee OWNER, THE MANAGING OPERATOR, AND THE LESSEES OF ANY  
5 DWELLING OR ROOMING UNIT TO WHICH THE LICENSE APPLIES:

6 (1) not less than 10 days notice in writing of the Commissioner's intent to DENY,  
7 SUSPEND, OR revoke the license; and

8 (2) an opportunity to be heard as to why the license should not be DENIED,  
9 SUSPENDED, OR revoked.

10 (b) *Exception.*

11 The Commissioner may DENY, SUSPEND, OR revoke a license without prior notice and  
12 opportunity to be heard if, in the opinion of the Commissioner or the Fire Chief, Health  
13 Commissioner, or Police Commissioner, the health, safety, or welfare of the occupants or  
14 of the general public are in imminent danger.

15 § 5-17. [§ 5-18.] Vacating premises.

16 The Commissioner may require a [multiple-family dwelling or rooming house] RENTAL  
17 DWELLING to be vacated within 24 hours if:

18 (1) the property is being operated without a valid license; and

19 (2) vacating the premises is necessary for the public health, safety, and welfare.

20 § 5-18. {RESERVED}

21 § 5-19. [§ 5-22. Constitutional] IMPAIRING CONSTITUTIONAL rights.

22 (a) *"Reasonable accommodation" defined.*

23 In this section, "reasonable accommodation" means affirmative steps that do not impose  
24 an undue financial hardship or a substantial burden.

25 (b) *Prohibited conduct.*

26 No bylaw, rule, or regulation governing a [multiple-family] RENTAL dwelling, nor any  
27 action or inaction of the governing body or management of a [multiple-family] RENTAL  
28 dwelling, may:

29 (1) unreasonably impair any rights guaranteed by the Free-Exercise Clause of the  
30 First Amendment to the United States Constitution or by Article 36 of the  
31 Maryland Declaration of Rights; or

32 (2) prohibit or deny any reasonable accommodation for religious practices.

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1 § 5-20. SANITATION GUIDE.

2 (A) PREPARATION OF GUIDE.

3 THE OWNER OR MANAGING OPERATOR OF EVERY RENTAL DWELLING, OTHER THAN A  
4 HOTEL OR MOTEL, MUST PREPARE, IN THE FORM AND CONTAINING THE INFORMATION  
5 REQUIRED BY THE COMMISSIONER, A SANITATION GUIDE FOR THE PREMISES THAT  
6 PROVIDES NOTICE TO ALL OCCUPANTS OF THE REQUIREMENTS AND PROCEDURES FOR THE  
7 SEPARATION, DISPOSITION, COLLECTION, AND PROPER STORAGE PENDING COLLECTION OF  
8 MIXED REFUSE, RECYCLABLE MATERIALS, YARD WASTE, BULK TRASH, AND ALL OTHER  
9 FORMS OF GARBAGE, RUBBISH, WASTE, AND TRASH.

10 (B) DISSEMINATION.

11 A COPY OF THE SANITATION GUIDE MUST BE:

12 (1) PROVIDED TO EACH DWELLING UNIT ON THE PREMISES; AND

13 (2) PROMINENTLY POSTED WITHIN EACH COMMON COLLECTION ROOM, IF ANY, ON THE  
14 PREMISES.

15 ~~§§ 5-21 TO 5-23. {RESERVED}~~

16 § 5-21. {RESERVED}

17 § 5-22. PUBLIC ACCESS TO INFORMATION.

18 THE HOUSING COMMISSIONER SHALL MAKE FREELY AVAILABLE FOR REVIEW ON AND  
19 DOWNLOAD FROM THE WEBSITE OF THE DEPARTMENT OF HOUSING AND COMMUNITY  
20 DEVELOPMENT:

21 (1) THE LICENSE STATUS OF ANY RENTAL DWELLING SUBJECT TO THIS SUBTITLE; AND

22 (2) THE FOLLOWING RECORDS RELATING TO THAT RENTAL DWELLING:

23 (I) VIOLATION NOTICES, ORDERS, OR CITATIONS ISSUED BY THE DEPARTMENT  
24 UNDER THIS ARTICLE OR THE CITY BUILDING, FIRE, AND RELATED CODES  
25 ARTICLE; AND

26 (II) NOTICES OF ANY PROPOSED DENIAL, SUSPENSION, OR REVOCATION OF THE  
27 RENTAL DWELLING'S LICENSE.

28 § 5-23. {RESERVED}

29 § 5-24. JUDICIAL AND APPELLATE REVIEW.

30 (A) JUDICIAL REVIEW.

31 A PERSON AGGRIEVED BY A DECISION OF THE HOUSING COMMISSIONER UNDER THIS  
32 SUBTITLE MAY SEEK JUDICIAL REVIEW OF THAT DECISION BY PETITION TO THE CIRCUIT

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1 COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF  
2 PROCEDURE.

3 (B) *STAYS.*

4 (1) THE FILING OF A PETITION FOR JUDICIAL REVIEW DOES NOT STAY THE DECISION OF THE  
5 COMMISSIONER.

6 (2) HOWEVER, ON MOTION AND AFTER HEARING, THE COURT MAY GRANT A STAY AS  
7 PROVIDED IN THE MARYLAND RULES OF PROCEDURE.

8 (C) *APPELLATE REVIEW.*

9 A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE  
10 COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF  
11 PROCEDURE.

12 § 5-25. [§ 5-20.] Enforcement by citation.

13 (a) *In general.*

14 In addition to any other civil or criminal remedy or enforcement procedure, this subtitle  
15 may be enforced by issuance of an environmental citation as authorized by City Code  
16 Article 1, Subtitle 40 {"Environmental Control Board"}.

17 (b) *Process not exclusive.*

18 The issuance of an environmental citation to enforce this subtitle does not preclude  
19 pursuing any other civil or criminal remedy or enforcement action authorized by law.

20 § 5-26. [§ 5-24.] Penalties.

21 (a) *In general.*

22 Any person who violates [a] ANY provision of this subtitle (INCLUDING ANY OFFENSE  
23 LISTED IN § 5-15 OF THIS SUBTITLE AS POTENTIAL CAUSE FOR A DENIAL, SUSPENSION, OR  
24 REVOCATION OF A LICENSE) or ANY PROVISION of a rule, regulation, or order adopted or  
25 issued under this subtitle is guilty of a misdemeanor and, on conviction, is subject to [the  
26 following penalties:]

27 [(1) for a violation of § 5-22 {"Constitutional rights"} of this subtitle,] a fine of not more  
28 than \$1,000 for each offense[; and].

29 [(2) for any other violation, a fine of not more than \$500 for each offense.]

30 (b) *Each day a separate offense.*

31 Each day that a violation continues is a separate offense.

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**Subtitle 8A. Eviction Chattels**

**§ 8A-5. Disposition of abandoned property.**

*(b) Discount at City landfill or solid waste facility.*

(2) To be eligible for HABC rates, the landlord or landlord's agent must present at the facility at the time of disposal:

(i) a copy of the warrant of restitution issued for the leased dwelling; and

(ii) proof that the leased dwelling is registered or licensed under City Code Article 13, Subtitle 4 {"Registration of Non-Owner-Occupied Dwellings, ETC."} or Subtitle 5 {"Licensing of [Multiple-Family Dwellings and Rooming Houses] RENTAL DWELLINGS"}.

**Article 1. Mayor, City Council, and Municipal Agencies**

**Subtitle 40. Environmental Control Board**

**§ 40-14. Violations to which subtitle applies.**

*(e) Provisions and penalties enumerated.*

*(1) Article 13. Housing and Urban Renewal*

Subtitle 4. Registration of Non-Owner-Occupied Dwellings,

Rooming Houses, and Vacant Structures

Non-owner-occupied [dwellings] DWELLING UNITS

\$100

Rooming houses

\$100

Vacant [Structures] STRUCTURES

\$500

Subtitle 5. Licensing of [Multiple-Family Dwellings and

Rooming Houses] RENTAL DWELLINGS

§ 5-4. LICENSE REQUIRED

\$1,000

§ 5-15. {OFFENSES THERE LISTED AS CAUSE FOR}

DENIAL, SUSPENSION, OR REVOCATION OF LICENSE

\$750

ALL OTHER PROVISIONS

\$500

**Council Bill 18-0185**

**Article 19. Police Ordinances**

**Subtitle 43. Public Nuisances**

**§ 43-4. Notice and opportunity for hearing.**

*(c) Service and posting of notice.*

(1) The notice shall be given by personal service or by certified or registered mail to the owner, operator, and commercial tenant, as their names and addresses:

(i) are recorded in the Land Records of Baltimore City;

(ii) appear in the registration statement [made] FILED under City Code Article 13, Subtitle 4 {"Registration of [Residential Properties] NON-OWNER-OCCUPIED DWELLINGS, ETC."}; or

(iii) are otherwise known or readily ascertainable.

**Subtitle 43A. Neighborhood Nuisances – Abatement**

**§ 43A-3. Notice and opportunity for hearing.**

*(c) Service and posting of notice.*

(1) The notice shall be given by personal service or by certified or registered mail to the owner and to any operator or tenant of the premises, as their names and addresses:

(i) are recorded in the Land Records of Baltimore City;

(ii) appear in the registration statement [made] FILED under City Code Article 13, Subtitle 4 {"Registration of [Residential Properties] NON-OWNER-OCCUPIED DWELLINGS, ETC."}; or

(iii) are otherwise known or readily ascertainable.

**Baltimore City Revised Code**

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

**Part II. International Building Code**

**§ 2-103. City modifications.**

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



**Council Bill 18-0185**

**Chapter 1. Scope and Administration**

**Section 114 Violations**

**114.21.2 Liability for sanitary maintenance.**

**b. Liability – Failure to register property.** The owner of a property is responsible for exterior sanitary maintenance if:

1. the owner fails to register or license the property as required by City Code Article 13, Subtitle 4 {"REGISTRATION OF Non-Owner-Occupied Dwellings, etc."} or Subtitle 5 {"LICENSING OF [Multiple-Family Dwellings] RENTAL DWELLINGS"}, or
2. reasonable attempts at telephone contact, using information in a current registration statement, do not lead within 2 business days to current occupant information.

**Chapter 2. Definitions; Rules of Construction**

**Section 202 Definitions**

**202.2 Supplemental definitions.** Notwithstanding any different definition in the International Building Code, the following terms have the meanings given in this § 202.2.

**202.2.48 Person. "Person":**

2. whenever used in this Code with reference to liability or to the imposition of a penalty or fine, includes:

- c. in addition, the responsible officer, trustee, partner, or member designated on a [Registration Statement made] REGISTRATION STATEMENT FILED under City Code Article 13, Subtitle 4 {"Registration of [Residential Properties] NON-OWNER-OCCUPIED DWELLINGS, ETC."}.

**Part VII. International Property Maintenance Code**

**§ 7-102. City modifications.**

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

**Council Bill 18-0185**

**Chapter 2. Definitions**

**Section 202 General Definitions**

**202.2 Supplemental definitions.** Notwithstanding any different definition in the International Property Maintenance Code, the following terms have the meanings given in this § 202.2.

...

**202.2.3 Dwelling unit.** "Dwelling unit" has the meaning stated in § 202.2 of the Baltimore City Building Code.

...

**202.2.6 Multiple-family dwelling.** "Multiple-family dwelling" means a building or a group of buildings on the same lot that contains or is designed or intended to contain:

1. more than 2 dwelling units,
2. 2 dwelling units and any other residential or commercial occupancy, or
3. any combination of 3 or more rooming units and dwelling units.

...

**202.2.14 Rooming house.** "Rooming house" means a building that:

1. is not a multiple-family dwelling, and
2. contains more than 2 rooming units occupied or designed or intended to be occupied by individuals who, even though they might share common areas and facilities, do not form a single housekeeping unit and do not provide compensation under a single lease for occupancy of the rooming house.

**202.2.14.1 Inclusions.** "Rooming house" includes a hotel, motel, BED AND BREAKFAST (AS DEFINED IN ZONING CODE § 1-203(F)), or boarding house.

**202.2.15 Rooming unit.** "Rooming unit" means any room or group of rooms that form a single habitable unit occupied or designed or intended to be occupied for sleeping or living, but not for cooking purposes.

....

**Article – Health**

**Title 6. Food Service Facilities**

***Subtitle 6. Suspensions and Revocations***

**§ 6-603.1. Suspension or nonrenewal for multiple or unpaid citations.**

**(b) Covered offenses.**

- (1) For purposes of this section, citations issued for violations of the following provisions of the City Code are presumed to be issued for reasons related to public health or to the prevention of disease, epidemics, or nuisances affecting public health:

**Council Bill 18-0185**

1                   **Article 13. Housing and Urban Renewal**

2                               **Subtitle 5 {"[Multiple-Family Dwellings and Rooming Houses] LICENSING OF**  
3   **RENTAL DWELLINGS"}.**

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

7           **SECTION 3. AND BE IT FURTHER ORDAINED,** That:

8           (a) On and after the effective date of this Ordinance, a preexisting multiple-family dwelling  
9           or rooming house operating under an unexpired license that was issued under former City  
10           Code Article 13, Subtitle 5, may continue to operate under that license: (i) until the  
11           license expires at the end of its stated term or (ii) if the end of its stated term is fewer than  
12           90 days after the effective date of this Ordinance, for an extended term that expires on the  
13           90<sup>th</sup> day after the effective date of this Ordinance.

14           (b) The multiple-family dwelling or rooming house may not continue to operate after the  
15           preexisting license expires under subsection (a)(i) or (ii) of this Section until the licensee  
16           has applied for and obtained an new, initial rental dwelling license under City Code  
17           Article 13, Subtitle 5, as amended by this Ordinance.

18           **SECTION 4. AND BE IT FURTHER ORDAINED,** That, on and after the effective date of this  
19 Ordinance, a rental dwelling described in Article 13, § 5-1(g)(3), as added by this Ordinance,  
20 may preliminarily operate without an initial rental dwelling license, but only as long as:

21           (1) all non-owner-occupied dwelling units are duly registered under Article 13, Subtitle 4,  
22           as amended by this Ordinance, and all registration fees and related interest and late  
23           fees required by that Subtitle 4 have been paid;

24           (2) within 120 days of the effective date of this Ordinance, the owner submits a  
25           completed application under Article 13, Subtitle 5, as amended by this subtitle, for a  
26           new, initial rental dwelling license; and

27           (3) the Housing Commissioner has not yet issued an approval or denial of that  
28           application.

29           **SECTION 5. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on August 1,  
30 2018.

Approved For Form and Legal Sufficiency

The City of \_\_\_\_\_

Chief Solicitor

**Council Bill 18-0185**

Certified as duly passed this \_\_\_\_\_ day of APR 16 2018

  
\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,  
this \_\_\_\_\_ day of APR 16, 2018

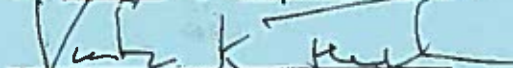
  
\_\_\_\_\_  
Chief Clerk

Approved this 30 day of April, 2018

  
\_\_\_\_\_  
Mayor, Baltimore City

Approved For Form and Legal Sufficiency

This 19th Day of April 2018

  
\_\_\_\_\_  
Chief Solicitor

FORMATTED BY DLR

04/15/18

AMENDMENTS TO COUNCIL BILL 18-185  
(3<sup>rd</sup> Reader Copy)

By: Councilmember Costello  
{To be offered on the Council Floor}

Amendment No. 1

On page 11, in line 31, strike "FINANCIAL DISCLOSURE" and substitute "CONFLICT-OF-INTEREST".

Amendment No. 2

**ADOPTED**

On page 19, in line 26, strike "PROPOSED".



**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 18-0185**

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Introduced by: Councilmembers Henry, Dorsey, Scott, Burnett, Bullock, Pinkett, Middleton,  
Cohen, Stokes, Sneed, Clarke, Reisinger  
Introduced and read first time: January 22, 2018  
Assigned to: Judiciary and Legislative Investigations Committee  
Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: March 26, 2018

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**AN ORDINANCE CONCERNING**

**1                    Non-Owner-Occupied Dwelling Units, Rooming Houses,**  
**2                    and Vacant Structures – Rental Dwellings – Registration and Licensing**

3        FOR the purpose of adding certain non-owner-occupied 1- and 2-family dwellings to the  
4        licensing, inspection, and related requirements for multi-family dwellings and rooming  
5        houses (collectively, “rental dwellings”); modifying the fees, procedures, and prerequisites  
6        for the registration of certain non-owner-occupied dwellings, rooming houses, and vacant  
7        structures; modifying the procedures and prerequisites for the licensing of rental dwellings;  
8        providing for the denial, suspension, or revocation of a rental dwelling license under certain  
9        circumstances; providing for judicial and appellate review of administrative decisions  
10       relating to the registration or the licensing of these structures; amending the underlying  
11       definition of “rooming house” to clarify its applicability to a bed and breakfast facility;  
12       defining and redefining certain other terms; imposing certain penalties; correcting, clarifying,  
13       and conforming related language; providing certain transition rules for pre-existing licenses;  
14       providing for a special effective date; and generally relating to the registration of non-owner-  
15       occupied dwellings, rooming houses, and vacant structures and to the licensing of rental  
16       dwellings.

17       BY repealing and reordaining, with amendments

18            Article 13 - Housing and Urban Renewal  
19            Sections 4-1, 4-6, 4-8, and 4-9  
20            Baltimore City Code  
21            (Edition 2000)

22       BY adding

23            Article 13 - Housing and Urban Renewal  
24            New Section 4-12  
25            Baltimore City Code  
26            (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike-out~~ indicates matter stricken from the bill by  
amendment or deleted from existing law by amendment.

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- 1 BY renumbering  
2 Article 13 - Housing and Urban Renewal  
3 Current Sections 4-12 and 4-13  
4 to be  
5 New Sections 4-13 and 4-14  
6 Baltimore City Code  
7 (Edition 2000)
- 8 BY repealing and reordaining, with amendments  
9 Article 13 - Housing and Urban Renewal  
10 Subtitle 5, to be under the revised subtitle name,  
11 "Subtitle 5. Licensing of Rental Dwellings"  
12 Baltimore City Code  
13 (Edition 2000)
- 14 BY repealing and reordaining, with amendments  
15 Article 13 - Housing and Urban Renewal  
16 Section 8A-5(b)(2)  
17 Baltimore City Code  
18 (Edition 2000)
- 19 BY repealing and reordaining, with amendments  
20 Article 1 - Mayor, City Council, and Municipal Agencies  
21 Section 40-14(e)(1)  
22 Baltimore City Code  
23 (Edition 2000)
- 24 BY repealing and reordaining, with amendments  
25 Article 19 - Police Ordinances  
26 Sections 43-4(c)(1) and 43A-3(c)(1)  
27 Baltimore City Code  
28 (Edition 2000)
- 29 BY repealing and reordaining, with amendments  
30 Article - Building, Fire, and Related Codes  
31 Section 2-103 (BC §§ 114.21.2b and 202.48-2c) and  
32 Section 7-102 (PMC § 202.2.14.1)  
33 Baltimore City Revised Code  
34 (2015 Edition)
- 35 BY repealing and reordaining, without amendments  
36 Article - Building, Fire, and Related Codes  
37 Section 7-102 (PMC §§ 202.2.3, 202.2.6, and 202.2.15)  
38 Baltimore City Revised Code  
39 (2015 Edition)



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1 BY repealing and reordaining, with amendments

2 Article - Health

3 Section 6-603.1(b)(1)(Article 13)

4 Baltimore City Revised Code

5 (Edition 2000)

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

8 **Baltimore City Code**

9 **Article 13. Housing and Urban Renewal**

10 **Subtitle 4. Registration of Non-Owner-Occupied Dwellings,**  
11 **Rooming Houses, and Vacant Structures**

12 **§ 4-1. Definitions.**

13 (a) *In general.*

14 In this subtitle, the following terms have the meanings indicated.

15 (b) *Commissioner.*

16 "Commissioner" means the Commissioner of Housing and Community Development or  
17 the Commissioner's designee.

18 (c) *Dwelling unit.*

19 "Dwelling unit" has the meaning stated in § 202.2 of the Baltimore City Property  
20 Maintenance Code.

21 (d) *Multiple-family dwelling.*

22 "Multiple-family dwelling" has the meaning stated in § 202.2 of the Baltimore City  
23 Property Maintenance Code.

24 (e) *Non-owner-occupied dwelling unit.*

25 (1) *In general.*

26 "Non-owner-occupied dwelling unit" means any:

27 (i) dwelling unit that is unoccupied;

28 (ii) dwelling unit that, even if occupied, is not occupied by an owner of record; or

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1 (iii) dwelling unit that, even if occupied, is not designated by the State  
2 Department of Assessments and Taxation as the owner's principle  
3 residence in accordance with the criteria governing the State Homestead  
4 Tax Credit.

5 (2) *Qualifications.*

6 For purposes of this definition:

7 (i) an owner may only have one owner-occupied dwelling UNIT in Baltimore  
8 City; and

9 (ii) an owner-occupied unit must be titled to a natural person.

10 (F) [(f-1)] *Rooming house.*

11 "Rooming house" has the meaning stated in § 202.2 of the Baltimore City Property  
12 Maintenance Code.

13 (G) [(f-2)] *Rooming unit.*

14 "Rooming unit" has the meaning stated in § 202.2 of the Baltimore City Property  
15 Maintenance Code.

16 (H) [(g)] *Vacant structure.*

17 (1) *In general.*

18 "Vacant structure" means any structure that is subject to an unabated violation notice  
19 issued under § 116 {"Unsafe Structures"} of the Baltimore City Building Code.

20 (2) *Exclusions.*

21 "Vacant structure" does not include an accessory structure that is not intended for  
22 occupancy, such as a garage, shed, or storage building.

23 **§ 4-6. Registration statement -- Contents.**

24 (a) *In general.*

25 [(1)] Each registration statement must be in the form that the Commissioner requires and  
26 contain the following information:

27 (1) [(i)] a description of the premises by street number or by block-and-lot;

28 (2) [(ii)] the name, street address, telephone number, and email address of the  
29 premises' owner of record;

30 (3) [(iii)] the name, street address, telephone number, and email address of the  
31 premises' managing operator, if other than the owner; AND

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1 (4) [(iv)] if the owner is a corporation, PARTNERSHIP, limited partnership, limited  
2 liability company, or similar entity, the name, street address, telephone number,  
3 and email address of [its resident agent] A NATURAL PERSON WHO SERVES AS THE  
4 OWNER'S CHIEF EXECUTIVE OFFICER, MANAGING PARTNER, OR MANAGING  
5 MEMBER, OR IN A SIMILARLY AUTHORITATIVE POSITION[; and].

6 [(v) if the owner is a partnership or other similar entity, the name, street  
7 address, telephone number, and email address of a responsible partner or  
8 officer.]

9 [(2) The failure to provide or maintain an email address is not cause to reject an  
10 application and is not a violation of this subtitle.]

11 (b) *Change of [operator, or agent] LISTED INFORMATION.*

12 The Commissioner must be notified within 10 days of any change in the [managing  
13 operator or resident agent] IDENTITY OF OR CONTACT INFORMATION FOR THE OWNER OF  
14 RECORD OR ANY OTHER PERSON LISTED IN THE REGISTRATION STATEMENT.

15 § 4-8. Registration fees.

16 (A) [(a-1)] *Rooming houses.*

17 (1) BASE FEE.

18 Except as otherwise specified in this section, an annual registration fee must be paid  
19 for rooming houses at the rate of \$25 per rooming unit.

20 (2) INCREASED FEE.

21 FOR ANY ROOMING HOUSE THAT HAS HAD THE TERM OF ITS RENTAL DWELLING  
22 LICENSE REDUCED UNDER § 5-9 (C) OR (D) {"TIERED [LICENSE] TERMS"} OF THIS  
23 ARTICLE TO A 1-YEAR TERM, THE ANNUAL REGISTRATION FEE UNDER THIS SECTION  
24 FOR EACH SUCCEEDING REGISTRATION YEAR BEGINNING AFTER THE START OF EACH 1-  
25 YEAR RENTAL DWELLING LICENSE TERM IS INCREASED BY AN ADDITIONAL \$15 PER  
26 ROOMING UNIT, WHICH ADDITIONAL AMOUNT SHALL BE DEPOSITED IN THE  
27 CONTINUING, NONLAPSING FUND CREATED BY CITY CHARTER ARTICLE I, § 14  
28 {"AFFORDABLE HOUSING TRUST FUND"}.

29 (B) [(a)] *Non-owner-occupied dwelling units.*

30 (1) BASE FEE.

31 Except as otherwise specified in this section, an annual registration fee must be paid  
32 for non-owner-occupied dwelling units at the following rates:

- 33 (1) for properties with 1 and 2 dwelling units – \$30 per dwelling unit.  
34 (2) for multiple-family dwellings – \$35 per dwelling unit, plus  
35 \$25 per rooming unit.

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1 (2) INCREASED FEE.

2 FOR ANY DWELLING THAT HAS HAD THE TERM OF ITS RENTAL DWELLING LICENSE  
3 REDUCED UNDER § 5-9 (C) OR (D) {"RENTAL DWELLINGS: TIERED [LICENSE] TERMS"}  
4 OF THIS ARTICLE TO A 1-YEAR TERM, THE ANNUAL REGISTRATION FEE UNDER THIS  
5 SECTION FOR EACH SUCCEEDING REGISTRATION YEAR BEGINNING AFTER THE START OF  
6 EACH 1-YEAR RENTAL DWELLING LICENSE TERM IS INCREASED BY AN ADDITIONAL \$15  
7 PER DWELLING OR ROOMING UNIT, WHICH ADDITIONAL AMOUNT SHALL BE DEPOSITED  
8 IN THE CONTINUING, NONLAPSING FUND CREATED BY CITY CHARTER ARTICLE I, § 14  
9 {"AFFORDABLE HOUSING TRUST FUND"}.

10 (C) [(b)] *Vacant structures.*

11 Except as otherwise specified in this section, an annual registration fee, in addition to any  
12 fee that might also be required by subsection (a) of this section, must be paid for vacant  
13 structures at the following rates:

14 (1) for residential structures – \$100 per structure.

15 (2) for all other structures – \$250 per structure.

16 (D) [(c)] *When payable.*

17 These fees must all be paid at the time of registration.

18 (E) [(d)] *Exceptions.*

19 No fee is charged for:

20 (1) any dwelling unit, rooming house, or vacant structure that is owned by a  
21 governmental entity or an instrumentality or unit of a governmental entity; OR

22 (2) any dwelling unit that is not in a vacant structure and is owned by a nonprofit  
23 religious, charitable, or educational institution or organization[; or].

24 [(3) an unoccupied, habitable dwelling unit last occupied by its current owner  
25 as his or her residence.]

26 § 4-9. Term and renewal.

27 A registration expires on [August 30] DECEMBER 31 of each year, unless it is renewed and  
28 the annual registration fee paid before then.

29 ~~§ 4-12. JUDICIAL AND APPELLATE REVIEW:~~

30 ~~(A) JUDICIAL REVIEW:~~

31 ~~A PERSON AGGRIEVED BY A DECISION OF THE HOUSING COMMISSIONER UNDER THIS~~  
32 ~~SUBTITLE MAY SEEK JUDICIAL REVIEW OF THAT DECISION BY PETITION TO THE CIRCUIT~~  
33 ~~COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF~~  
34 ~~PROCEDURE:~~

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1 ~~(B) STAYS:~~

2 ~~(1) THE FILING OF A PETITION FOR JUDICIAL REVIEW DOES NOT STAY THE DECISION OF THE~~  
3 ~~COMMISSIONER.~~

4 ~~(2) HOWEVER, ON MOTION AND AFTER HEARING, THE COURT MAY GRANT A STAY AS~~  
5 ~~PROVIDED IN THE MARYLAND RULES OF PROCEDURE.~~

6 ~~(C) APPELLATE REVIEW:~~

7 ~~A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE~~  
8 ~~COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF~~  
9 ~~PROCEDURE.~~

10 **§ 4-12. {RESERVED}**

11 **§ 4-13. [§ 4-12.] Enforcement by citation.**

12 (a) *In general.*

13 In addition to any other civil or criminal remedy or enforcement procedure, this subtitle  
14 may be enforced by issuance of an environmental citation as authorized by City Code  
15 Article 1, Subtitle 40 {"Environmental Control Board"}.

16 (b) *Process not exclusive.*

17 The issuance of an environmental citation to enforce this subtitle does not preclude  
18 pursuing any other civil or criminal remedy or enforcement action authorized by law.

19 **§ 4-14. [§ 4-13.] Penalties.**

20 (a) *In general.*

21 Any person who violates a provision of this subtitle or of a rule, regulation, or order  
22 adopted or issued under this subtitle is guilty of a misdemeanor and, on conviction, is  
23 subject to a fine of not more than \$500 for each offense.

24 (b) *Each day a separate offense.*

25 Each day that a violation continues is a separate offense.

26 **Subtitle 5. Licensing of RENTAL DWELLINGS**  
27 **[Multiple-Family Dwellings and Rooming Houses]**

28 **§ 5-1. Definitions.**

29 (a) *In general.*

30 In this subtitle, the following terms have the meanings indicated.

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1 (B) [(c)] *Dwelling unit.*

2 "Dwelling unit" has the meaning stated in § 202.2 of the Property Maintenance Code of  
3 Baltimore City.

4 (C) [(b)] *HOUSING COMMISSIONER; Commissioner.*

5 "HOUSING COMMISSIONER" OR "Commissioner" means the Commissioner of Housing  
6 and Community Development or the Commissioner's designee.

7 (d) *Multiple-family dwelling.*

8 "Multiple-family dwelling" has the meaning stated in § 202.2 of the Property  
9 Maintenance Code of Baltimore City.

10 (E) *NON-OWNER-OCCUPIED DWELLING UNIT.*

11 "NON-OWNER-OCCUPIED DWELLING UNIT" HAS THE MEANING STATED IN § 4-1 OF THIS  
12 ARTICLE.

13 (F) [(e)] *Person.*

14 (1) *In general.*

15 "Person" means:

16 (i) an individual;

17 (ii) a partnership, firm, association, corporation, or other entity of any kind; and

18 (iii) a receiver, trustee, guardian, personal representative, fiduciary, or  
19 representative of any kind.

20 (2) *Inclusions.*

21 "Person" includes, except as used in § 5-21 {"Penalties"} of this subtitle, a  
22 governmental entity or an instrumentality or unit of a governmental entity.

23 (G) *RENTAL DWELLING.*

24 "RENTAL DWELLING" MEANS:

25 (1) ANY MULTIPLE-FAMILY DWELLING;

26 (2) ANY ROOMING HOUSE; AND

27 (3) ANY NON-OWNER-OCCUPIED DWELLING UNIT IN A 1- OR 2-FAMILY DWELLING THAT  
28 IS LEASED OR RENTED OR OFFERED OR AVAILABLE FOR LEASE OR RENTAL IN  
29 EXCHANGE FOR ANY FORM OF CONSIDERATION.

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1 (H) [(f)] *Rooming house.*

2 "Rooming house" has the meaning stated in § 202.2 of the Property Maintenance Code of  
3 Baltimore City.

4 (I) [(g)] *Rooming unit.*

5 "Rooming unit" has the meaning stated in § 202.2 of the Property Maintenance Code of  
6 Baltimore City.

7 **§ 5-2. Rules and regulations.**

8 (a) *Commissioner [may] TO adopt.*

9 The HOUSING Commissioner [may] MUST adopt rules and regulations to carry out this  
10 subtitle.

11 (b) *Filing with Legislative Reference.*

12 A copy of all rules and regulations adopted under this subtitle must be filed with the  
13 Department of Legislative Reference BEFORE THEY TAKE EFFECT.

14 **§ 5-3. {Reserved}**

15 **§ 5-4. License required.**

16 (A) *IN GENERAL.*

17 [No] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, NO person may:

18 (1) [operate] RENT OR OFFER TO RENT TO ANOTHER ALL OR ANY PART OF any  
19 [multiple-family dwelling or rooming house] RENTAL DWELLING without a  
20 CURRENTLY EFFECTIVE license to do so from the HOUSING Commissioner; OR

21 (2) CHARGE, ACCEPT, RETAIN, OR SEEK TO COLLECT ANY RENTAL PAYMENT OR OTHER  
22 COMPENSATION FOR PROVIDING TO ANOTHER THE OCCUPANCY OF ALL OR ANY  
23 PART OF ANY RENTAL DWELLING UNLESS THE PERSON WAS LICENSED UNDER THIS  
24 SUBTITLE AT BOTH THE TIME OF OFFERING TO PROVIDE AND THE TIME OF  
25 PROVIDING THIS OCCUPANCY.

26 (B) *EXCEPTION.*

27 A LICENSE IS NOT REQUIRED UNDER THIS SUBTITLE FOR ANY RENTAL DWELLING THAT IS  
28 OWNED AND OPERATED BY THE HOUSING AUTHORITY OF BALTIMORE CITY.

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**§ 5-5. Application for NEW OR RENEWAL license.**

**(a) *In general.***

The application for a NEW OR RENEWAL RENTAL DWELLING license must be made in the form AND CONTAIN THE INFORMATION AND DOCUMENTATION that the HOUSING Commissioner requires.

**(b) *By whom to be made.***

The application must be made and signed by:

(1) the owner of the premises; and

(2) the [lessee] MANAGING OPERATOR OF THE PREMISES, if [any] OTHER THAN THE OWNER[, who will operate the business].

**(c) *APPLICATION PERIOD FOR RENEWAL.***

TO RENEW A LICENSE ISSUED UNDER THIS SUBTITLE, AN APPLICATION FOR RENEWAL MUST BE SUBMITTED TO THE COMMISSIONER NO ~~LESS THAN 30 DAYS NOR MORE THAN 60~~ 120 DAYS BEFORE THE LICENSE EXPIRES.

**§ 5-6. Prerequisites for NEW OR RENEWAL license – IN GENERAL.**

A RENTAL DWELLING license may be issued or renewed under this subtitle only if:

(1) all dwelling units AND ROOMING UNITS are currently registered [under] AS REQUIRED BY Subtitle 4 {“REGISTRATION OF Non-Owner-Occupied Dwellings[;], ROOMING HOUSES, AND Vacant Structures”} of this article;

(2) [the] ALL registration fees FOR THESE UNITS and all [outstanding] RELATED interest and late fees required by Subtitle 4 have been paid;

(3) the premises have [been inspected] PASSED ~~A RECENT~~ AN INSPECTION [by the Commissioner], AS REQUIRED BY § 5-7 {“PREREQUISITES ... – INSPECTION”} OF THIS SUBTITLE;

(4) the premises are in compliance with ALL FEDERAL, State, AND CITY laws and regulations governing lead paint;

(5) [(6) if] FOR [the] premises THAT include a hotel OR MOTEL subject to City Code Article 15 {“Licensing and Regulation”}, Subtitle 10 {“Hotels”}, the hotel OR MOTEL is in compliance with the training, certification, and posting requirements of that subtitle[.];

(6) [(5)] the premises are not subject to [an unabated] ANY violation notice OR ORDER THAT:



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(I) HAS BEEN issued under [§ 116 {"Unsafe Structures"} of] the Baltimore City [Building Code] BUILDING, FIRE, AND RELATED CODES ARTICLE; AND

(II) NOTWITHSTANDING THE PASSAGE OF MORE THAN 90 DAYS SINCE ITS ISSUANCE, HAS NOT BEEN ABATED BEFORE THE LICENSE ISSUANCE OR RENEWAL[; and].

§ 5-7. PREREQUISITES FOR NEW OR RENEWAL LICENSE – INSPECTION.

(A) *IN GENERAL.*

THE INSPECTION REQUIRED BY § 5-6 {"PREREQUISITES ... – IN GENERAL"} OF THIS SUBTITLE MUST COMPLY WITH EITHER:

(1) SUBSECTION (B) {"THIRD-PARTY HOME INSPECTIONS"} OF THIS SECTION; OR

(2) SUBSECTION (C) {"GOVERNMENTAL AGENCY INSPECTIONS"} OF THIS SECTION.

(B) *THIRD-PARTY HOME INSPECTIONS.*

(1) *DEFINITIONS.*

(i) *IN GENERAL.*

IN THIS SUBSECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(ii) *HOME INSPECTION.*

"HOME INSPECTION" MEANS A HOME INSPECTOR'S WRITTEN EVALUATION OF A RENTAL DWELLING'S COMPLIANCE WITH THE CITY'S HEALTH AND SAFETY STANDARDS SPECIFIED IN THE HOUSING COMMISSIONER'S RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE.

(iii) *HOME INSPECTOR.*

"HOME INSPECTOR" MEANS AN INDIVIDUAL:

(A) WHO IS LICENSED AS A HOME INSPECTOR UNDER TITLE 16, SUBTITLE 3A OF THE STATE BUSINESS OCCUPATION AND PROFESSIONS ARTICLE; AND

(B) WHO, AS REQUIRED BY THE RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE:

1. HAS REGISTERED WITH THE HOUSING COMMISSIONER AS GENERALLY AVAILABLE TO INSPECT AND CERTIFY RENTAL DWELLINGS UNDER THIS SUBSECTION; ~~AND~~

2. HAS, AS SPECIFIED BY THE RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE, SUBMITTED TO THE COMMISSIONER A FINANCIAL DISCLOSURE STATEMENT; AND

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1                   3. ~~2.~~ FOR EACH HOME INSPECTION TO BE PERFORMED UNDER THIS  
2                   SUBSECTION, CERTIFIES THAT NEITHER THE HOME INSPECTOR NOR  
3                   ANY OWNER, PARTNER, DIRECTOR, OFFICER, EMPLOYEE, OR AGENT  
4                   OF THE HOME INSPECTOR OR OF THE HOME INSPECTOR'S BUSINESS  
5                   HAS ANY FINANCIAL INTEREST IN:

6                               A. THE RENTAL DWELLING TO BE INSPECTED;

7                               B. THE OWNER OR OPERATOR OF THAT RENTAL DWELLING; OR

8                               C. ANY OWNER, PARTNER, DIRECTOR, OFFICER, EMPLOYEE, OR  
9                               AGENT OF THE RENTAL DWELLING'S OWNER OR OPERATOR.

10                   (2) *APPLICANT TO CONTRACT FOR TIMELY INSPECTION.*

11                               (I) BEFORE APPLYING FOR A RENTAL DWELLING LICENSE OR RENEWAL LICENSE, THE  
12                               APPLICANT MUST, AT THE APPLICANT'S EXPENSE, CONTRACT WITH A HOME  
13                               INSPECTOR TO PERFORM A HOME INSPECTION UNDER THIS SECTION.

14                               (II) THE INSPECTION MUST BE PERFORMED AS FOLLOWS:

15                                       (A) FOR A MULTIPLE-FAMILY DWELLING, NOT MORE THAN 90 DAYS BEFORE A  
16                                       COMPLETED APPLICATION FOR A LICENSE OR RENEWAL LICENSE IS  
17                                       SUBMITTED TO THE HOUSING COMMISSIONER; AND

18                                       (B) FOR A 1- OR 2-FAMILY DWELLING, NOT MORE THAN 30 DAYS BEFORE A  
19                                       COMPLETED APPLICATION FOR A LICENSE OR RENEWAL LICENSE IS  
20                                       SUBMITTED TO THE HOUSING COMMISSIONER.

21                   (3) *NUMBER OF UNITS TO BE INSPECTED.*

22                               (I) FOR ANY RENTAL DWELLING THAT COMPRISES 9 OR FEWER DWELLING OR  
23                               ROOMING UNITS, ALL DWELLING AND ROOMING UNITS MUST BE INSPECTED UNDER  
24                               THIS SUBSECTION.

25                               (II) FOR ANY MULTIPLE-FAMILY DWELLING OR ROOMING HOUSE THAT COMPRISES 10  
26                               OR MORE DWELLING OR ROOMING UNITS, THE NUMBER OF UNITS THAT MUST BE  
27                               INSPECTED ARE AS DETERMINED IN THE RULES AND REGULATIONS ADOPTED UNDER  
28                               THIS SUBTITLE.

29                   (4) *INSPECTOR'S ~~REPORT~~ REPORTS AND CERTIFICATION.*

30                               (I) AFTER THE HOME INSPECTION, THE HOME INSPECTOR MUST ISSUE TO THE  
31                               APPLICANT:

32                                       (A) A COPY OF THE INSPECTION REPORT A WRITTEN REPORT OF EVERY  
33                                       INSPECTION CONDUCTED UNDER THIS SECTION; AND

34                                       (B) IF THE RENTAL DWELLING MEETS THE CITY'S HEALTH AND SAFETY  
35                                       STANDARDS SPECIFIED IN THE RULES AND REGULATIONS ADOPTED UNDER

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1 THIS SUBTITLE, A CERTIFICATE OF SATISFACTORY COMPLIANCE WITH THOSE  
2 STANDARDS.

3 ~~(H) THE REPORT AND THE CERTIFICATE MUST BE IN THE FORM REQUIRED BY THE~~  
4 ~~COMMISSIONER AND UNDER THE HOME INSPECTOR'S SEAL.~~

5 (II) THE REPORTS AND THE CERTIFICATION MUST BE:

6 (A) IN THE FORM REQUIRED BY THE COMMISSIONER; AND

7 (B) SIGNED BY THE HOME INSPECTOR, UNDER OATH AND  
8 UNDER THE HOME INSPECTOR'S SEAL.

9 (C) *GOVERNMENTAL AGENCY INSPECTIONS.*

10 (1) *SCOPE OF SUBSECTION.*

11 THIS SUBSECTION APPLIES TO ANY RENTAL DWELLING UNIT THAT IS REQUIRED TO  
12 UNDERGO PERIODIC INSPECTIONS CONDUCTED BY A GOVERNMENTAL AGENCY IN  
13 ACCORDANCE WITH FEDERAL OR STATE INSPECTION STANDARDS.

14 (2) *REQUIRED EVIDENCE OF COMPLIANCE WITH MOST RECENT INSPECTION.*

15 FOR A RENTAL DWELLING UNIT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION,  
16 THE APPLICANT FOR A LICENSE OR RENEWAL LICENSE MAY, IN LIEU OF THE  
17 REQUIREMENTS OF SUBSECTION (B) {"THIRD-PARTY HOME INSPECTIONS"} OF THIS  
18 SECTION, SUBMIT EVIDENCE SATISFACTORY TO THE HOUSING COMMISSIONER THAT  
19 THE UNIT HAS PASSED THE MOST RECENT PERIODIC INSPECTION BY THE APPLICABLE  
20 GOVERNMENTAL AGENCY.

21 (D) COMMISSIONER TO AUDIT INSPECTIONS.

22 AS PRESCRIBED BY THE RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE, THE  
23 HOUSING COMMISSIONER MUST CONDUCT AN ANNUAL AUDIT OF INSPECTIONS  
24 CONDUCTED UNDER THIS SECTION.

25 (E) ~~(H)~~ COMMISSIONER'S INSPECTION AUTHORITY NOT AFFECTED.

26 THIS SECTION DOES NOT IN ANY WAY PREVENT OR LIMIT THE AUTHORITY OF THE HOUSING  
27 COMMISSIONER TO CONDUCT ROUTINE, SPOT, QUALITY-CONTROL, OR OTHER INSPECTIONS  
28 OF RENTAL DWELLINGS UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE

29 **§ 5-8. [§ 5-7.] License fees.**

30 No fee is imposed for a RENTAL DWELLING license issued under this subtitle.

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1 § 5-9. [§ 5-8.] [Term and renewal] TIERED TERMS OF LICENSES.

2 (a) *In general.*

3 [Except as otherwise provided under this section,] UNLESS TIMELY RENEWED, each  
4 RENTAL DWELLING license ISSUED UNDER THIS SUBTITLE expires [1 year from] ON THE 1<sup>ST</sup>,  
5 2<sup>ND</sup>, OR 3<sup>RD</sup> ANNIVERSARY OF [the date of] its issuance [and may be renewed annually], AS  
6 PROVIDED IN THIS SECTION.

7 [(b) *Stagger.*]

8 [The Commissioner may provide for staggered license terms, by issuing an  
9 original license or, on a 1-time basis, a renewal license for a period of less than 1  
10 year or for a period of more than 1 year but less than 2 years.]

11 [(c) *Notice of renewal and reinspection.*]

12 [(1) Before a license expires, the Commissioner will mail notice to the licensee,  
13 specifying a date and time when an inspector will be present to reinspect the  
14 premises.]

15 [(2) Within 1 week of receiving the notice, the licensee may reschedule the  
16 inspection to a date no more than 2 weeks after the date specified in the  
17 notice.]

18 [(3) The license will not be renewed if the licensee fails to provide entry for a  
19 scheduled inspection or unduly delays the inspection.]

20 [(d) *Vacant dwellings.*]

21 [If a dwelling has remained vacant for more than a year, a renewal license may be  
22 issued only if reoccupancy of the dwelling would not violate the Zoning Code of  
23 Baltimore City.]

24 (B) *INITIAL LICENSE.*

25 A DWELLING UNIT LICENSE INITIALLY ISSUED UNDER THIS SUBTITLE TO ANY RENTAL  
26 DWELLING EXPIRES 2 YEARS FROM THE DATE OF ITS ISSUANCE, UNLESS TIMELY RENEWED.

27 (C) *1<sup>ST</sup> RENEWAL OF INITIAL LICENSE.*

28 SUBJECT TO COMPLIANCE WITH § 5-6 {"PREREQUISITES FOR ... RENEWAL LICENSE – IN  
29 GENERAL"} OF THIS SUBTITLE, THE 1<sup>ST</sup> RENEWAL OF AN INITIAL 2-YEAR LICENSE WILL BE  
30 FOR A 3-, 2-, OR 1-YEAR RENEWAL TERM, BASED ON THE FOLLOWING RISK FACTORS:

- 31 (1) *3-YEAR TERM:* THE RENEWAL LICENSE WILL BE FOR A 3-YEAR TERM IF, DURING THE  
32 24 MONTHS IMMEDIATELY PRECEDING SUBMISSION OF A COMPLETED RENEWAL  
33 APPLICATION, ALL VIOLATION NOTICES OR ORDERS ISSUED DURING THOSE MONTHS  
34 UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE HAVE BEEN  
35 ABATED WITHIN 60 DAYS OF THEIR ISSUANCE.

**Council Bill 18-0185**

1 (2) *2-YEAR TERM*: THE RENEWAL LICENSE WILL BE FOR A 2-YEAR TERM IF, DURING THE  
2 24 MONTHS IMMEDIATELY PRECEDING SUBMISSION OF A COMPLETED RENEWAL  
3 APPLICATION, ALL VIOLATION NOTICES OR ORDERS ISSUED DURING THOSE MONTHS  
4 UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE HAVE BEEN  
5 ABATED WITHIN 90 DAYS OF THEIR ISSUANCE.

6 (3) *1-YEAR TERM*: THE RENEWAL LICENSE WILL BE FOR A 1-YEAR TERM IF THE RENTAL  
7 DWELLING DOES NOT QUALIFY UNDER THIS SUBSECTION FOR A 2- OR 3-YEAR  
8 RENEWAL.

9 (D) *SUBSEQUENT RENEWALS*.

10 SUBJECT TO COMPLIANCE WITH § 5-6 {"PREREQUISITES FOR ... RENEWAL LICENSE – IN  
11 GENERAL"} OF THIS SUBTITLE, ALL SUBSEQUENT RENEWAL TERMS WILL BE BASED ON THE  
12 FOLLOWING RISK FACTORS:

13 (1) *3-YEAR TERM*: THE RENEWAL LICENSE WILL BE FOR A 3-YEAR TERM IF, DURING THE  
14 36 MONTHS IMMEDIATELY PRECEDING SUBMISSION OF A COMPLETED RENEWAL  
15 APPLICATION, ALL VIOLATION NOTICES OR ORDERS ISSUED DURING THOSE MONTHS  
16 UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE HAVE BEEN  
17 ABATED WITHIN 60 DAYS OF THEIR ISSUANCE.

18 (2) *2-YEAR TERM*: THE RENEWAL LICENSE WILL BE FOR A 2-YEAR TERM IF, DURING THE  
19 24 MONTHS IMMEDIATELY PRECEDING SUBMISSION OF A COMPLETED RENEWAL  
20 APPLICATION, ALL VIOLATION NOTICES OR ORDERS ISSUED DURING THOSE MONTHS  
21 UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE HAVE BEEN  
22 ABATED WITHIN 90 DAYS OF THEIR ISSUANCE.

23 (3) *1-YEAR TERM*: THE RENEWAL LICENSE WILL BE FOR A 1-YEAR TERM IF THE RENTAL  
24 DWELLING DOES NOT QUALIFY UNDER THIS SUBSECTION FOR A 2- OR 3-YEAR  
25 RENEWAL.

26 § 5-10. [§ 5-9.] *{Reserved}*

27 § 5-11. [§ 5-10.] **Posting license.**

28 The license issued under this subtitle must be prominently displayed:

29 (1) FOR A MULTIPLE-FAMILY DWELLING OR ROOMING HOUSE, in the vestibule, lobby, or  
30 other public place on the premises; AND

31 (2) FOR A 1- OR 2-FAMILY DWELLING, IN AN AREA OF EACH DWELLING UNIT THAT IS  
32 ACCESSIBLE TO THAT UNIT'S OCCUPANTS AND TO HOUSING INSPECTORS.

33 § 5-12. [§ 5-11.] **Transfer of license.**

34 (a) *In general.*

35 Any person who assumes the ownership or operation of a licensed [multiple-family]  
36 RENTAL dwelling [or rooming house] must, within 15 days of assuming ownership or  
37 operation, apply to the HOUSING Commissioner for transfer of the license.

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1 (b) *Fee.*

2 The fee for a transfer is \$25.

3 **§ 5-13. [§ 5-12.] Discontinuance of [use] MULTIPLE-FAMILY OR ROOMING HOUSE**  
4 **OPERATIONS.**

5 Notwithstanding [a] ANY discontinuance, IN WHOLE OR IN PART, OF A MULTIPLE-FAMILY  
6 DWELLING'S OR A ROOMING HOUSE'S operations, [an annual] A license ISSUED UNDER THIS  
7 SUBTITLE [must be obtained] IS STILL REQUIRED unless the HOUSING Commissioner has  
8 issued a permit reflecting a change of use for the property.

9 **§ 5-14. [§§ 5-13 and 5-14.] {Reserved}**

10 **§ 5-15. [Revocation] DENIAL, SUSPENSION, OR REVOCATION of license – In general.**

11 (A) "NUISANCE PROPERTY" DEFINED.

12 ~~IN THIS SECTION, "NUISANCE PROPERTY" MEANS ANY PROPERTY THAT, IN ACCORD WITH~~  
13 ~~1 OR ANOTHER OF THE FOLLOWING LAWS, HAS BEEN FOUND TO CONSTITUTE A PUBLIC~~  
14 ~~NUISANCE OR TO BE MAINTAINED OR OPERATED SO AS TO CAUSE OR ALLOW A PUBLIC~~  
15 ~~NUISANCE:~~

16 (1) ~~STATE CODE REAL PROPERTY ARTICLE § 14-120 ("ACTIONS TO ABATE~~  
17 ~~NUISANCES") (SEE ESP. SUBSECTION (A)(5) (DEFINING "NUISANCE"));~~

18 (2) ~~CITY CODE ARTICLE 19, SUBTITLE 43 ("PUBLIC NUISANCES") (SEE ESP. § 43-1(L)~~  
19 ~~(DEFINING "PUBLIC NUISANCE")); AND~~

20 (3) ~~CITY CODE ARTICLE 19, SUBTITLE 43B ("NEIGHBORHOOD NUISANCES AND~~  
21 ~~UNRULY SOCIAL EVENTS") (SEE ESP. § 43B-1(B) (DEFINING "NEIGHBORHOOD~~  
22 ~~NUISANCE"), § 43B-1(K) (DEFINING "PERSON RESPONSIBLE"), AND § 43B-1(O)~~  
23 ~~(DEFINING "UNRULY SOCIAL EVENT"));~~

24 IN THIS SECTION, "NUISANCE PROPERTY" MEANS ANY PROPERTY THAT IS MAINTAINED  
25 OR OPERATED SO AS TO CAUSE OR ALLOW A NUISANCE OF THE SORT DESCRIBED IN ANY 1  
26 OR ANOTHER OF THE FOLLOWING DEFINITIONS:

27 (1) STATE CODE REAL PROPERTY ARTICLE § 14-120(A)(5) {DEFINING "NUISANCE"};

28 (2) CITY CODE ARTICLE 19, § 43-1(L) {DEFINING "PUBLIC NUISANCE"};

29 (3) CITY CODE ARTICLE 19, § 43B-1(B) {DEFINING "NEIGHBORHOOD NUISANCE"};  
30 AND

31 (4) CITY CODE ARTICLE 19, § 43B-1(O) {DEFINING "UNRULY SOCIAL EVENT"}.

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1 (B) *CAUSES FOR DENIAL, SUSPENSION, OR REVOCATION.*

2  
3 Subject to the hearing provisions of § 5-16 of this subtitle, the HOUSING Commissioner  
4 may DENY, SUSPEND, OR revoke a RENTAL DWELLING license OR RENEWAL LICENSE FOR  
5 ANY OF THE FOLLOWING CAUSES:

6 (1) MAKING ANY MATERIAL FALSE STATEMENT IN AN APPLICATION FOR AN INITIAL OR  
7 RENEWAL LICENSE;

8 (2) FRAUDULENTLY OR DECEPTIVELY OBTAINING A RENTAL DWELLING LICENSE FOR  
9 ONESELF OR FOR ANOTHER;

10 (3) FRAUDULENTLY OR DECEPTIVELY USING A RENTAL DWELLING LICENSE;

11 (4) FALSIFYING ANY INSPECTION REPORT OR CERTIFICATE;

12 (5) REFUSAL BY AN OWNER OR OPERATOR OF A RENTAL DWELLING TO ALLOW THE  
13 COMMISSIONER TO CONDUCT A ROUTINE, SPOT, QUALITY-CONTROL, OR OTHER  
14 INSPECTION OF THE RENTAL DWELLING AS AUTHORIZED BY THE CITY BUILDING,  
15 FIRE, AND RELATED CODES ARTICLE;

16 (6) FAILING TO ABATE WITHIN 120 DAYS OF ISSUANCE ANY VIOLATION NOTICE,  
17 ORDER, OR CITATION FOR VIOLATING ANY PROVISION OF THE CITY BUILDING, FIRE,  
18 AND RELATED CODES ARTICLE, THE CITY HEALTH ARTICLE, OR THE ZONING  
19 CODE OF BALTIMORE CITY;

20 (7) FAILING TO COMPLY WITH ANY PROVISION OF THIS SUBTITLE OR OF ANY RULE OR  
21 REGULATION ADOPTED UNDER THIS SUBTITLE; OR

22 (8) if the HOUSING Commissioner finds, or if the Fire Chief, Health Commissioner, or  
23 Police Commissioner certify to the HOUSING Commissioner, that:

24 (i) [(1)] the owner or lessee of a [multiple-family dwelling or rooming house]  
25 RENTAL DWELLING has failed to comply with any lawful notice, [or] order,  
26 OR CITATION to correct a violation that affects the health, safety, morals, or  
27 general welfare of the occupants of the property or of the general public;  
28 or

29 (ii) [(2)] the owner or lessee of a [multiple-family dwelling or rooming house]  
30 RENTAL DWELLING, or any agent of the owner or lessee:

31 (A) [(i)] has allowed the premises to be used [for the purpose  
32 prostitution, drug trafficking, or other criminal activity or for any  
33 other activity that creates or constitutes] AS A NUISANCE PROPERTY;  
34 or

35 (B) [(ii)] knew or should have known that the premises were being  
36 used [for one of these purposes] AS A NUISANCE PROPERTY and  
37 failed to prevent them from being so used.

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1 § 5-16. [Revocation] DENIAL, SUSPENSION, OR REVOCATION of license – Notice and hearing.

2 (a) *In general.*

3 No license may be DENIED, SUSPENDED, OR revoked unless the HOUSING Commissioner  
4 first gives the licensee OWNER, THE MANAGING OPERATOR, AND THE LESSEES OF ANY  
5 DWELLING OR ROOMING UNIT TO WHICH THE LICENSE APPLIES:

6 (1) not less than 10 days notice in writing of the Commissioner’s intent to DENY,  
7 SUSPEND, OR revoke the license; and

8 (2) an opportunity to be heard as to why the license should not be DENIED,  
9 SUSPENDED, OR revoked.

10 (b) *Exception.*

11 The Commissioner may DENY, SUSPEND, OR revoke a license without prior notice and  
12 opportunity to be heard if, in the opinion of the Commissioner or the Fire Chief, Health  
13 Commissioner, or Police Commissioner, the health, safety, or welfare of the occupants or  
14 of the general public are in imminent danger.

15 § 5-17. [§ 5-18.] Vacating premises.

16 The Commissioner may require a [multiple-family dwelling or rooming house] RENTAL  
17 DWELLING to be vacated within 24 hours if:

18 (1) the property is being operated without a valid license; and

19 (2) vacating the premises is necessary for the public health, safety, and welfare.

20 § 5-18. {RESERVED}

21 § 5-19. [§ 5-22. Constitutional] IMPAIRING CONSTITUTIONAL rights.

22 (a) *“Reasonable accommodation” defined.*

23 In this section, “reasonable accommodation” means affirmative steps that do not impose  
24 an undue financial hardship or a substantial burden.

25 (b) *Prohibited conduct.*

26 No bylaw, rule, or regulation governing a [multiple-family] RENTAL dwelling, nor any  
27 action or inaction of the governing body or management of a [multiple-family] RENTAL  
28 dwelling, may:

29 (1) unreasonably impair any rights guaranteed by the Free-Exercise Clause of the  
30 First Amendment to the United States Constitution or by Article 36 of the  
31 Maryland Declaration of Rights; or

32 (2) prohibit or deny any reasonable accommodation for religious practices.



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1 § 5-20. SANITATION GUIDE.

2 (A) *PREPARATION OF GUIDE.*

3 THE OWNER OR MANAGING OPERATOR OF EVERY RENTAL DWELLING, OTHER THAN A  
4 HOTEL OR MOTEL, MUST PREPARE, IN THE FORM AND CONTAINING THE INFORMATION  
5 REQUIRED BY THE COMMISSIONER, A SANITATION GUIDE FOR THE PREMISES THAT  
6 PROVIDES NOTICE TO ALL OCCUPANTS OF THE REQUIREMENTS AND PROCEDURES FOR THE  
7 SEPARATION, DISPOSITION, COLLECTION, AND PROPER STORAGE PENDING COLLECTION OF  
8 MIXED REFUSE, RECYCLABLE MATERIALS, YARD WASTE, BULK TRASH, AND ALL OTHER  
9 FORMS OF GARBAGE, RUBBISH, WASTE, AND TRASH.

10 (B) *DISSEMINATION.*

11 A COPY OF THE SANITATION GUIDE MUST BE:

12 (1) PROVIDED TO EACH DWELLING UNIT ON THE PREMISES; AND

13 (2) PROMINENTLY POSTED WITHIN EACH COMMON COLLECTION ROOM, IF ANY, ON THE  
14 PREMISES.

15 ~~§§ 5-21 TO 5-23. {RESERVED}~~

16 ~~§ 5-21. {RESERVED}~~

17 § 5-22. PUBLIC ACCESS TO INFORMATION.

18 THE HOUSING COMMISSIONER SHALL MAKE FREELY AVAILABLE FOR REVIEW ON AND  
19 DOWNLOAD FROM THE WEBSITE OF THE DEPARTMENT OF HOUSING AND COMMUNITY  
20 DEVELOPMENT:

21 (1) THE LICENSE STATUS OF ANY RENTAL DWELLING SUBJECT TO THIS SUBTITLE; AND

22 (2) THE FOLLOWING RECORDS RELATING TO THAT RENTAL DWELLING:

23 (i) VIOLATION NOTICES, ORDERS, OR CITATIONS ISSUED BY THE DEPARTMENT  
24 UNDER THIS ARTICLE OR THE CITY BUILDING, FIRE, AND RELATED CODES  
25 ARTICLE; AND

26 (ii) NOTICES OF ANY PROPOSED DENIAL, SUSPENSION, OR REVOCATION OF THE  
27 RENTAL DWELLING'S LICENSE.

28 ~~§ 5-23. {RESERVED}~~

29 § 5-24. JUDICIAL AND APPELLATE REVIEW.

30 (A) *JUDICIAL REVIEW.*

31 A PERSON AGGRIEVED BY A DECISION OF THE HOUSING COMMISSIONER UNDER THIS  
32 SUBTITLE MAY SEEK JUDICIAL REVIEW OF THAT DECISION BY PETITION TO THE CIRCUIT

**Council Bill 18-0185**

1 COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF  
2 PROCEDURE.

3 (B) *STAYS.*

4 (1) THE FILING OF A PETITION FOR JUDICIAL REVIEW DOES NOT STAY THE DECISION OF THE  
5 COMMISSIONER.

6 (2) HOWEVER, ON MOTION AND AFTER HEARING, THE COURT MAY GRANT A STAY AS  
7 PROVIDED IN THE MARYLAND RULES OF PROCEDURE.

8 (C) *APPELLATE REVIEW.*

9 A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE  
10 COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF  
11 PROCEDURE.

12 **§ 5-25. [§ 5-20.] Enforcement by citation.**

13 (a) *In general.*

14 In addition to any other civil or criminal remedy or enforcement procedure, this subtitle  
15 may be enforced by issuance of an environmental citation as authorized by City Code  
16 Article 1, Subtitle 40 {"Environmental Control Board"}.

17 (b) *Process not exclusive.*

18 The issuance of an environmental citation to enforce this subtitle does not preclude  
19 pursuing any other civil or criminal remedy or enforcement action authorized by law.

20 **§ 5-26. [§ 5-24.] Penalties.**

21 (a) *In general.*

22 Any person who violates [a] ANY provision of this subtitle (INCLUDING ANY OFFENSE  
23 LISTED IN § 5-15 OF THIS SUBTITLE AS POTENTIAL CAUSE FOR A DENIAL, SUSPENSION, OR  
24 REVOCATION OF A LICENSE) or ANY PROVISION of a rule, regulation, or order adopted or  
25 issued under this subtitle is guilty of a misdemeanor and, on conviction, is subject to [the  
26 following penalties:]

27 [(1) for a violation of § 5-22 {" Constitutional rights"} of this subtitle,] a fine of not more  
28 than \$1,000 for each offense[; and].

29 [(2) for any other violation, a fine of not more than \$500 for each offense.]

30 (b) *Each day a separate offense.*

31 Each day that a violation continues is a separate offense.

**Council Bill 18-0185**

**Subtitle 8A. Eviction Chattels**

**§ 8A-5. Disposition of abandoned property.**

(b) *Discount at City landfill or solid waste facility.*

(2) To be eligible for HABC rates, the landlord or landlord's agent must present at the facility at the time of disposal:

(i) a copy of the warrant of restitution issued for the leased dwelling; and

(ii) proof that the leased dwelling is registered or licensed under City Code Article 13, Subtitle 4 {"Registration of Non-Owner-Occupied Dwellings, ETC."} or Subtitle 5 {"Licensing of [Multiple-Family Dwellings and Rooming Houses] RENTAL DWELLINGS"}.

**Article 1. Mayor, City Council, and Municipal Agencies**

**Subtitle 40. Environmental Control Board**

**§ 40-14. Violations to which subtitle applies.**

(e) *Provisions and penalties enumerated.*

(1) *Article 13. Housing and Urban Renewal*

Subtitle 4. Registration of Non-Owner-Occupied Dwellings,  
Rooming Houses, and Vacant Structures

Non-owner-occupied [dwellings] DWELLING UNITS	\$100
Rooming houses	\$100
Vacant [Structures] STRUCTURES	\$500

Subtitle 5. Licensing of [Multiple-Family Dwellings and  
Rooming Houses] RENTAL DWELLINGS

§ 5-4. LICENSE REQUIRED	\$1,000
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§ 5-15. {OFFENSES THERE LISTED AS CAUSE FOR} DENIAL, SUSPENSION, OR REVOCATION OF LICENSE	\$750
--	-------

ALL OTHER PROVISIONS	\$500
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**Article 19. Police Ordinances**

**Subtitle 43. Public Nuisances**

**§ 43-4. Notice and opportunity for hearing.**

*(c) Service and posting of notice.*

(1) The notice shall be given by personal service or by certified or registered mail to the owner, operator, and commercial tenant, as their names and addresses:

(i) are recorded in the Land Records of Baltimore City;

(ii) appear in the registration statement [made] FILED under City Code Article 13, Subtitle 4 {"Registration of [Residential Properties] NON-OWNER-OCCUPIED DWELLINGS, ETC."}; or

(iii) are otherwise known or readily ascertainable.

**Subtitle 43A. Neighborhood Nuisances – Abatement**

**§ 43A-3. Notice and opportunity for hearing.**

*(c) Service and posting of notice.*

(1) The notice shall be given by personal service or by certified or registered mail to the owner and to any operator or tenant of the premises, as their names and addresses:

(i) are recorded in the Land Records of Baltimore City;

(ii) appear in the registration statement [made] FILED under City Code Article 13, Subtitle 4 {"Registration of [Residential Properties] NON-OWNER-OCCUPIED DWELLINGS, ETC."}; or

(iii) are otherwise known or readily ascertainable.

**Baltimore City Revised Code**

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

**Part II. International Building Code**

**§ 2-103. City modifications.**

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

**Council Bill 18-0185**

**Chapter 1. Scope and Administration**

**Section 114 Violations**

**114.21.2 Liability for sanitary maintenance.**

**b. Liability – Failure to register property.** The owner of a property is responsible for exterior sanitary maintenance if:

1. the owner fails to register or license the property as required by City Code Article 13, Subtitle 4 {"REGISTRATION OF Non-Owner-Occupied Dwellings, etc."} or Subtitle 5 {"LICENSING OF [Multiple-Family Dwellings] RENTAL DWELLINGS"}, or
2. reasonable attempts at telephone contact, using information in a current registration statement, do not lead within 2 business days to current occupant information.

**Chapter 2. Definitions; Rules of Construction**

**Section 202 Definitions**

**202.2 Supplemental definitions.** Notwithstanding any different definition in the International Building Code, the following terms have the meanings given in this § 202.2.

**202.2.48 Person.** "Person":

2. whenever used in this Code with reference to liability or to the imposition of a penalty or fine, includes:

c. in addition, the responsible officer, trustee, partner, or member designated on a [Registration Statement made] REGISTRATION STATEMENT FILED under City Code Article 13, Subtitle 4 {"Registration of [Residential Properties] NON-OWNER-OCCUPIED DWELLINGS, ETC."}.

**Part VII. International Property Maintenance Code**

**§ 7-102. City modifications.**

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

**Council Bill 18-0185**

**Chapter 2. Definitions**

**Section 202 General Definitions**

**202.2 Supplemental definitions.** Notwithstanding any different definition in the International Property Maintenance Code, the following terms have the meanings given in this § 202.2.

...

**202.2.3 Dwelling unit.** "Dwelling unit" has the meaning stated in § 202.2 of the Baltimore City Building Code.

...

**202.2.6 Multiple-family dwelling.** "Multiple-family dwelling" means a building or a group of buildings on the same lot that contains or is designed or intended to contain:

1. more than 2 dwelling units,
2. 2 dwelling units and any other residential or commercial occupancy, or
3. any combination of 3 or more rooming units and dwelling units.

...

**202.2.14 Rooming house.** "Rooming house" means a building that:

1. is not a multiple-family dwelling, and
2. contains more than 2 rooming units occupied or designed or intended to be occupied by individuals who, even though they might share common areas and facilities, do not form a single housekeeping unit and do not provide compensation under a single lease for occupancy of the rooming house.

**202.2.14.1 Inclusions.** "Rooming house" includes a hotel, motel, BED AND BREAKFAST (AS DEFINED IN ZONING CODE § 1-203(F)), or boarding house.

**202.2.15 Rooming unit.** "Rooming unit" means any room or group of rooms that form a single habitable unit occupied or designed or intended to be occupied for sleeping or living, but not for cooking purposes.

....

**Article -- Health**

**Title 6. Food Service Facilities**

***Subtitle 6. Suspensions and Revocations***

**§ 6-603.1. Suspension or nonrenewal for multiple or unpaid citations.**

**(b) Covered offenses.**

- (1) For purposes of this section, citations issued for violations of the following provisions of the City Code are presumed to be issued for reasons related to public health or to the prevention of disease, epidemics, or nuisances affecting public health:

**Council Bill 18-0185**

1                   Article 13. Housing and Urban Renewal  
2                   Subtitle 5 {“[Multiple-Family Dwellings and Rooming Houses] LICENSING OF  
3                   RENTAL DWELLINGS”}.

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

7           **SECTION 3. AND BE IT FURTHER ORDAINED,** That:

8           (a) On and after the effective date of this Ordinance, a preexisting multiple-family dwelling  
9           or rooming house operating under an unexpired license that was issued under former City  
10           Code Article 13, Subtitle 5, may continue to operate under that license: (i) until the  
11           license expires at the end of its stated term or (ii) if the end of its stated term is fewer than  
12           90 days after the effective date of this Ordinance, for an extended term that expires on the  
13           90<sup>th</sup> day after the effective date of this Ordinance.

14           (b) The multiple-family dwelling or rooming house may not continue to operate after the  
15           preexisting license expires under subsection (a)(i) or (ii) of this Section until the licensee  
16           has applied for and obtained a new, initial rental dwelling license under City Code  
17           Article 13, Subtitle 5, as amended by this Ordinance.

18           **SECTION 4. AND BE IT FURTHER ORDAINED,** That, on and after the effective date of this  
19 Ordinance, a rental dwelling described in Article 13, § 5-1(g)(3), as added by this Ordinance,  
20 may preliminarily operate without an initial rental dwelling license, but only as long as:

21           (1) all non-owner-occupied dwelling units are duly registered under Article 13, Subtitle  
22           4, as amended by this Ordinance, and all registration fees and related interest and late  
23           fees required by that Subtitle 4 have been paid;

24           (2) within 120 days of the effective date of this Ordinance, the owner submits a  
25           completed application under Article 13, Subtitle 5, as amended by this subtitle, for a  
26           new, initial rental dwelling license; and

27           (3) the Housing Commissioner has not yet issued an approval or denial of that  
28           application.

29           **SECTION 5. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on August 1,  
30 2018.

**Council Bill 18-0185**

Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

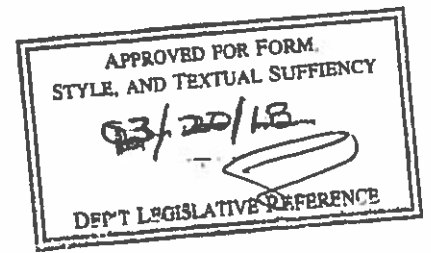
\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Mayor, Baltimore City



AMENDMENTS TO COUNCIL BILL 18-185  
(1<sup>st</sup> Reader Copy)



By: Judiciary and Legislative Investigations Committee

Amendment No. 1 [§ 4-8(a) and (b) {"Registration fees"}]

On page 1, in line 6, after “modifying the”, insert “fees,” and after “procedures”, insert a comma; and, on page 5, after line 13, insert the paragraph designator “(1) BASE FEE.”; and, on the same page, after line 15, insert:

“(2) INCREASED FEE.

**ADOPTED**

FOR ANY ROOMING HOUSE THAT HAS HAD THE TERM OF ITS RENTAL DWELLING LICENSE REDUCED UNDER § 5-9 (C) OR (D) {"TIERED [LICENSE] TERMS"} OF THIS ARTICLE TO A 1-YEAR TERM, THE ANNUAL REGISTRATION FEE UNDER THIS SECTION FOR EACH SUCCEEDING REGISTRATION YEAR BEGINNING AFTER THE START OF EACH 1-YEAR RENTAL DWELLING LICENSE TERM IS INCREASED BY AN ADDITIONAL \$15 PER ROOMING UNIT, WHICH ADDITIONAL AMOUNT SHALL BE DEPOSITED IN THE CONTINUING, NONLAPSING FUND CREATED BY CITY CHARTER ARTICLE I, § 14 {"AFFORDABLE HOUSING TRUST FUND"}.”;

and, on page 5, after line 16, insert the paragraph designator “(1) BASE FEE.”; and, on the same page, after line 21, insert:

“(2) INCREASED FEE.

FOR ANY DWELLING THAT HAS HAD THE TERM OF ITS RENTAL DWELLING LICENSE REDUCED UNDER § 5-9 (C) OR (D) {"RENTAL DWELLINGS: TIERED [LICENSE] TERMS"} OF THIS ARTICLE TO A 1-YEAR TERM, THE ANNUAL REGISTRATION FEE UNDER THIS SECTION FOR EACH SUCCEEDING REGISTRATION YEAR BEGINNING AFTER THE START OF EACH 1-YEAR RENTAL DWELLING LICENSE TERM IS INCREASED BY AN ADDITIONAL \$15 PER DWELLING OR ROOMING UNIT, WHICH ADDITIONAL AMOUNT SHALL BE DEPOSITED IN THE CONTINUING, NONLAPSING FUND CREATED BY CITY CHARTER ARTICLE I, § 14 {"AFFORDABLE HOUSING TRUST FUND"}.”.

Amendment No. 2 [§ 4-12 {"Judicial and appellate review"}]

On page 6, strike lines 10 through 24, in their entireties, and substitute:

“§ 4-12. {RESERVED}”.

**Amendment No. 3 [§ 5-5(c) {"Application period for license"}]**

On page 9, in line 24, after “NO”, strike “LESS THAN 30 DAYS NOR”; and, in the same line, after “MORE THAN”, strike “60” and substitute “120”.

**Amendment No. 4 [§ 5-6(3) {"Prerequisites for ... license: Inspection"}]**

On page 10, in line 1, before “INSPECTION”, strike “A RECENT” and substitute “AN”.

**Amendment No. 5 [§ 5-7(b)(1)(iii) {"Home inspector [requisites]}"]**

On page 11, at the end of line 7, strike “AND”; and, after line 7, insert:

“2. HAS, AS SPECIFIED BY THE RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE, SUBMITTED TO THE COMMISSIONER A FINANCIAL DISCLOSURE STATEMENT; AND”;

and, in line 8, strike “2.” and substitute “3.”.

**Amendment No. 6 [§ 5-7(b)(2)(ii) {"Time inspection"}]**

On page 11, in line 21, after “PERFORMED”, insert:

“AS FOLLOWS:

(A) FOR A MULTIPLE-FAMILY DWELLING OR ROOMING HOUSE.”;

and, on the same page, in line 23, before the period, insert:

“; AND

(B) FOR A 1- OR 2-FAMILY DWELLING, NOT MORE THAN 30 DAYS BEFORE A COMPLETED APPLICATION FOR A LICENSE OR RENEWAL LICENSE IS SUBMITTED TO THE HOUSING COMMISSIONER”.

**Amendment No. 7 [§ 5-7(b)(4) {"Inspector's reports"}]**

On page 11, in line 32, strike "*REPORT*" and substitute "*REPORTS*"; and, in line 35, strike "A COPY OF THE INSPECTION REPORT" and substitute "A WRITTEN REPORT OF EVERY INSPECTION CONDUCTED UNDER THIS SECTION".

**Amendment No. 8 [§ 5-7(b)(4)(ii) {"Inspector's reports and certification"}]**

On page 12, strike lines 5 and 6, in their entireties, and substitute:

"(II) THE REPORTS AND THE CERTIFICATION MUST BE:

(A) IN THE FORM REQUIRED BY THE COMMISSIONER; AND

(B) SIGNED BY THE HOME INSPECTOR, UNDER OATH AND UNDER THE HOME INSPECTOR'S SEAL."

**Amendment No. 9 [new § 5-7(d) {"Annual audits"}]**

On page 12, after line 18, insert:

"(D) COMMISSIONER TO AUDIT INSPECTIONS.

AS PRESCRIBED BY THE RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE, THE HOUSING COMMISSIONER MUST CONDUCT AN ANNUAL AUDIT OF INSPECTIONS CONDUCTED UNDER THIS SECTION."

and, on page 12, in line 19, strike "(D)" and substitute "(E)".

**Amendment No. 10 [§ 5-15(a) {"Nuisance property' defined"}]**

On page 15, strike lines 10 through 21, in their entireties, and substitute:

"IN THIS SECTION, "NUISANCE PROPERTY" MEANS ANY PROPERTY THAT IS MAINTAINED OR OPERATED SO AS TO CAUSE OR ALLOW A NUISANCE OF THE SORT DESCRIBED IN ANY 1 OR ANOTHER OF THE FOLLOWING DEFINITIONS:

(1) STATE CODE REAL PROPERTY ARTICLE § 14-120(A)(5) {DEFINING "NUISANCE"};

(2) CITY CODE ARTICLE 19, § 43-1(L) {DEFINING "PUBLIC NUISANCE"};

(3) CITY CODE ARTICLE 19. § 43B-1(B) {DEFINING “NEIGHBORHOOD NUISANCE”};  
AND

(4) CITY CODE ARTICLE 19. § 43B-1(O) {DEFINING “UNRULY SOCIAL EVENT”}.”.

**Amendment No. 11 [new § 5-16(a) {“Notice and hearing”}]**

On page 16, in line 26, strike “licensee” and substitute “OWNER, THE MANAGING OPERATOR,  
AND THE LESSEES OF ANY DWELLING OR ROOMING UNIT TO WHICH THE LICENSE APPLIES”.

**Amendment No. 12 [new § 5-22) {“Public access to info”}]**

On page 18, strike line 1, in its entirety, and substitute:

“§ 5-21. {RESERVED}

**§ 5-22. PUBLIC ACCESS TO INFORMATION.**

THE HOUSING COMMISSIONER SHALL MAKE FREELY AVAILABLE FOR REVIEW ON AND  
DOWNLOAD FROM THE WEBSITE OF THE DEPARTMENT OF HOUSING AND COMMUNITY  
DEVELOPMENT:

(1) THE LICENSE STATUS OF ANY RENTAL DWELLING SUBJECT TO THIS SUBTITLE;  
AND

(2) THE FOLLOWING RECORDS RELATING TO THAT RENTAL DWELLING:

(i) VIOLATION NOTICES, ORDERS, OR CITATIONS ISSUED BY THE  
DEPARTMENT UNDER THIS ARTICLE OR THE CITY BUILDING, FIRE, AND  
RELATED CODES ARTICLE; AND

(ii) NOTICES OF ANY PROPOSED DENIAL, SUSPENSION, OR REVOCATION OF  
THE RENTAL DWELLING’S LICENSE.

§ 5-23. {RESERVED}”.

**Amendment No. 13 [Uncodified Section 4(2)]**

On page 23, in line 26, after “initial rental dwelling”, insert “license”.

**BY renumbering**

Article 13 - Housing and Urban Renewal  
Current Sections 4-12 and 4-13  
to be  
New Sections 4-13 and 4-14  
Baltimore City Code  
(Edition 2000)

**BY repealing and reordaining, with amendments**

Article 13 - Housing and Urban Renewal  
Subtitle 5, to be under the revised subtitle name,  
"Subtitle 5. Licensing of Rental Dwellings"  
Baltimore City Code  
(Edition 2000)

**BY repealing and reordaining, with amendments**

Article 13 - Housing and Urban Renewal  
Section 8A-5(b)(2)  
Baltimore City Code  
(Edition 2000)

**BY repealing and reordaining, with amendments**

Article 1 - Mayor, City Council, and Municipal Agencies  
Section 40-14(e)(1)  
Baltimore City Code  
(Edition 2000)

**BY repealing and reordaining, with amendments**

Article 19 - Police Ordinances  
Sections 43-4(c)(1) and 43A-3(c)(1)  
Baltimore City Code  
(Edition 2000)

**BY repealing and reordaining, with amendments**

Article - Building, Fire, and Related Codes  
Section 2-103 (BC §§ 114.21.2b and 202.48-2c) and  
Section 7-102 (PMC § 202.2.14.1)  
Baltimore City Revised Code  
(2015 Edition)

**BY repealing and reordaining, without amendments**

Article - Building, Fire, and Related Codes  
Section 7-102 (PMC §§ 202.2.3, 202.2.6, and 202.2.15)  
Baltimore City Revised Code  
(2015 Edition)



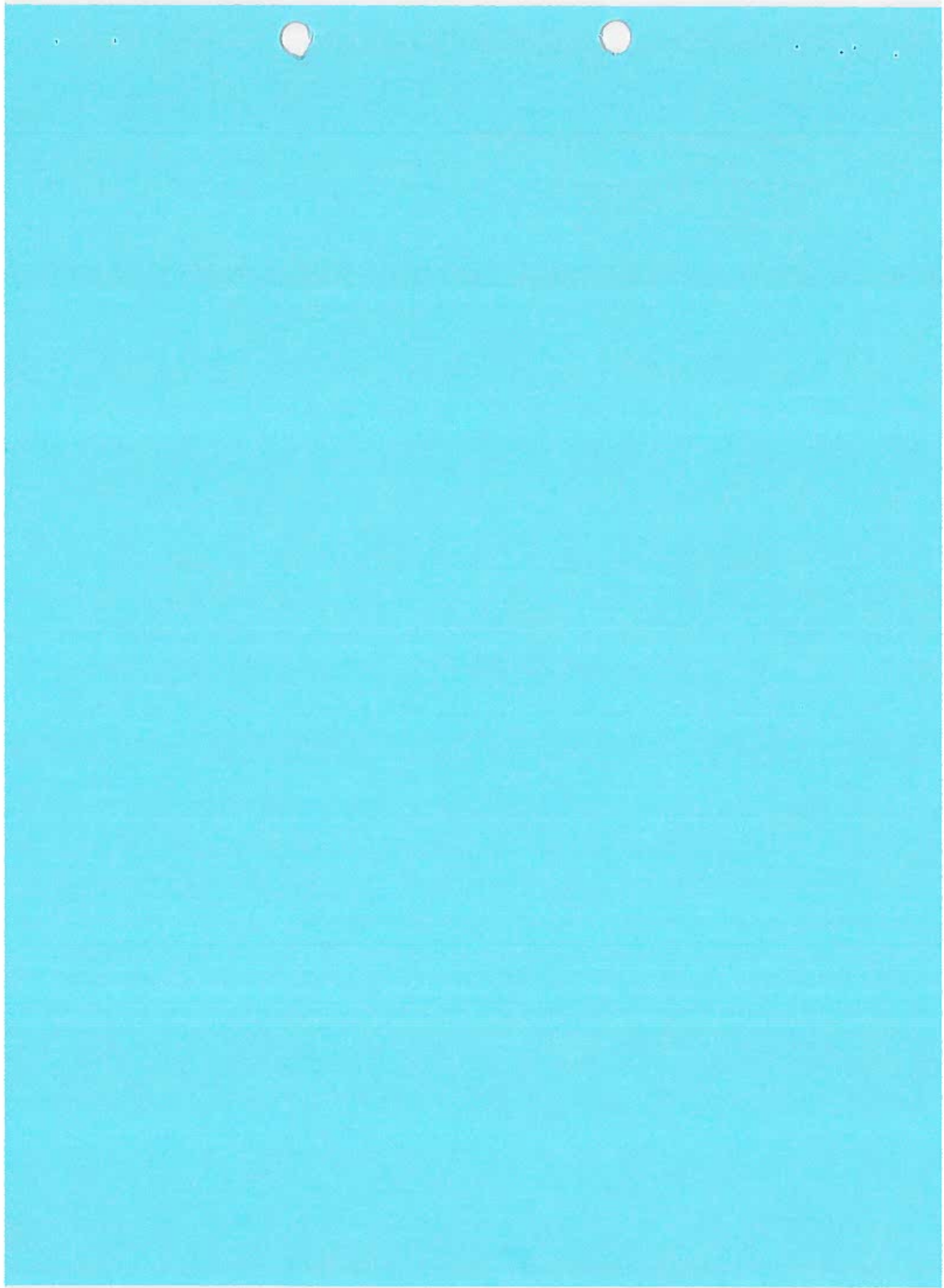
**BY repealing and reordaining, with amendments**

**Article - Health**

**Section 6-603.1(b)(1)(Article 13)**

**Baltimore City Revised Code**

**(Edition 2000)**





# BALTIMORE CITY COUNCIL JUDICIARY AND LEGISLATIVE INVESTIGATIONS VOTING RECORD

DATE: March 20, 2018

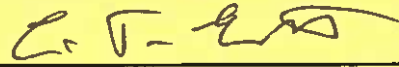
Bill #: 18-0185

BILL TITLE: Non-Owner-Occupied Dwelling Units, Rooming Houses, and Vacant Structures – Rental Dwelling – Registration and Licensing

MOTION BY: Pinkett      SECONDED BY: Scott

- FAVORABLE                       FAVORABLE WITH AMENDMENTS  
 UNFAVORABLE                       WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Costello, Eric - Chair	7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, Mary – Vice Chair	7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bullock, John	7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, Leon	7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reisinger, Edward	<input type="checkbox"/>	<input type="checkbox"/>	7	<input type="checkbox"/>
Scott, Brandon	7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stokes, Robert	7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<b>TOTALS</b>	6	-	1	-

CHAIRPERSON: Eric T. Costello, 

COMMITTEE STAFF: Marguerite Currin, Initials: M.C.



**Austin, Natawna B.**

---

**From:** Henry, Bill  
**Sent:** Wednesday, March 07, 2018 11:19 AM  
**To:** Austin, Natawna B.  
**Cc:** Daboin, Sharon - (Baltimore Housing)  
**Subject:** Bill file for 18-0185

Natawna -

Would you please print out this email and add it to the bill file for 18-0185?

Thanks!

- Bill

---

The Honorable Bill Henry  
4th District - Baltimore City Council  
(410) 396-4830 - voice  
(410) 659-19792 - fax  
<http://www.baltimorecitycouncil.com/bill-henry>

City Hall Office:  
100 North Holliday Street, Room 502  
Baltimore, MD 21202

District Office:  
5225 York Road, Suite D  
Baltimore, MD 21212

---

**From:** Daboin, Sharon [Sharon.Daboin@habc.org]  
**Sent:** Wednesday, March 07, 2018 11:09 AM  
**To:** Henry, Bill  
**Cc:** Daboin, Sharon - (Baltimore Housing)  
**Subject:** FW: Public housing inspections

Councilman Henry - Per our discussion - below is an electronic copy of information concerning inspection requirements for public housing units. Please reach out to me with any questions. Thanks.

Public Housing has the following annual inspections:

- 1) As required by HUD, there is annual inspection for 100% of HABC's inventory. It is conducted by a HUD approved HABC third party inspection company.
- 2) Site based asset management staff perform an annual housekeeping inspection for 100% of HABC's inventory.
- 3) Site based maintenance staff perform a maintenance deficiency inspection at 100% of HABC's inventory. This inspection is a preliminary inspection prior to the HUD mandated Real Estate Assessment Center (REAC) inspection performed by a HUD inspector. The REAC inspector randomly inspects 5-10% of the inventory and reports directly to HUD.



In all of these inspections, any deficiency that is cited is placed in our work order system and is completed in 30 days or less. Any health and safety deficiency must be completed in 24 hours. REAC inspection's health and safety work orders are reported to HUD when completed.

In addition, HABC is required by to perform a HUD mandated physical needs assessment every five years to establish capital needs for all units, systems, buildings and grounds.



<b>FROM</b>	NAME & TITLE	<b>Niles R. Ford, PhD, Chief of Fire Department</b>
	AGENCY NAME & ADDRESS	<b>Baltimore City Fire Department 401 East Fayette St. _21202</b>
	SUBJECT	<b>City Council Bill #18-0185 Response to <del>Non-Owner-Occupied Dwellings, Rooming Houses and Vacant Structures—Rental Dwellings—Registration and Licensing</del></b>

CITY OF  
BALTIMORE

**M E M O**



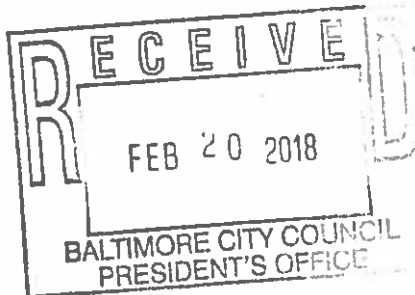
**TO**

**The Honorable Bernard C. Young, President  
And All Members of the Baltimore City Council  
City Hall, Room 408**

DATE: **February 16, 2018**

FOR the purpose of adding certain non-owner-occupied 1- and 2-family dwellings to the licensing, inspection, and related requirements for multi-family dwellings and rooming houses (collectively, "rental dwellings"); modifying the procedures and prerequisites for the registration of certain non-owner-occupied dwellings, rooming houses, and vacant structures; modifying the procedures and prerequisites for the licensing of rental dwellings; providing for the denial, suspension, or revocation of a rental dwelling license under certain circumstances; providing for judicial and appellate review of administrative decisions relating to the registration or the licensing of these structures; amending the underlying definition of "rooming house" to clarify its applicability to a bed and breakfast facility; defining and redefining certain other terms; imposing certain penalties; correcting, clarifying, and conforming related language; providing certain transition rules for pre-existing licenses; providing for a special effective date; and generally relating to the registration of non-owner-occupied dwellings, rooming houses, and vacant structures and to the licensing of rental dwellings.

The Fire Department supports City Council Bill 18-0185 provided that all applicable sections of the Fire and Building codes are adhered. This may include a requirement for plans to be submitted to the Fire Department, an annual Fire Inspection, permit, automatic sprinkler system, and Fire Alarm system.



*Comments*







Catherine Pugh  
Mayor

# BALTIMORE POLICE DEPARTMENT



Darryl De Sousa  
Police Commissioner Designee

February 16, 2018

Honorable President and Members of the Baltimore City Council  
Room 400, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

*Attention: Natawna Austin, Executive Secretary*

**Re: City Council Bill No. 18-0185  
Non-Owner-Occupied Dwelling Units, Rooming Houses, and Vacant  
Structures – Rental Dwellings – Registration and Licensing**

Dear Council President Young and Members of the City Council:

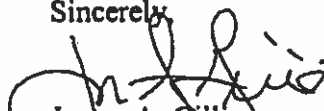
The Baltimore Police Department (BPD) has reviewed Council Bill 18-0185. This legislation is for the purpose of adding certain non-owner-occupied 1- and 2-family dwellings to the licensing, inspection, and related requirements for multi-family dwellings and rooming houses (collectively, "rental dwellings"); modifying the procedures and prerequisites for the registration of certain non-owner-occupied dwellings, rooming houses, and vacant structures; modifying the procedures and prerequisites for the licensing of rental dwellings; providing for the denial, suspension, or revocation of a rental dwelling license under certain circumstances; providing for judicial and appellate review of administrative decisions relating to the registration or the licensing of these structures; amending the underlying definition of "rooming house" to clarify its applicability to a bed and breakfast facility; and conforming related language, providing certain transition rules for pre-existing licenses; providing for a special effective date; and generally relating to the registration of non-owner-occupied dwellings, rooming houses, and vacant structures and to the licensing of rental dwellings.

The BPD supports this bill.

This legislation, among other things, provides valuable tools for making our City safer. Crime is often a result of underlying factors that give rise to criminal conduct. Unsafe, unhealthy, and unchecked housing – whether vacant or occupied – are examples of such underlying factors.

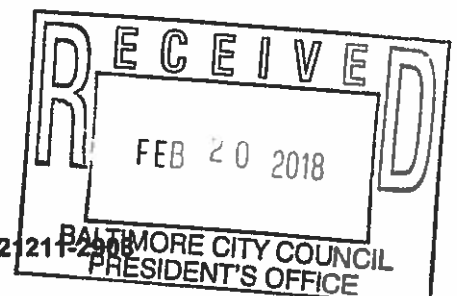
The BPD looks forward to working with the City Council on this important matter.

Sincerely,

  
James A. Gillis  
Chief of Staff




c/o 242 West 29<sup>th</sup> Street • Baltimore, Maryland 21201





*DAAC*

<b>FROM</b>	NAME & TITLE	Robert Cename, Chief	CITY of <b>BALTIMORE</b> <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4941		
	SUBJECT	City Council Bill 18-0185 – Non-Owner-Occupied Dwelling Units – Registration and Licensing		

DATE:

TO

The Honorable President and  
Members of the City Council  
Room 400, City Hall

February 16, 2018

Attention: Ms. Natawna Austin

We are herein reporting on CCB 18-0185, the main purpose of which is to add certain non-owner-occupied 1- and 2- family dwellings to the licensing, inspection, and related requirements for multi-family dwellings and rooming houses, to modify procedures and prerequisites for registration and licensing of these units, and to provide for the imposition of penalties and/or denial, suspension, or revocation of licenses for rental dwellings.

**Background**

Per Article 13, Subtitle 4-2 of the Baltimore City Code, all non-owner-occupied rental properties must be registered with the Housing Commissioner by September 1<sup>st</sup> of each year and any time the property is transferred. Initial registration must be completed in person or via mail and the registration is valid for one year. Previously registered properties can be renewed online. The registration fee varies depending on the number of dwelling units, but annual revenue generated for the City General Fund is nominal.

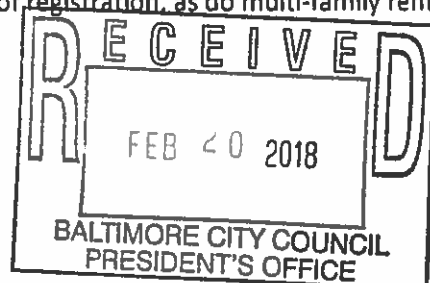
While all rental dwellings must register under the current legislation, rental dwellings with 3 or more units must also obtain a license and pass a City housing inspection to ensure that they meet minimum fire/safety standards and comply with State lead paint reporting requirements. There is no licensing fee. In Fiscal 2016, housing inspectors licensed and inspected 62% of multi-family dwellings with 3 or more units. Rental dwellings with 1- or 2- units are not required to pass a housing inspection.

**Analysis**

The proposed legislation would now require property owners to pay out-of-pocket for a third-party housing inspection, regardless of how many units their rental dwelling contains. The inspection must be conducted by a State-licensed inspector who is registered with the Housing Commissioner and must meet the same standards as a City inspection. Outsourcing the routine inspection process will allow City housing inspectors to focus their efforts on quality control tactics such as spot inspections or investigations of renters' complaints. It should also increase the number of multi-family rental dwellings that are inspected annually.

There is no added operational burden from this change, as all rental dwellings regardless of unit number currently register with the Housing Commissioner. Under the proposed legislation, rental dwellings with 1- or 2-units must provide proof of inspection within 90 days of registration, as do multi-family rental dwellings of 3 or more units.

*F*





1. 2. 3.

1. 2. 3.

The legislation also changes the registration expiration from September 1<sup>st</sup> to January 1<sup>st</sup> of each calendar year, and grants an initial two-year license rather than one-year. Subsequent renewals of the initial license can be issued in 3-, 2-, or 1-year periods based on the property owner's responsiveness to violation notices or orders issued under the City Building, Fire, and Related Code Article. There is no impact to revenue as all rental dwellings are required to register and pay the registration fee annually.

**Conclusion**

City Council Bill 18-0185 would increase efficiency within the Department of Housing and allow housing inspectors to focus on quality control and oversight of the City's rental housing market to improve the standards of living for our residents. Furthermore, this legislation imposes no additional fiscal or operational burden to the City. For these reasons, the Department of Finance supports the passage of City Council Bill 18-0185.

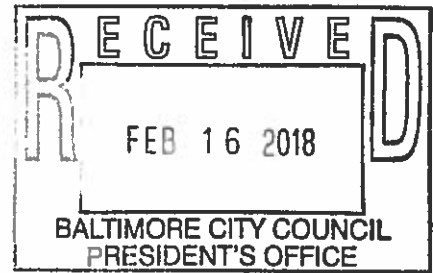
cc: Henry Raymond  
Angela Gibson

cc: Henry Raymond  
Angela Gibson






**Baltimore**  
Development Corporation



## MEMORANDUM

**TO:** Honorable President and Members of the City Council  
Attention: Natawna Austin, Executive Secretary

**FROM:** William H. Cole, President and CEO 

**DATE:** January 31, 2018

**SUBJECT:** Council Bill No. 18-0185

---

The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill 18-0185, for the purpose of requiring that certain non-owner occupied 1- and 2-family dwelling units be subject to the licensing, inspection, and related requirements for multi-family dwellings.

The provision of safe, affordable housing for residents across all income levels is a necessary component of an economically successful City. While BDC generally has concern for regulations that present an undue burden on private enterprise, inhibit the competitiveness of Baltimore City in the regional, national, or global market, or present high regulatory barriers to entry for prospective businesses, we believe that the proposed regulation provides essential oversight in a segment of the residential rental housing market that is not closely regulated.

BDC has some concern that in certain cases, the cost and compliance burdens of this regulation will drive away high-quality landlords who consistently provide quality housing and reasonable rents. As such, the legislation could lead to: 1) higher rents to compensate for the additional cost of compliance 2) increased vacant property, as the cost of providing compliant housing exceed the potential rental income the property can generate and 3) reduction in "mom-and-pop" landlords who currently provide safe, affordable housing, but lack the sophistication or will to deal with the additional regulatory burden.

Even so, BDC believes that the cost of regulatory compliance in this case is relatively small, and all property owners should bear the cost of bringing a property into habitable, code-compliant condition. BDC believes that the potential negative effects of this legislation are far outweighed by the positive benefits of safe housing for Baltimore City residents. The licensing component of this legislation, in particular, provides a meaningful mechanism for reducing the amount of sub-standard housing offered by non-compliant landlords, and BDC hopes that it will lead to a substantial reduction in sub-standard housing throughout the City. BDC supports Bill 18-0185 and respectfully requests favorable consideration by the Committee.

cc: Colin Tarbert  
Kyron Banks







CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor

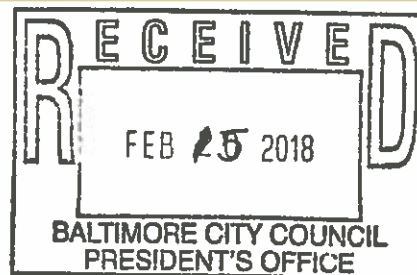


DEPARTMENT OF LAW

ANDRE M. DAVIS, CITY SOLICITOR  
100 N. Holliday Street  
Suite 101, City Hall  
Baltimore, Maryland 21202

February 15, 2018

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 18-0185 Non-Owner-Occupied Dwelling Units,  
Rooming Houses, and Vacant Structures – Rental Dwellings –  
Registration and Licensing

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 18-0185 for form and legal sufficiency. The bill would add certain non-owner-occupied 1 and 2 family dwellings to the licensing, inspection, and related requirements for multi-family dwellings and rooming houses (“rental dwellings”); modify the procedures and prerequisites for the registration of certain non-owner-occupied dwellings, rooming houses, and vacant structures; modify the procedures and prerequisites for the licensing of rental dwellings; provide for the denial, suspension, or revocation of a rental dwelling license under certain circumstances; provide for judicial and appellate review of administrative decisions relating to the registration or the licensing of these structures; amend the underlying definition of “rooming house” to clarify its applicability to a bed and breakfast facility; define and redefine certain other terms; impose certain penalties; correct, clarify and conform related language; provide certain transition rules for pre-existing licenses; and provide for a special effective date.

First, the bill adds a judicial and appellate review section to the registration subtitle. Since the process is largely ministerial, the Law Department recommends deleting this section, as the right to judicial review already exists in the form of a mandamus action. In the alternative, the Law Department recommends adding an administrative hearing section, so as to provide a meaningful review for the court.

Second, the bill provides for third-party home inspections. Only “ministerial or administrative functions may be delegated to subordinate officials.” *City of Baltimore v. Wollman*, 123 Md. 310, 342 (1914); *accord Andy’s Ice Cream v. City of Salisbury*, 125 Md. App. 125, 161 (1999); *see also* 72 Op. City Sol. 18, 20 (1980)(citing 73 C.J.S. §75, p. 381-382)(“In general, administrative officers and bodies cannot alienate, surrender or abridge their powers and duties, and they cannot legally confer on their employees or others authority and functions which under law may be exercised only by them or by other officers or tribunals ... mere ministerial functions may be delegated.”). Therefore, the third party home inspectors must only perform



Page 2 of 3

ministerial, nondiscretionary functions. A checklist provided by the Commissioner, for example, would ensure that discretion is not improperly delegated. The rules adopted for this section should provide for this. The Law Department can review the rules to ensure that discretion is not delegated and to ensure that the rules do not exceed the scope of the law. "Rules and regulations adopted by an administrative agency must be reasonable and consistent with the letter and policy of the statute under which the agency acts." *MCC v. Koons*, 270 Md. 231, 237 (1973).

With these recommendations, the Law Department approves the bill for form and legal sufficiency.

Very truly yours,



Ashlea H. Brown  
Assistant Solicitor

cc: Andre M. Davis, City Solicitor  
Karen Stokes, Director, Mayor's Office of Government Relations  
Kyron Banks, Mayor's Legislative Liaison  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Hilary Ruley, Chief Solicitor  
Victor Tervalá, Chief Solicitor  
Avery Aisenstark, Director of Legislative Reference



Law Department's Proposed Amendments to City Council Bill 18-0185

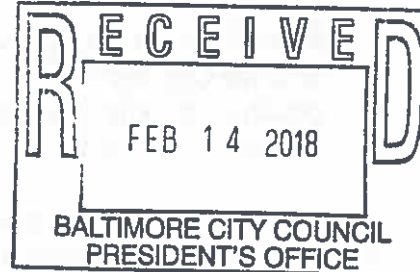
1. On page 6, strike lines 10-24.

OR

On page 6, after line 9 and before line 10, add § 4-10 "Notice and hearing." On the next line, add "The Commissioner shall provide for an administrative hearing in the rules and regulations adopted under this subtitle."



The Baltimore City Department of  
**HOUSING & COMMUNITY  
DEVELOPMENT**



**MEMORANDUM**

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

From: Michael Braverman, Housing Commissioner

*MB*

Date: February 13, 2018

Re: **City Council Bill 18-0185 | Non-Owner-Occupied Dwelling Units, Rooming Houses,  
and Vacant Structures – Rental Dwellings – Registration and Licensing**

The Department of Housing and Community Development (HCD) has reviewed City Council Bill 18-0185, for the purpose of adding certain non-owner-occupied 1- and 2-family dwellings to the licensing, inspection, and related requirements for multi-family dwellings and rooming houses (collectively, "rental dwellings"); modifying the procedures and prerequisites for the registration of certain non-owner-occupied dwellings, rooming houses, and vacant structures; modifying the procedures and prerequisites for the licensing of rental dwellings; providing for the denial, suspension, or revocation of a rental dwelling license under certain circumstances; providing for judicial and appellate review of administrative decisions relating to the registration or the licensing of these structures; amending the underlying definition of "rooming house" to clarify its applicability to a bed and breakfast facility; defining and redefining certain other terms; imposing certain penalties; correcting, clarifying, and conforming related language; providing certain transition rules for pre-existing licenses; providing for a special effective date; and generally relating to the registration of non-owner occupied dwelling.

If enacted, this bill would improve the overall quality of rental housing in the City by expanding HCD's current rental inspection program to require all rental properties in the City to be registered, inspected and licensed. The current law requires all non-owner occupied dwelling units to be registered but the inspection and licensing requirements only apply to properties with either two dwelling units and some other additional use or more than two dwelling units.

The new requirements, which would go into effect in January 2019, would still require registration of all non-owner occupied dwelling units but it would also add a new inspection and licensing requirement for one and two family dwelling rental units. These unit types account for a significant portion of the 43% of all rental units in Baltimore City that rent for less than \$750 a month. These units also contribute substantially to the city's affordable housing inventory. The new requirements will largely eliminate substandard conditions in the one segment of the affordable housing market where such conditions are prevalent. This will improve the living standards of the many thousands of households that depend on

*Fav w/ Amend*

the private market for affordable housing, and will also extend the amount of time that these units will remain part of the affordable housing inventory.

This bill would also require the property owners to hire a state licensed home inspector that is registered with the City to complete an inspection prior to receiving a license from HCD. The inspector would obtain a City approved inspection form that would be signed by the inspector once the property has passed the inspection.

The current licenses that are issued by HCD are only valid for one year but this bill would establish a three tiered renewal system that would have a one, two or three year term for the license. The initial term of the license would be for two years and depending on the property owner's performance with abating any violation notices or orders issued during the prior licensing period the renewal license would be issued for a one, two or three year period.

HCD would like to request two amendments to this bill and they are included in the attached document prepared by Legislative Reference.

The first amendment is to strengthen the language in Section 5-7(b)(4) concerning requirements for the Inspectors report. It would require that the report and the certification be "signed by the home inspector, under oath and under the home inspector's seal." This would allow for appropriate legal action against the inspector for submitting any false reports.

The second amendment is to clarify the language in Section 5-15(a), the definition of "Nuisance Property". The new language makes it clear that "Nuisance Property" means any property that is maintained or operated to cause or allow a nuisance as describes in State Code Real Property Article 14 and City Code Article 19, which pertain to a public nuisance, neighborhood nuisance and/or an unruly social event.

The Department of Housing and Community Development supports the bill with the requested amendments and strongly encourages the passage of City Council Bill 18-0185.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*  
Mr. Kyron Banks, *Mayor's Office of Government Relations*



**AMENDMENTS TO COUNCIL BILL 18-185  
(1" Reader Copy)**

Proposed by: Dep't of Housing and Community Development  
(For consideration by the Judiciary and Legislative Investigations Committee)

**Amendment No. 1 /Proposed Art. 13, § 5-7(b)(4) /"Inspector's report and certification"}}**

On page 12, strike lines 5 and 6, in their entireties, and substitute:

**"(II) THE REPORT AND THE CERTIFICATION MUST BE:**

**(A) IN THE FORM REQUIRED BY THE COMMISSIONER; AND**

**(B) SIGNED BY THE HOME INSPECTOR, UNDER OATH AND  
UNDER THE HOME INSPECTOR'S SEAL."**

**Amendment No. 2 /Proposed Art. 13, § 5-15(a) /" 'Nuisance property' defined"}}**

On page 15, strike lines 10 through 21, in their entireties, and substitute:

**"IN THIS SECTION, "NUISANCE PROPERTY" MEANS ANY PROPERTY THAT IS MAINTAINED  
OR OPERATED SO AS TO CAUSE OR ALLOW A NUISANCE OF THE SORT DESCRIBED IN ANY 1  
OR ANOTHER OF THE FOLLOWING DEFINITIONS:**


**(1) STATE CODE REAL PROPERTY ARTICLE § 14-120(A)(5) {DEFINING "NUISANCE"};**

**(2) CITY CODE ARTICLE 19, § 43-1(L) {DEFINING "PUBLIC NUISANCE"};**

**(3) CITY CODE ARTICLE 19, § 43B-1(B) {DEFINING "NEIGHBORHOOD NUISANCE"};  
AND**

**(4) CITY CODE ARTICLE 19, § 43B-1(O) {DEFINING "UNRULY SOCIAL EVENT"}."**



<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	City Council Bill #18-0185/ Non-Owner-Occupied Dwelling Units, Rooming Houses, and Vacant Structures – Rental Dwellings – Registration and Licensing		

DATE:

TO

The Honorable President and  
Members of the City Council  
City Hall, Room 400  
100 North Holliday Street

February 2, 2018

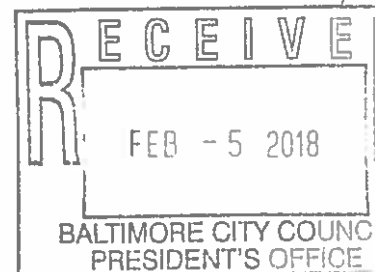
The Department of Planning is in receipt of City Council Bill #18-0185, which is for the purpose of adding certain non-owner-occupied 1- and 2-family dwellings to the licensing, inspection, and related requirements for multi-family dwellings and rooming houses (collectively, “rental dwellings”); modifying the procedures and prerequisites for the registration of certain non-owner-occupied dwellings, rooming houses, and vacant structures; modifying the procedures and prerequisites for the licensing of rental dwellings; providing for the denial, suspension, or revocation of a rental dwelling license under certain circumstances; providing for judicial and appellate review of administrative decisions relating to the registration or the licensing of these structures; amending the underlying definition of “rooming house” to clarify its applicability to a bed and breakfast facility; defining and redefining certain other terms; imposing certain penalties; correcting, clarifying, and conforming related language; providing certain transition rules for pre-existing licenses; providing for a special effective date; and generally relating to the registration of non-owner occupied dwellings, rooming houses, and vacant structures and to the licensing of rental dwellings.

The Department of Planning recommends approval of City Council Bill #18-0185, and defers to the Department of Housing and Community Development as the most directly-affected agency.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

TJS/EWT

cc: Mr. Pete Hammen, Chief Operating Officer  
Mr. Jim Smith, Chief of Strategic Alliances  
Ms. Karen Stokes, Mayor’s Office  
Mr. Colin Tarbert, Mayor’s Office  
Mr. Kyron Banks, Mayor’s Office  
The Honorable Edward Reisinger, Council Rep. to Planning Commission  
Mr. William H. Cole IV, BDC  
Mr. David Tanner, BMZA  
Mr. Geoffrey Veale, Zoning Administration  
Ms. Sharon Daboin, DHCD  
Ms. Elena DiPietro, Law Dept.  
Mr. Francis Burnszynski, PABC  
Ms. Valorie LaCour, DOT  
Ms. Natawna Austin, Council Services



*F / defers to HCD*



**Austin, Natawna B.**

---

**From:** Kunst, Kara  
**Sent:** Thursday, January 25, 2018 12:28 PM  
**To:** Austin, Natawna B.  
**Subject:** FW: 18-0185

Please place below in bill file.

Thanks,

Kara Kunst  
Director of Legislative Affairs  
Office of Council President Young  
(main line) 410-396-4804  
(direct line) 410-396-5222  
(e-mail) [Kara.Kunst@baltimorecity.gov](mailto:Kara.Kunst@baltimorecity.gov)

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**From:** City Council President  
**Sent:** Tuesday, January 23, 2018 9:07 AM  
**To:** Kunst, Kara; Davis, Liam  
**Subject:** FW: 18-0185

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**From:** Patricia Helfrich [<mailto:pah5and9@hotmail.com>]  
**Sent:** Monday, January 22, 2018 1:29 PM  
**To:** Clarke, Mary Pat; Pinkett, Leon  
**Cc:** Henry, Bill (email); Bob Stimler; Sue C; [caramry@gmail.com](mailto:caramry@gmail.com); Murdock, Stephanie; City Council President; hccpresident; ZONING  
**Subject:** 18-0185

I am writing to support Councilman Henry's bill regarding the registration & licensing of one & two family dwellings. I live at 1337 W 37th St. The following houses are not owner occupied & have frequent turnover in residents.

1302 owner listed as a corporation in Cockeysville

1308 owner resides in 21218

1312 owner listed as a P.O. box in Brooklandville

1313 owner listed as a LLC on Falls Rd

1324 owner is dead. House has been vacant for > two years.

1330 owner resides in PA

1332 owner lives in Baltimore County (21212)

1333 owner lives in Silver Spring MD. This owner, Bruce Schaefer, owns three other Baltimore City properties.

1334 owner lives in CA

1339 owner lives on W 33rd St in Baltimore

1340 owner lives in Annapolis



This is one block. The 1200 & 1400 blocks are similar. Most of the residents are decent people. There is no enforcement, however, as to the number of people per house, etc. Due to the persistent lack of mass transit, each additional adult usually means another car. The population is dense, the air is dirty & the water questionable. Councilman Henry's bill may help.

Thank you for your attention.

Patricia Helfrich  
1337 W 37th St  
Baltimore MD 21211  
443-286-1808





**Austin, Natawna B.**

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**From:** Kunst, Kara  
**Sent:** Thursday, January 25, 2018 12:29 PM  
**To:** Austin, Natawna B.  
**Cc:** Davis, Liam  
**Subject:** FW: proposed bill to license and inspect 1 unit rental properties

Please place below in bill file.

Thanks,

Kara Kunst  
Director of Legislative Affairs  
Office of Council President Young  
(main line) 410-396-4804  
(direct line) 410-396-5222  
(e-mail) Kara.Kunst@baltimorecity.gov

-----Original Message-----

**From:** City Council President  
**Sent:** Tuesday, January 23, 2018 9:04 AM  
**To:** Kunst, Kara; Davis, Liam  
**Subject:** FW: proposed bill to license and inspect 1 unit rental properties

-----Original Message-----

**From:** Mark Lippy [mailto:lippycontracting@yahoo.com]  
**Sent:** Tuesday, January 23, 2018 8:30 AM  
**To:** City Council President  
**Subject:** proposed bill to license and inspect 1 unit rental properties

Dear Mr. Young,

I am writing this letter to protest the introduction of a bill by Mr. Bill Henry to mandate that all rental properties in the city be inspected and licensed.

There are already laws in effect to address landlord violations. More bureaucracy is not going to solve the problem.

My husband and I have five rental properties in the Fells Point and Canton area that we have owned for years. All of these properties are in excellent condition. It would be an unfair burden to make us pay for inspections and most likely a registration license fee. Of course, that cost would be passed on to our renters causing rents to go up further in Baltimore City.

Licensing small landlords will not root out the bad landlords. They will always find a way around the city regulations. The only thing it will do is cause more paperwork, red tape, and expense to those who keep their properties in good shape anyway.

Please do not pass this bill.



Sincerely,

Mark and Joanne Lippy  
410-303-7025  
lippycontracting@yahoo.com



# City of Baltimore

City Council  
City Hall, Room 408  
100 North Holliday Street  
Baltimore, Maryland  
21202

## Meeting Minutes - Final

### Judiciary and Legislative Investigations

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Tuesday, March 20, 2018

10:10 AM

Du Burns Council Chamber, 4th floor, City Hall

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Worksession: 18-0185

#### CALL TO ORDER

#### INTRODUCTIONS

#### ATTENDANCE

**Present** 6 - Member Eric T. Costello, Member Mary Pat Clarke, Member Leon F. Pinkett III, Member John T. Bullock, Member Brandon M. Scott, and Member Robert Stokes Sr.

**Absent** 1 - Member Edward Reisinger

#### ITEM SCHEDULED FOR WORKSESSION

##### 18-0185

##### **Non-Owner-Occupied Dwelling Units, Rooming Houses, and Vacant Structures - Rental Dwellings - Registration and Licensing**

For the purpose of adding certain non-owner-occupied 1- and 2-family dwellings to the licensing, inspection, and related requirements for multi-family dwellings and rooming houses (collectively, "rental dwellings"); modifying the procedures and prerequisites for the registration of certain non-owner-occupied dwellings, rooming houses, and vacant structures; modifying the procedures and prerequisites for the licensing of rental dwellings; providing for the denial, suspension, or revocation of a rental dwelling license under certain circumstances; providing for judicial and appellate review of administrative decisions relating to the registration or the licensing of these structures; amending the underlying definition of "rooming house" to clarify its applicability to a bed and breakfast facility; defining and redefining certain other terms; imposing certain penalties; correcting, clarifying, and conforming related language; providing certain transition rules for pre-existing licenses; providing for a special effective date; and generally relating to the registration of non-owner-occupied dwellings, rooming houses, and vacant structures and to the licensing of rental dwellings.

**Sponsors:** Bill Henry, Ryan Dorsey, Brandon M. Scott, Kristerfer Burnett, John T. Bullock, Leon F. Pinkett, III, Sharon Green Middleton, Zeke Cohen, Robert Stokes, Sr., Shannon Sneed, Mary Pat Clarke, Edward Reisinger

**A motion was made by Member Pinkett, seconded by Member Scott, that Bill 18-0185 be recommended favorably with amendments. The motion carried by the following vote:**

**Yes:** 6 - Member Costello, Member Clarke, Member Pinkett III, Member Bullock, Member Scott, and Member Stokes Sr.

**Absent:** 1 - Member Reisinger

**ADJOURNMENT**

**THIS MEETING IS OPEN TO THE PUBLIC**

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director  
415 City Hall, 100 N. Holliday Street  
Baltimore, Maryland 21202  
410-396-7215 / Fax: 410-545-7596  
email: larry.greene@baltimorecity.gov

**HEARING NOTES**

**WORKSESSION**

**Bill: 18-0185**

**Non-Owner-Occupied Dwelling Units, Rooming Houses, and Vacant Structures – Rental Dwellings – Registration and Licensing**

**Committee:** Judiciary and Legislative Investigations

**Chaired By:** Councilmember Eric T. Costello

**Hearing Date:** Tuesday, March 20, 2018

**Time (Beginning):** 11:05 AM

**Time (Ending):** 11:40 AM

**Location:** Clarence "Du" Burns Chamber

**Total Attendance:** Approximately 45

**Committee Members in Attendance:**

Eric T. Costello      Leon Pinkett  
Mary Pat Clarke      Robert Stokes  
John Bullock      Brandon Scott

Bill Synopsis in the file? .....	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Attendance sheet in the file? .....	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Agency reports read? .....	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Hearing televised or audio-digitally recorded? .....	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no	<input type="checkbox"/> n/a
Certification of advertising/posting notices in the file? .....	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> n/a
Evidence of notification to property owners? .....	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> n/a
Final vote taken at this hearing? .....	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Motioned by: .....	Councilmember Pinkett		
Seconded by: .....	Councilmember Scott		
Final Vote: .....	Favorable with Amend		

**Major Speakers**

*(This is not an attendance record.)*

- Ronald Miles, Speaker





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**Major Issues Discussed**

1. The chairman informed the attendees that there would not be any public testimony unless anyone had any comments regarding the proposed amendments.
  2. The committee members reviewed fifteen (15) amendments; one (1) was withdrawn, four (4) failed due to a lack of a "second," and ten (10) passed.
  3. Mr. Miles made some comments about the amendment that was withdrawn; the proposed amendment that was submitted and withdrawn by committee member Clarke.
- 

**Further Study**

Was further study requested?

Yes  No

If yes, describe.

---

**Committee Vote:**

E. Costello: ..... **Yea**  
M. Clarke:..... **Yea**  
J. Bullock:..... **Yea**  
L. Pinkett: ..... **Yea**  
E. Reisinger ..... **Absent**  
B. Scott: ..... **Yea**  
R. Stokes: ..... **Yea**

---

*M. M. Currin*  
Marguerite M. Currin, Committee Staff

Date: March 22, 2018

cc: Bill File  
OCS Chrono File



# PROPOSED AMENDMENTS

**For Council Bill 18-0185 - Non-Owner-Occupied Dwelling Units, Rooming Houses, and Vacant Structures – Rental Dwelling – Registration and Licensing**

- Councilman Bullock's
- Councilwoman Clarke's
- Department of Housing & Community Development's
- Department of Legislative Reference's
- An unofficial REPRINT which incorporates the amendments

XXXXX

**BULLOCK II 06MAR18**



**AMENDMENTS TO COUNCIL BILL 18-  
(1<sup>st</sup> Reader Copy)**

By: Councilmember Bullock (Renters United)  
{To be offered to the Judiciary Committee}

**Amendment No. 1 [§ 4-8(a) and (b)] {"Registration fees"}**

On page 1, in line 6, after "modifying the", insert "fees." and after "procedures", insert a comma; and, on page 5, after line 13, insert the paragraph designator "(1) BASE FEE."; and, on the same page, after line 15, insert:

**"(2) INCREASED FEE.**

**FOR ANY ROOMING HOUSE THAT HAS HAD THE TERM OF ITS RENTAL DWELLING LICENSE REDUCED UNDER § 5-9 (C) OR (D) {"TIERED [LICENSE] TERMS"} OF THIS ARTICLE TO A 1-YEAR TERM, THE ANNUAL REGISTRATION FEE UNDER THIS SECTION FOR EACH SUCCEEDING REGISTRATION YEAR BEGINNING AFTER THE START OF EACH 1-YEAR RENTAL DWELLING LICENSE TERM IS INCREASED BY AN ADDITIONAL \$15 PER ROOMING UNIT.";**

and, on page 5, after line 16, insert the paragraph designator "(1) BASE FEE."; and, on the same page, after line 21, insert:

**"(2) INCREASED FEE.**

**FOR ANY DWELLING THAT HAS HAD THE TERM OF ITS RENTAL DWELLING LICENSE REDUCED UNDER § 5-9 (C) OR (D) {"RENTAL DWELLINGS: TIERED [LICENSE] TERMS"} OF THIS ARTICLE TO A 1-YEAR TERM, THE ANNUAL REGISTRATION FEE UNDER THIS SECTION FOR EACH SUCCEEDING REGISTRATION YEAR BEGINNING AFTER THE START OF EACH 1-YEAR RENTAL DWELLING LICENSE TERM IS INCREASED BY AN ADDITIONAL \$15 PER DWELLING OR ROOMING UNIT.".**

**Amendment No. 2 [§ 5-7(b)(2)(ii)] {"Time inspection"}**

On page 11, in line 21, after "PERFORMED", insert:

**"AS FOLLOWS:**

**(A) FOR A MULTIPLE-FAMILY DWELLING OR ROOMING HOUSE,";**

and, on the same page, in line 23, before the period, insert:

**": AND**

**(B) FOR A 1- OR 2-FAMILY DWELLING, NOT MORE THAN 30 DAYS BEFORE A COMPLETED APPLICATION FOR A LICENSE OR RENEWAL LICENSE IS SUBMITTED TO THE HOUSING COMMISSIONER".**

**Amendment No. 3 (§ 5-7(b)(4) ("Inspector's reports"))**

On page 11, in line 32, strike "REPORT" and substitute "REPORTS"; and, in line 35, strike "A COPY OF THE INSPECTION REPORT" and substitute "A WRITTEN REPORT OF EVERY INSPECTION CONDUCTED UNDER THIS SECTION"; and, on page 12, in line 5, strike "REPORT" and substitute "REPORTS".

**Amendment No. 4 (new § 5-7(d) ("Annual audits"))**

On page 12, after line 18, insert:

**"(D) COMMISSIONER TO AUDIT INSPECTIONS.**

**AS PRESCRIBED BY THE RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE, THE HOUSING COMMISSIONER MUST CONDUCT AN ANNUAL AUDIT OF INSPECTIONS CONDUCTED UNDER THIS SECTION."**

and, on page 12, in line 19, strike "(D)" and substitute "(E)".

**Amendment No. 5 (new § 5-16(a) ("Notice and hearing"))**

On page 16, in line 26, strike "licensee" and substitute "OWNER, THE MANAGING OPERATOR, AND THE LESSEES OF ANY DWELLING OR ROOMING UNIT TO WHICH THE LICENSE APPLIES".

**Amendment No. 6 (new § 5-22) ("Public access to info"))**

On page 18, strike line 1, in its entirety, and substitute:

**"§ 5-21. (RESERVED)**

**§ 5-22. PUBLIC ACCESS TO INFORMATION.**

**THE HOUSING COMMISSIONER SHALL MAKE FREELY AVAILABLE FOR REVIEW ON AND DOWNLOAD FROM THE WEBSITE OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT:**

**(1) THE LICENSE STATUS OF ANY RENTAL DWELLING SUBJECT TO THIS SUBTITLE;  
AND**

**(2) THE FOLLOWING RECORDS RELATING TO THAT RENTAL DWELLING:**

**(i) VIOLATION NOTICES, ORDERS, OR CITATIONS ISSUED BY THE DEPARTMENT UNDER THIS ARTICLE OR THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE; AND**

**(ii) NOTICES OF ANY PROPOSED DENIAL, SUSPENSION, OR REVOCATION OF THE RENTAL DWELLING'S LICENSE.**

**§ 5-23. (RESERVED)".**

**CLARKE II 06MAR18**



**AMENDMENTS TO COUNCIL BILL 18-185  
(1" Reader Copy)**

**By: Councilmember Clarke  
{To be offered to the Judiciary Committee}**

**Amendment No. 1 [§ 5-4 ("License required: Exception [for HABC"])]**

**On page 8, strike line 28, in its entirety; and, in line 29, strike the brackets before and after "No"; and, in the same line, strike beginning with "EXCEPT" through "NO"; and, on page 9, strike lines 9 through 11, in their entireties.**



HCD SUPP II 06MAR18

HCD SUPP II 06MAR18

APPROVED FOR FORM  
STYLE AND TEXTUAL SUFFICIENCY

DEPT LEGISLATIVE REFERENCE

AMENDMENTS TO COUNCIL BILL 18-185  
(1" Reader Copy)

Proposed by: Dep't of Housing and Community Development  
{To be offered to the Judiciary Committee}

Amendment No. 1 [§ 4-9 {"Term and renewal [of registration]}"]

On page 1, in line 20, after the 2<sup>nd</sup> comma, insert "and"; and, in the same line, strike  
", and 4-9"; and, on page 6, strike lines 7 through 9, in their entireties.

{Effect: Section 4-9 would remain in Code, without amendment.}

Amendment No. 2 § 5-5(c) {"Application period for license"}

On page 9, in line 24, after "NO", strike "LESS THAN 30 DAYS NOR"; and, in the same line,  
after "MORE THAN", strike "60" and substitute "120".

{Effect: Subsection (c) would read as follows:

"TO RENEW A LICENSE ISSUED UNDER THIS SUBTITLE, AN APPLICATION FOR  
RENEWAL MUST BE SUBMITTED TO THE COMMISSIONER NO ~~LESS THAN 30 DAYS~~  
NOR MORE THAN ~~60~~ 120 DAYS BEFORE THE LICENSE EXPIRES."

Amendment No. 3 [§ 5-6(3) {"Prerequisites for ... license: Inspection"}]

On page 10, in line 1, before "INSPECTION", strike "A RECENT" and substitute "AN".

{Effect: Item (3) of prerequisites for new or renewal licenses would read as follows:

"(3) the premises have [been inspected] ~~PASSED A RECENT~~ AN INSPECTION [by  
the Commissioner], AS REQUIRED BY § 5-7 {"PREREQUISITES ... -  
INSPECTION"} OF THIS SUBTITLE;"

**DLR II 06MAR18**

**AMENDMENTS TO COUNCIL BILL 18-185  
(1" Reader Copy)**



**Proposed by: Department of Legislative Reference  
{To be offered to the Judiciary Committee}**

**Amendment No. 1 [uncodified Section 4(2)]**

**On page 23, in line 26, after "initial rental dwelling", insert "license".**

**{Comment: Corrects inadvertent omission of key word.}**

**UNOFFICIAL DLR REPRINT II 06MAR18**

**COUNCIL BILL 18-0185**

**UNOFFICIAL REPRINT TO SHOW CONTEXT OF AMENDMENTS, AS PROPOSED BY  
JUD'Y COMMITTEE, HCD, [REDACTED] MCLARK, AND DLR**

**A BILL ENTITLED**

**AN ORDINANCE concerning**

**Non-Owner-Occupied Dwelling Units, Rooming Houses,  
and Vacant Structures – Rental Dwellings – Registration and Licensing**

**FOR the purpose of adding certain non-owner-occupied 1- and 2-family dwellings to the licensing, inspection, and related requirements for multi-family dwellings and rooming houses (collectively, "rental dwellings"); modifying the [REDACTED] procedures and prerequisites for the registration of certain non-owner-occupied dwellings, rooming houses, and vacant structures; modifying the procedures and prerequisites for the licensing of rental dwellings; providing for the denial, suspension, or revocation of a rental dwelling license under certain circumstances; providing for judicial and appellate review of administrative decisions relating to the registration or the licensing of these structures; amending the underlying definition of "rooming house" to clarify its applicability to a bed and breakfast facility; defining and redefining certain other terms; imposing certain penalties; correcting, clarifying, and conforming related language; providing certain transition rules for pre-existing licenses; providing for a special effective date; and generally relating to the registration of non-owner-occupied dwellings, rooming houses, and vacant structures and to the licensing of rental dwellings.**

**BY repealing and reordaining, with amendments**

**Article 13 - Housing and Urban Renewal  
Sections 4-1, 4-6, ~~and 4-8, and 4-9~~  
Baltimore City Code  
(Edition 2000)**

**BY adding**

**Article 13 - Housing and Urban Renewal  
New Section 4-12  
Baltimore City Code  
(Edition 2000)**

**BY renumbering**

**Article 13 - Housing and Urban Renewal  
Current Sections 4-12 and 4-13  
to be**

**EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
Strike-out indicates matter stricken from the bill by  
amendment or deleted from existing law by amendment.**

**New Sections 4-13 and 4-14  
Baltimore City Code  
(Edition 2000)**

**BY repealing and reordaining, with amendments  
Article 13 - Housing and Urban Renewal  
Subtitle 5, to be under the revised subtitle name,  
"Subtitle 5. Licensing of Rental Dwellings"  
Baltimore City Code  
(Edition 2000)**

**BY repealing and reordaining, with amendments  
Article 13 - Housing and Urban Renewal  
Section 8A-5(b)(2)  
Baltimore City Code  
(Edition 2000)**

**BY repealing and reordaining, with amendments  
Article 1 - Mayor, City Council, and Municipal Agencies  
Section 40-14(e)(1)  
Baltimore City Code  
(Edition 2000)**

**BY repealing and reordaining, with amendments  
Article 19 - Police Ordinances  
Sections 43-4(c)(1) and 43A-3(c)(1)  
Baltimore City Code  
(Edition 2000)**

**BY repealing and reordaining, with amendments  
Article - Building, Fire, and Related Codes  
Section 2-103 (BC §§ 114.21.2b and 202.48-2c) and  
Section 7-102 (PMC § 202.2.14.1)  
Baltimore City Revised Code  
(2015 Edition)**

**BY repealing and reordaining, without amendments  
Article - Building, Fire, and Related Codes  
Section 7-102 (PMC §§ 202.2.3, 202.2.6, and 202.2.15)  
Baltimore City Revised Code  
(2015 Edition)**

**BY repealing and reordaining, with amendments  
Article - Health  
Section 6-603.1(b)(1)(Article 13)  
Baltimore City Revised Code  
(Edition 2000)**

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

**Baltimore City Code**

**Article 13. Housing and Urban Renewal**

**Subtitle 4. Registration of Non-Owner-Occupied Dwellings,  
Rooming Houses, and Vacant Structures**

**§ 4-1. Definitions.**

**(a) *In general.***

In this subtitle, the following terms have the meanings indicated.

**(b) *Commissioner.***

“Commissioner” means the Commissioner of Housing and Community Development or the Commissioner’s designee.

**(c) *Dwelling unit.***

“Dwelling unit” has the meaning stated in § 202.2 of the Baltimore City Property Maintenance Code.

**(d) *Multiple-family dwelling.***

“Multiple-family dwelling” has the meaning stated in § 202.2 of the Baltimore City Property Maintenance Code.

**(e) *Non-owner-occupied dwelling unit.***

**(1) *In general.***

“Non-owner-occupied dwelling unit” means any:

- (i) dwelling unit that is unoccupied;**
- (ii) dwelling unit that, even if occupied, is not occupied by an owner of record; or**
- (iii) dwelling unit that, even if occupied, is not designated by the State Department of Assessments and Taxation as the owner’s principle residence in accordance with the criteria governing the State Homestead Tax Credit.**

**(2) *Qualifications.***

For purposes of this definition:

- (i) an owner may only have one owner-occupied dwelling UNIT in Baltimore City; and**
- (ii) an owner-occupied unit must be titled to a natural person.**

(F) [(f-1)] *Rooming house.*

“Rooming house” has the meaning stated in § 202.2 of the Baltimore City Property Maintenance Code.

(G) [(f-2)] *Rooming unit.*

“Rooming unit” has the meaning stated in § 202.2 of the Baltimore City Property Maintenance Code.

(H) [(g)] *Vacant structure.*

(1) *In general.*

“Vacant structure” means any structure that is subject to an unabated violation notice issued under § 116 (“Unsafe Structures”) of the Baltimore City Building Code.

(2) *Exclusions.*

“Vacant structure” does not include an accessory structure that is not intended for occupancy, such as a garage, shed, or storage building.

**§ 4-6. Registration statement – Contents.**

(a) *In general.*

[(1)] Each registration statement must be in the form that the Commissioner requires and contain the following information:

- (1) [(i)] a description of the premises by street number or by block-and-lot;
- (2) [(ii)] the name, street address, telephone number, and email address of the premises’ owner of record;
- (3) [(iii)] the name, street address, telephone number, and email address of the premises’ managing operator, if other than the owner; AND
- (4) [(iv)] if the owner is a corporation, PARTNERSHIP, limited partnership, limited liability company, or similar entity, the name, street address, telephone number, and email address of [its resident agent] A NATURAL PERSON WHO SERVES AS THE OWNER’S CHIEF EXECUTIVE OFFICER, MANAGING PARTNER, OR MANAGING MEMBER, OR IN A SIMILARLY AUTHORITATIVE POSITION[; and].

[(v) if the owner is a partnership or other similar entity, the name, street address, telephone number, and email address of a responsible partner or officer.]

[(2) The failure to provide or maintain an email address is not cause to reject an application and is not a violation of this subtitle.]

(b) *Change of [operator, or agent] LISTED INFORMATION.*

The Commissioner must be notified within 10 days of any change in the [managing operator or resident agent] IDENTITY OF OR CONTACT INFORMATION FOR THE OWNER OF RECORD OR ANY OTHER PERSON LISTED IN THE REGISTRATION STATEMENT.

§ 4-8. Registration fees.

(A) [(a-1)] *Rooming houses.*

[REDACTED]

Except as otherwise specified in this section, an annual registration fee must be paid for rooming houses at the rate of \$25 per rooming unit.

[REDACTED]

[REDACTED]

(B) [(a)] *Non-owner-occupied dwelling units.*

[REDACTED]

Except as otherwise specified in this section, an annual registration fee must be paid for non-owner-occupied dwelling units at the following rates:

- (1) for properties with 1 and 2 dwelling units – \$30 per dwelling unit.
- (2) for multiple-family dwellings – \$35 per dwelling unit, plus \$25 per rooming unit.

[REDACTED]

[REDACTED]

(c) [(b)] *Vacant structures.*

Except as otherwise specified in this section, an annual registration fee, in addition to any fee that might also be required by subsection (a) of this section, must be paid for vacant structures at the following rates:

- (1) for residential structures – \$100 per structure.
- (2) for all other structures – \$250 per structure.

(D) [(c)] *When payable.*

These fees must all be paid at the time of registration.

(E) [(d)] *Exceptions.*

No fee is charged for:

- (1) any dwelling unit, rooming house, or vacant structure that is owned by a governmental entity or an instrumentality or unit of a governmental entity; OR
- (2) any dwelling unit that is not in a vacant structure and is owned by a nonprofit religious, charitable, or educational institution or organization[; or].
- [(3) an unoccupied, habitable dwelling unit last occupied by its current owner as his or her residence.]

**~~§ 4-9. Term and renewal:~~**

~~A registration expires on [August 30] DECEMBER 31 of each year, unless it is renewed and the annual registration fee paid before then.~~

**~~§ 4-12. JUDICIAL AND APPELLATE REVIEW:~~**

**~~(A) JUDICIAL REVIEW:~~**

~~A PERSON AGGRIEVED BY A DECISION OF THE HOUSING COMMISSIONER UNDER THIS SUBTITLE MAY SEEK JUDICIAL REVIEW OF THAT DECISION BY PETITION TO THE CIRCUIT COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.~~

**~~(B) STAYS:~~**

- ~~(1) THE FILING OF A PETITION FOR JUDICIAL REVIEW DOES NOT STAY THE DECISION OF THE COMMISSIONER.~~
- ~~(2) HOWEVER, ON MOTION AND AFTER HEARING, THE COURT MAY GRANT A STAY AS PROVIDED IN THE MARYLAND RULES OF PROCEDURE.~~

**~~(C) APPELLATE REVIEW:~~**

~~A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.~~

**~~§ 4-12. [RESERVED]~~**

**§ 4-13. [§ 4-12.] Enforcement by citation.**

**(a) *In general.***

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of an environmental citation as authorized by City Code Article 1, Subtitle 40 ("Environmental Control Board").



(b) *Process not exclusive.*

The issuance of an environmental citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

**§ 4-14. [§ 4-13.] Penalties.**

(a) *In general.*

Any person who violates a provision of this subtitle or of a rule, regulation, or order adopted or issued under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

**Subtitle 5. Licensing of RENTAL DWELLINGS  
[Multiple-Family Dwellings and Rooming Houses]**

**§ 5-1. Definitions.**

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(B) [(c)] *Dwelling unit.*

"Dwelling unit" has the meaning stated in § 202.2 of the Property Maintenance Code of Baltimore City.

(C) [(b)] *HOUSING COMMISSIONER; Commissioner.*

"HOUSING COMMISSIONER" OR "Commissioner" means the Commissioner of Housing and Community Development or the Commissioner's designee.

(d) *Multiple-family dwelling.*

"Multiple-family dwelling" has the meaning stated in § 202.2 of the Property Maintenance Code of Baltimore City.

(E) *NON-OWNER-OCCUPIED DWELLING UNIT.*

"NON-OWNER-OCCUPIED DWELLING UNIT" HAS THE MEANING STATED IN § 4-1 OF THIS ARTICLE.

(F) [(e)] *Person.*

(1) *In general.*

"Person" means:

- (i) an individual;

- (ii) a partnership, firm, association, corporation, or other entity of any kind; and
- (iii) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind.

(2) *Inclusions.*

“Person” includes, except as used in § 5-21 (“Penalties”) of this subtitle, a governmental entity or an instrumentality or unit of a governmental entity.

(G) *RENTAL DWELLING.*

“RENTAL DWELLING” MEANS:

- (1) ANY MULTIPLE-FAMILY DWELLING;
- (2) ANY ROOMING HOUSE; AND
- (3) ANY NON-OWNER-OCCUPIED DWELLING UNIT IN A 1- OR 2-FAMILY DWELLING THAT IS LEASED OR RENTED OR OFFERED OR AVAILABLE FOR LEASE OR RENTAL IN EXCHANGE FOR ANY FORM OF CONSIDERATION.

(H) [(f)] *Rooming house.*

“Rooming house” has the meaning stated in § 202.2 of the Property Maintenance Code of Baltimore City.

(I) [(g)] *Rooming unit.*

“Rooming unit” has the meaning stated in § 202.2 of the Property Maintenance Code of Baltimore City.

§ 5-2. Rules and regulations.

(a) *Commissioner [may] TO adopt.*

The HOUSING Commissioner [may] MUST adopt rules and regulations to carry out this subtitle.

(b) *Filing with Legislative Reference.*

A copy of all rules and regulations adopted under this subtitle must be filed with the Department of Legislative Reference BEFORE THEY TAKE EFFECT.

§ 5-3. {Reserved}

§ 5-4. License required.

[REDACTED]

[REDACTED] No person may

- (1) [operate] RENT OR OFFER TO RENT TO ANOTHER ALL OR ANY PART OF any [multiple-family dwelling or rooming house] RENTAL DWELLING without a CURRENTLY EFFECTIVE license to do so from the HOUSING Commissioner; OR
- (2) CHARGE, ACCEPT, RETAIN, OR SEEK TO COLLECT ANY RENTAL PAYMENT OR OTHER COMPENSATION FOR PROVIDING TO ANOTHER THE OCCUPANCY OF ALL OR ANY PART OF ANY RENTAL DWELLING UNLESS THE PERSON WAS LICENSED UNDER THIS SUBTITLE AT BOTH THE TIME OF OFFERING TO PROVIDE AND THE TIME OF PROVIDING THIS OCCUPANCY.

[REDACTED]

[REDACTED]

**§ 5-5. Application for NEW OR RENEWAL license.**

(a) *In general.*

The application for a NEW OR RENEWAL RENTAL DWELLING license must be made in the form AND CONTAIN THE INFORMATION AND DOCUMENTATION that the HOUSING Commissioner requires.

(b) *By whom to be made.*

The application must be made and signed by:

- (1) the owner of the premises; and
- (2) the [lessee] MANAGING OPERATOR OF THE PREMISES, if [any] OTHER THAN THE OWNER[, who will operate the business].

**(c) APPLICATION PERIOD FOR RENEWAL**

**TO RENEW A LICENSE ISSUED UNDER THIS SUBTITLE, AN APPLICATION FOR RENEWAL MUST BE SUBMITTED TO THE COMMISSIONER NO LESS THAN 30 DAYS NOR MORE THAN 60 DAYS BEFORE THE LICENSE EXPIRES.**

**§ 5-6. Prerequisites for NEW OR RENEWAL license – IN GENERAL.**

A RENTAL DWELLING license may be issued or renewed under this subtitle only if:

- (1) all dwelling units AND ROOMING UNITS are currently registered [under] AS REQUIRED BY Subtitle 4 {"REGISTRATION OF Non-Owner-Occupied Dwellings[;], ROOMING HOUSES, AND Vacant Structures"} of this article;
- (2) [the] ALL registration fees FOR THESE UNITS and all [outstanding] RELATED interest and late fees required by Subtitle 4 have been paid;
- (3) the premises have [been inspected] PASSED A RECENT AN INSPECTION [by the Commissioner], AS REQUIRED BY § 5-7 {"PREREQUISITES ... - INSPECTION"} OF THIS SUBTITLE.**

- (4) the premises are in compliance with ALL FEDERAL, State, AND CITY laws and regulations governing lead paint;
- (5) [(6) if] FOR [the] premises THAT include a hotel OR MOTEL subject to City Code Article 15 {"Licensing and Regulation"}, Subtitle 10 {"Hotels"}, the hotel OR MOTEL is in compliance with the training, certification, and posting requirements of that subtitle[.];
- (6) [(5)] the premises are not subject to [an unabated] ANY violation notice OR ORDER THAT:
  - (i) HAS BEEN issued under [§ 116 {"Unsafe Structures"} of] the Baltimore City [Building Code] BUILDING, FIRE, AND RELATED CODES ARTICLE; AND
  - (ii) NOTWITHSTANDING THE PASSAGE OF MORE THAN 90 DAYS SINCE ITS ISSUANCE, HAS NOT BEEN ABATED BEFORE THE LICENSE ISSUANCE OR RENEWAL[; and].

**§ 5-7. PREREQUISITES FOR NEW OR RENEWAL LICENSE – INSPECTION.**

**(A) IN GENERAL.**

THE INSPECTION REQUIRED BY § 5-6 {"PREREQUISITES ... – IN GENERAL"} OF THIS SUBTITLE MUST COMPLY WITH EITHER:

- (1) SUBSECTION (B) {"THIRD-PARTY HOME INSPECTIONS"} OF THIS SECTION; OR
- (2) SUBSECTION (C) {"GOVERNMENTAL AGENCY INSPECTIONS"} OF THIS SECTION.

**(B) THIRD-PARTY HOME INSPECTIONS.**

**(1) DEFINITIONS.**

**(i) IN GENERAL.**

IN THIS SUBSECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

**(ii) HOME INSPECTION.**

"HOME INSPECTION" MEANS A HOME INSPECTOR'S WRITTEN EVALUATION OF A RENTAL DWELLING'S COMPLIANCE WITH THE CITY'S HEALTH AND SAFETY STANDARDS SPECIFIED IN THE HOUSING COMMISSIONER'S RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE.

**(iii) HOME INSPECTOR.**

"HOME INSPECTOR" MEANS AN INDIVIDUAL:

- (A) WHO IS LICENSED AS A HOME INSPECTOR UNDER TITLE 16, SUBTITLE 3A OF THE STATE BUSINESS OCCUPATION AND PROFESSIONS ARTICLE; AND
- (B) WHO, AS REQUIRED BY THE RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE:

1. HAS REGISTERED WITH THE HOUSING COMMISSIONER AS GENERALLY AVAILABLE TO INSPECT AND CERTIFY RENTAL DWELLINGS UNDER THIS SUBSECTION; AND
2. FOR EACH HOME INSPECTION TO BE PERFORMED UNDER THIS SUBSECTION, CERTIFIES THAT NEITHER THE HOME INSPECTOR NOR ANY OWNER, PARTNER, DIRECTOR, OFFICER, EMPLOYEE, OR AGENT OF THE HOME INSPECTOR OR OF THE HOME INSPECTOR'S BUSINESS HAS ANY FINANCIAL INTEREST IN:
  - A. THE RENTAL DWELLING TO BE INSPECTED;
  - B. THE OWNER OR OPERATOR OF THAT RENTAL DWELLING; OR
  - C. ANY OWNER, PARTNER, DIRECTOR, OFFICER, EMPLOYEE, OR AGENT OF THE RENTAL DWELLING'S OWNER OR OPERATOR.

**(2) APPLICANT TO CONTRACT FOR TIMELY INSPECTION.**

- (i) BEFORE APPLYING FOR A RENTAL DWELLING LICENSE OR RENEWAL LICENSE, THE APPLICANT MUST, AT THE APPLICANT'S EXPENSE, CONTRACT WITH A HOME INSPECTOR TO PERFORM A HOME INSPECTION UNDER THIS SECTION.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**(3) NUMBER OF UNITS TO BE INSPECTED.**

- (i) FOR ANY RENTAL DWELLING THAT COMPRISES 9 OR FEWER DWELLING OR ROOMING UNITS, ALL DWELLING AND ROOMING UNITS MUST BE INSPECTED UNDER THIS SUBSECTION.
- (ii) FOR ANY MULTIPLE-FAMILY DWELLING OR ROOMING HOUSE THAT COMPRISES 10 OR MORE DWELLING OR ROOMING UNITS, THE NUMBER OF UNITS THAT MUST BE INSPECTED ARE AS DETERMINED IN THE RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE.

**(4) INSPECTOR'S [REDACTED] AND CERTIFICATION.**

- (i) AFTER THE HOME INSPECTION, THE HOME INSPECTOR MUST ISSUE TO THE APPLICANT:
  - (A) ~~A COPY OF THE INSPECTION REPORT~~ A WRITTEN REPORT OF EVERY INSPECTION CONDUCTED UNDER THIS SECTION; AND
  - (B) IF THE RENTAL DWELLING MEETS THE CITY'S HEALTH AND SAFETY STANDARDS SPECIFIED IN THE RULES AND REGULATIONS ADOPTED UNDER

THIS SUBTITLE, A CERTIFICATE OF SATISFACTORY COMPLIANCE WITH THOSE STANDARDS.

(H) THE [REDACTED] AND THE CERTIFICATE MUST BE IN THE FORM REQUIRED BY THE COMMISSIONER AND UNDER THE HOME INSPECTOR'S SEAL.

(II) THE [REDACTED] AND THE CERTIFICATION MUST BE:

(A) IN THE FORM REQUIRED BY THE COMMISSIONER; AND

(B) SIGNED BY THE HOME INSPECTOR, UNDER OATH AND UNDER THE HOME INSPECTOR'S SEAL.

(C) *GOVERNMENTAL AGENCY INSPECTIONS.*

(1) *SCOPE OF SUBSECTION.*

THIS SUBSECTION APPLIES TO ANY RENTAL DWELLING UNIT THAT IS REQUIRED TO UNDERGO PERIODIC INSPECTIONS CONDUCTED BY A GOVERNMENTAL AGENCY IN ACCORDANCE WITH FEDERAL OR STATE INSPECTION STANDARDS.

(2) *REQUIRED EVIDENCE OF COMPLIANCE WITH MOST RECENT INSPECTION.*

FOR A RENTAL DWELLING UNIT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE APPLICANT FOR A LICENSE OR RENEWAL LICENSE MAY, IN LIEU OF THE REQUIREMENTS OF SUBSECTION (B) {"THIRD-PARTY HOME INSPECTIONS"} OF THIS SECTION, SUBMIT EVIDENCE SATISFACTORY TO THE HOUSING COMMISSIONER THAT THE UNIT HAS PASSED THE MOST RECENT PERIODIC INSPECTION BY THE APPLICABLE GOVERNMENTAL AGENCY.

[REDACTED]

[REDACTED]

[REDACTED] *COMMISSIONER'S INSPECTION AUTHORITY NOT AFFECTED.*

THIS SECTION DOES NOT IN ANY WAY PREVENT OR LIMIT THE AUTHORITY OF THE HOUSING COMMISSIONER TO CONDUCT ROUTINE, SPOT, QUALITY-CONTROL, OR OTHER INSPECTIONS OF RENTAL DWELLINGS UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE

§ 5-8. [§ 5-7.] *License fees.*

No fee is imposed for a RENTAL DWELLING license issued under this subtitle.

§ 5-9. [§ 5-8.] *[Term and renewal] TIERED TERMS OF LICENSES.*

(a) *In general.*

[Except as otherwise provided under this section,] UNLESS TIMELY RENEWED, each RENTAL DWELLING license ISSUED UNDER THIS SUBTITLE expires [1 year from] ON THE 1<sup>ST</sup>, 2<sup>ND</sup>, OR 3<sup>RD</sup> ANNIVERSARY OF [the date of] its issuance [and may be renewed annually], AS PROVIDED IN THIS SECTION.

**[(b) *Stagger.*]**

[The Commissioner may provide for staggered license terms, by issuing an original license or, on a 1-time basis, a renewal license for a period of less than 1 year or for a period of more than 1 year but less than 2 years.]

**[(c) *Notice of renewal and reinspection.*]**

[(1) Before a license expires, the Commissioner will mail notice to the licensee, specifying a date and time when an inspector will be present to reinspect the premises.]

[(2) Within 1 week of receiving the notice, the licensee may reschedule the inspection to a date no more than 2 weeks after the date specified in the notice.]

[(3) The license will not be renewed if the licensee fails to provide entry for a scheduled inspection or unduly delays the inspection.]

**[(d) *Vacant dwellings.*]**

[If a dwelling has remained vacant for more than a year, a renewal license may be issued only if reoccupancy of the dwelling would not violate the Zoning Code of Baltimore City.]

**(B) *INITIAL LICENSE.***

A DWELLING UNIT LICENSE INITIALLY ISSUED UNDER THIS SUBTITLE TO ANY RENTAL DWELLING EXPIRES 2 YEARS FROM THE DATE OF ITS ISSUANCE, UNLESS TIMELY RENEWED.

**(C) *1<sup>ST</sup> RENEWAL OF INITIAL LICENSE.***

SUBJECT TO COMPLIANCE WITH § 5-6 {"PREREQUISITES FOR ... RENEWAL LICENSE – IN GENERAL"} OF THIS SUBTITLE, THE 1<sup>ST</sup> RENEWAL OF AN INITIAL 2-YEAR LICENSE WILL BE FOR A 3-, 2-, OR 1-YEAR RENEWAL TERM, BASED ON THE FOLLOWING RISK FACTORS:

- (1) **3-YEAR TERM:** THE RENEWAL LICENSE WILL BE FOR A 3-YEAR TERM IF, DURING THE 24 MONTHS IMMEDIATELY PRECEDING SUBMISSION OF A COMPLETED RENEWAL APPLICATION, ALL VIOLATION NOTICES OR ORDERS ISSUED DURING THOSE MONTHS UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE HAVE BEEN ABATED WITHIN 60 DAYS OF THEIR ISSUANCE.
- (2) **2-YEAR TERM:** THE RENEWAL LICENSE WILL BE FOR A 2-YEAR TERM IF, DURING THE 24 MONTHS IMMEDIATELY PRECEDING SUBMISSION OF A COMPLETED RENEWAL APPLICATION, ALL VIOLATION NOTICES OR ORDERS ISSUED DURING THOSE MONTHS UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE HAVE BEEN ABATED WITHIN 90 DAYS OF THEIR ISSUANCE.
- (3) **1-YEAR TERM:** THE RENEWAL LICENSE WILL BE FOR A 1-YEAR TERM IF THE RENTAL DWELLING DOES NOT QUALIFY UNDER THIS SUBSECTION FOR A 2- OR 3-YEAR RENEWAL.

(D) *SUBSEQUENT RENEWALS.*

SUBJECT TO COMPLIANCE WITH § 5-6 {"PREREQUISITES FOR ... RENEWAL LICENSE – IN GENERAL"} OF THIS SUBTITLE, ALL SUBSEQUENT RENEWAL TERMS WILL BE BASED ON THE FOLLOWING RISK FACTORS:

- (1) *3-YEAR TERM:* THE RENEWAL LICENSE WILL BE FOR A 3-YEAR TERM IF, DURING THE 36 MONTHS IMMEDIATELY PRECEDING SUBMISSION OF A COMPLETED RENEWAL APPLICATION, ALL VIOLATION NOTICES OR ORDERS ISSUED DURING THOSE MONTHS UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE HAVE BEEN ABATED WITHIN 60 DAYS OF THEIR ISSUANCE.
- (2) *2-YEAR TERM:* THE RENEWAL LICENSE WILL BE FOR A 2-YEAR TERM IF, DURING THE 24 MONTHS IMMEDIATELY PRECEDING SUBMISSION OF A COMPLETED RENEWAL APPLICATION, ALL VIOLATION NOTICES OR ORDERS ISSUED DURING THOSE MONTHS UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE HAVE BEEN ABATED WITHIN 90 DAYS OF THEIR ISSUANCE.
- (3) *1-YEAR TERM:* THE RENEWAL LICENSE WILL BE FOR A 1-YEAR TERM IF THE RENTAL DWELLING DOES NOT QUALIFY UNDER THIS SUBSECTION FOR A 2- OR 3-YEAR RENEWAL.

§ 5-10. [§ 5-9.] *{Reserved}*

§ 5-11. [§ 5-10.] **Posting license.**

The license issued under this subtitle must be prominently displayed:

- (1) FOR A MULTIPLE-FAMILY DWELLING OR ROOMING HOUSE, in the vestibule, lobby, or other public place on the premises; AND
- (2) FOR A 1- OR 2-FAMILY DWELLING, IN AN AREA OF EACH DWELLING UNIT THAT IS ACCESSIBLE TO THAT UNIT'S OCCUPANTS AND TO HOUSING INSPECTORS.

§ 5-12. [§ 5-11.] **Transfer of license.**

(a) *In general.*

Any person who assumes the ownership or operation of a licensed [multiple-family] RENTAL dwelling [or rooming house] must, within 15 days of assuming ownership or operation, apply to the HOUSING Commissioner for transfer of the license.

(b) *Fee.*

The fee for a transfer is \$25.

§ 5-13. [§ 5-12.] **Discontinuance of [use] MULTIPLE-FAMILY OR ROOMING HOUSE OPERATIONS.**

Notwithstanding [a] ANY discontinuance, IN WHOLE OR IN PART, of A MULTIPLE-FAMILY DWELLING'S OR A ROOMING HOUSE'S operations, [an annual] A license ISSUED UNDER THIS SUBTITLE [must be obtained] IS STILL REQUIRED unless the HOUSING Commissioner has issued a permit reflecting a change of use for the property.



§ 5-14. [§§ 5-13 and 5-14.] *{Reserved}*

§ 5-15. [Revocation] DENIAL, SUSPENSION, OR REVOCATION of license – In general.

(A) "NUISANCE PROPERTY" DEFINED.

~~IN THIS SECTION, "NUISANCE PROPERTY" MEANS ANY PROPERTY THAT, IN ACCORD WITH 1 OR ANOTHER OF THE FOLLOWING LAWS, HAS BEEN FOUND TO CONSTITUTE A PUBLIC NUISANCE OR TO BE MAINTAINED OR OPERATED SO AS TO CAUSE OR ALLOW A PUBLIC NUISANCE:~~

- ~~(1) STATE CODE REAL PROPERTY ARTICLE § 14-120 ("ACTIONS TO ABATE NUISANCES") {SEE ESP. SUBSECTION (A)(5) (DEFINING "NUISANCE")};~~
- ~~(2) CITY CODE ARTICLE 19, SUBTITLE 43 ("PUBLIC NUISANCES") {SEE ESP. § 43-1(L) (DEFINING "PUBLIC NUISANCE")}; AND~~
- ~~(3) CITY CODE ARTICLE 19, SUBTITLE 43B ("NEIGHBORHOOD NUISANCES AND UNRULY SOCIAL EVENTS") {SEE ESP. § 43B-1(B) (DEFINING "NEIGHBORHOOD NUISANCE"), § 43B-1(K) (DEFINING "PERSON RESPONSIBLE"), AND § 43B-1(O) (DEFINING "UNRULY SOCIAL EVENT")};~~

~~IN THIS SECTION, "NUISANCE PROPERTY" MEANS ANY PROPERTY THAT IS MAINTAINED OR OPERATED SO AS TO CAUSE OR ALLOW A NUISANCE OF THE SORT DESCRIBED IN ANY 1 OR ANOTHER OF THE FOLLOWING DEFINITIONS:~~

- ~~(1) STATE CODE REAL PROPERTY ARTICLE § 14-120(A)(5) (DEFINING "NUISANCE");~~
- ~~(2) CITY CODE ARTICLE 19, § 43-1(L) (DEFINING "PUBLIC NUISANCE");~~
- ~~(3) CITY CODE ARTICLE 19, § 43B-1(B) (DEFINING "NEIGHBORHOOD NUISANCE");~~  
~~AND~~
- ~~(4) CITY CODE ARTICLE 19, § 43B-1(O) (DEFINING "UNRULY SOCIAL EVENT").~~

(B) CAUSES FOR DENIAL, SUSPENSION, OR REVOCATION.

Subject to the hearing provisions of § 5-16 of this subtitle, the HOUSING Commissioner may DENY, SUSPEND, OR revoke a RENTAL DWELLING license OR RENEWAL LICENSE FOR ANY OF THE FOLLOWING CAUSES:

- (1) MAKING ANY MATERIAL FALSE STATEMENT IN AN APPLICATION FOR AN INITIAL OR RENEWAL LICENSE;
- (2) FRAUDULENTLY OR DECEPTIVELY OBTAINING A RENTAL DWELLING LICENSE FOR ONESELF OR FOR ANOTHER;
- (3) FRAUDULENTLY OR DECEPTIVELY USING A RENTAL DWELLING LICENSE;
- (4) FALSIFYING ANY INSPECTION REPORT OR CERTIFICATE;
- (5) REFUSAL BY AN OWNER OR OPERATOR OF A RENTAL DWELLING TO ALLOW THE COMMISSIONER TO CONDUCT A ROUTINE, SPOT, QUALITY-CONTROL, OR OTHER

**INSPECTION OF THE RENTAL DWELLING AS AUTHORIZED BY THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE;**

- (6) FAILING TO ABATE WITHIN 120 DAYS OF ISSUANCE ANY VIOLATION NOTICE, ORDER, OR CITATION FOR VIOLATING ANY PROVISION OF THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE, THE CITY HEALTH ARTICLE, OR THE ZONING CODE OF BALTIMORE CITY;**
- (7) FAILING TO COMPLY WITH ANY PROVISION OF THIS SUBTITLE OR OF ANY RULE OR REGULATION ADOPTED UNDER THIS SUBTITLE; OR**
- (8) if the HOUSING Commissioner finds, or if the Fire Chief, Health Commissioner, or Police Commissioner certify to the HOUSING Commissioner, that:**
  - (i) [(1)] the owner or lessee of a [multiple-family dwelling or rooming house] RENTAL DWELLING has failed to comply with any lawful notice, [or] order, OR CITATION to correct a violation that affects the health, safety, morals, or general welfare of the occupants of the property or of the general public; or**
  - (ii) [(2)] the owner or lessee of a [multiple-family dwelling or rooming house] RENTAL DWELLING, or any agent of the owner or lessee:
    - (A) [(i)] has allowed the premises to be used [for the purpose prostitution, drug trafficking, or other criminal activity or for any other activity that creates or constitutes] AS a nuisance PROPERTY; or**
    - (B) [(ii)] knew or should have known that the premises were being used [for one of these purposes] AS A NUISANCE PROPERTY and failed to prevent them from being so used.****

**§ 5-16. [Revocation] DENIAL, SUSPENSION, OR REVOCATION of license – Notice and hearing.**

**(a) In general.**



- (1) not less than 10 days notice in writing of the Commissioner's intent to DENY, SUSPEND, OR revoke the license; and**
- (2) an opportunity to be heard as to why the license should not be DENIED, SUSPENDED, OR revoked.**

**(b) Exception.**

**The Commissioner may DENY, SUSPEND, OR revoke a license without prior notice and opportunity to be heard if, in the opinion of the Commissioner or the Fire Chief, Health Commissioner, or Police Commissioner, the health, safety, or welfare of the occupants or of the general public are in imminent danger.**

**§ 5-17. [§ 5-18.] Vacating premises.**

The Commissioner may require a [multiple-family dwelling or rooming house] RENTAL DWELLING to be vacated within 24 hours if:

- (1) the property is being operated without a valid license; and
- (2) vacating the premises is necessary for the public health, safety, and welfare.

**§ 5-18. {RESERVED}**

**§ 5-19. [§ 5-22. Constitutional] IMPAIRING CONSTITUTIONAL rights.**

(a) *"Reasonable accommodation" defined.*

In this section, "reasonable accommodation" means affirmative steps that do not impose an undue financial hardship or a substantial burden.

(b) *Prohibited conduct.*

No bylaw, rule, or regulation governing a [multiple-family] RENTAL dwelling, nor any action or inaction of the governing body or management of a [multiple-family] RENTAL dwelling, may:

- (1) unreasonably impair any rights guaranteed by the Free-Exercise Clause of the First Amendment to the United States Constitution or by Article 36 of the Maryland Declaration of Rights; or
- (2) prohibit or deny any reasonable accommodation for religious practices.

**§ 5-20. SANITATION GUIDE.**

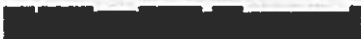
(A) *PREPARATION OF GUIDE.*

THE OWNER OR MANAGING OPERATOR OF EVERY RENTAL DWELLING, OTHER THAN A HOTEL OR MOTEL, MUST PREPARE, IN THE FORM AND CONTAINING THE INFORMATION REQUIRED BY THE COMMISSIONER, A SANITATION GUIDE FOR THE PREMISES THAT PROVIDES NOTICE TO ALL OCCUPANTS OF THE REQUIREMENTS AND PROCEDURES FOR THE SEPARATION, DISPOSITION, COLLECTION, AND PROPER STORAGE PENDING COLLECTION OF MIXED REFUSE, RECYCLABLE MATERIALS, YARD WASTE, BULK TRASH, AND ALL OTHER FORMS OF GARBAGE, RUBBISH, WASTE, AND TRASH.

(B) *DISSEMINATION.*

A COPY OF THE SANITATION GUIDE MUST BE:

- (1) PROVIDED TO EACH DWELLING UNIT ON THE PREMISES; AND
- (2) PROMINENTLY POSTED WITHIN EACH COMMON COLLECTION ROOM, IF ANY, ON THE PREMISES.



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**§ 5-24. JUDICIAL AND APPELLATE REVIEW.**

**(A) JUDICIAL REVIEW.**

A PERSON AGGRIEVED BY A DECISION OF THE HOUSING COMMISSIONER UNDER THIS SUBTITLE MAY SEEK JUDICIAL REVIEW OF THAT DECISION BY PETITION TO THE CIRCUIT COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

**(B) STAYS.**

- (1) THE FILING OF A PETITION FOR JUDICIAL REVIEW DOES NOT STAY THE DECISION OF THE COMMISSIONER.
- (2) HOWEVER, ON MOTION AND AFTER HEARING, THE COURT MAY GRANT A STAY AS PROVIDED IN THE MARYLAND RULES OF PROCEDURE.

**(C) APPELLATE REVIEW.**

A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

**§ 5-25. [§ 5-20.] Enforcement by citation.**

**(a) In general.**

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of an environmental citation as authorized by City Code Article 1, Subtitle 40 {"Environmental Control Board"}.

(b) *Process not exclusive.*

The issuance of an environmental citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

**§ 5-26. [§ 5-24.] Penalties.**

(a) *In general.*

Any person who violates [a] ANY provision of this subtitle (INCLUDING ANY OFFENSE LISTED IN § 5-15 OF THIS SUBTITLE AS POTENTIAL CAUSE FOR A DENIAL, SUSPENSION, OR REVOCATION OF A LICENSE) or ANY PROVISION of a rule, regulation, or order adopted or issued under this subtitle is guilty of a misdemeanor and, on conviction, is subject to [the following penalties:]

[(1) for a violation of § 5-22 (" Constitutional rights") of this subtitle,] a fine of not more than \$1,000 for each offense[; and].

[(2) for any other violation, a fine of not more than \$500 for each offense.]

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

**Subtitle 8A. Eviction Chattels**

**§ 8A-5. Disposition of abandoned property.**

(b) *Discount at City landfill or solid waste facility.*

(2) To be eligible for HABC rates, the landlord or landlord's agent must present at the facility at the time of disposal:

- (i) a copy of the warrant of restitution issued for the leased dwelling; and
- (ii) proof that the leased dwelling is registered or licensed under City Code Article 13, Subtitle 4 {"Registration of Non-Owner-Occupied Dwellings, ETC."} or Subtitle 5 {"Licensing of [Multiple-Family Dwellings and Rooming Houses] RENTAL DWELLINGS"}.

**Article 1. Mayor, City Council, and Municipal Agencies**

**Subtitle 40. Environmental Control Board**

**§ 40-14. Violations to which subtitle applies.**

(e) *Provisions and penalties enumerated.*

(1) *Article 13. Housing and Urban Renewal*

Subtitle 4. Registration of Non-Owner-Occupied Dwellings,  
Rooming Houses, and Vacant Structures  
Non-owner-occupied [dwellings] DWELLING UNITS

\$100

Rooming houses \$100  
Vacant [Structures] STRUCTURES \$500

**Subtitle 5. Licensing of [Multiple-Family Dwellings and  
Rooming Houses] RENTAL DWELLINGS**

§ 5-4. LICENSE REQUIRED \$1,000  
§ 5-15. {OFFENSES THERE LISTED AS CAUSE FOR}  
DENIAL, SUSPENSION, OR REVOCATION OF LICENSE \$750  
ALL OTHER PROVISIONS \$500

**Article 19. Police Ordinances**

**Subtitle 43. Public Nuisances**

**§ 43-4. Notice and opportunity for hearing.**

*(c) Service and posting of notice.*

(1) The notice shall be given by personal service or by certified or registered mail to the owner, operator, and commercial tenant, as their names and addresses:

- (i) are recorded in the Land Records of Baltimore City;
- (ii) appear in the registration statement [made] FILED under City Code Article 13, Subtitle 4 {"Registration of [Residential Properties] NON-OWNER-OCCUPIED DWELLINGS, ETC."}; or
- (iii) are otherwise known or readily ascertainable.

**Subtitle 43A. Neighborhood Nuisances – Abatement**

**§ 43A-3. Notice and opportunity for hearing.**

*(c) Service and posting of notice.*

(1) The notice shall be given by personal service or by certified or registered mail to the owner and to any operator or tenant of the premises, as their names and addresses:

- (i) are recorded in the Land Records of Baltimore City;
- (ii) appear in the registration statement [made] FILED under City Code Article 13, Subtitle 4 {"Registration of [Residential Properties] NON-OWNER-OCCUPIED DWELLINGS, ETC."}; or
- (iii) are otherwise known or readily ascertainable.

**Baltimore City Revised Code**

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

**Part II. International Building Code**

**§ 2-103. City modifications.**

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

**Chapter 1. Scope and Administration**

**Section 114 Violations**

...

**114.21.2 Liability for sanitary maintenance.**

**b. Liability – Failure to register property.** The owner of a property is responsible for exterior sanitary maintenance if:

1. the owner fails to register or license the property as required by City Code Article 13, Subtitle 4 {"REGISTRATION OF Non-Owner-Occupied Dwellings, etc."} or Subtitle 5 {"LICENSING OF [Multiple-Family Dwellings] RENTAL DWELLINGS"}, or
2. reasonable attempts at telephone contact, using information in a current registration statement, do not lead within 2 business days to current occupant information.

....

**Chapter 2. Definitions; Rules of Construction**

**Section 202 Definitions**

**202.2 Supplemental definitions.** Notwithstanding any different definition in the International Building Code, the following terms have the meanings given in this § 202.2.

**202.2.48 Person. "Person":**

**2. whenever used in this Code with reference to liability or to the imposition of a penalty or fine, includes:**

...

- c. in addition, the responsible officer, trustee, partner, or member designated on a [Registration Statement made] REGISTRATION STATEMENT FILED under City Code Article 13, Subtitle 4 {"Registration of [Residential Properties] NON-OWNER-OCCUPIED DWELLINGS, ETC."}.

....

## Part VII. International Property Maintenance Code

### § 7-102. City modifications.

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

#### Chapter 2. Definitions

##### Section 202 General Definitions

**202.2 Supplemental definitions.** Notwithstanding any different definition in the International Property Maintenance Code, the following terms have the meanings given in this § 202.2.

...

**202.2.3 Dwelling unit.** "Dwelling unit" has the meaning stated in § 202.2 of the Baltimore City Building Code.

...

**202.2.6 Multiple-family dwelling.** "Multiple-family dwelling" means a building or a group of buildings on the same lot that contains or is designed or intended to contain:

1. more than 2 dwelling units,
2. 2 dwelling units and any other residential or commercial occupancy, or
3. any combination of 3 or more rooming units and dwelling units.

...

**202.2.14 Rooming house.** "Rooming house" means a building that:

1. is not a multiple-family dwelling, and
2. contains more than 2 rooming units occupied or designed or intended to be occupied by individuals who, even though they might share common areas and facilities, do not form a single housekeeping unit and do not provide compensation under a single lease for occupancy of the rooming house.

**202.2.14.1 Inclusions.** "Rooming house" includes a hotel, motel, BED AND BREAKFAST (AS DEFINED IN ZONING CODE § 1-203(F)), or boarding house.

**202.2.15 Rooming unit.** "Rooming unit" means any room or group of rooms that form a single habitable unit occupied or designed or intended to be occupied for sleeping or living, but not for cooking purposes.

....



**Article – Health**

**Title 6. Food Service Facilities**

***Subtitle 6. Suspensions and Revocations***

**§ 6-603.1. Suspension or nonrenewal for multiple or unpaid citations.**

**(b) *Covered offenses.***

- (1) For purposes of this section, citations issued for violations of the following provisions of the City Code are presumed to be issued for reasons related to public health or to the prevention of disease, epidemics, or nuisances affecting public health:

Article 13. Housing and Urban Renewal  
Subtitle 5 {[Multiple-Family Dwellings and Rooming Houses] LICENSING OF RENTAL DWELLINGS”}.

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

**SECTION 3. AND BE IT FURTHER ORDAINED, That:**

- (a) On and after the effective date of this Ordinance, a preexisting multiple-family dwelling or rooming house operating under an unexpired license that was issued under former City Code Article 13, Subtitle 5, may continue to operate under that license: (i) until the license expires at the end of its stated term or (ii) if the end of its stated term is fewer than 90 days after the effective date of this Ordinance, for an extended term that expires on the 90<sup>th</sup> day after the effective date of this Ordinance.
- (b) The multiple-family dwelling or rooming house may not continue to operate after the preexisting license expires under subsection (a)(i) or (ii) of this Section until the licensee has applied for and obtained a new, initial rental dwelling license under City Code Article 13, Subtitle 5, as amended by this Ordinance.

**SECTION 4. AND BE IT FURTHER ORDAINED,** That, on and after the effective date of this Ordinance, a rental dwelling described in Article 13, § 5-1(g)(3), as added by this Ordinance, may preliminarily operate without an initial rental dwelling license, but only as long as:

- (1) all non-owner-occupied dwelling units are duly registered under Article 13, Subtitle 4, as amended by this Ordinance, and all registration fees and related interest and late fees required by that Subtitle 4 have been paid;
- (2) within 120 days of the effective date of this Ordinance, the owner submits a completed application under Article 13, Subtitle 5, as amended by this subtitle, for a new, initial rental dwelling license; and
- (3) the Housing Commissioner has not yet issued an approval or denial of that application.

**SECTION 5. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on August 1, 2018.





**CITY OF BALTIMORE  
CITY COUNCIL HEARING ATTENDANCE RECORD**

**WORKSESSION**

Committee: Judiciary and Legislative Investigations      Chairperson: The Honorable Eric T. Costello  
 Date: Tuesday, March 20, 2018      Time: 10:10 AM      Place: Clarence "Du" Burns Chambers  
 Subject: Ordinance - Non-Owner-Occupied Dwelling Units, Rooming Houses, and Vacant Structures - Rental Dwellings - Registration and Licensing      CC Bill Number: 18-0185

**PLEASE PRINT**

FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	WHAT IS YOUR POSITION ON THIS BILL?		(*) LOBBYIST: ARE YOU REGISTERED IN THE CITY
						FOR	AGAINST	
John	Doc	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ronald Miles	Miles				Rpap21505@gmail.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kathy Howard	Howard		118 Fayette St	21202	Khoward@regionalmarket.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian	Wojcik		BAENMORRILL landlord 911		410 443-812-1484 brian@diverblock.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alice	brown		LAW			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joseph David	Montano Prevas		Expedia 11 F Hyatt St	21202	dprevas@gmail.com	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CALL S	SZABO		NetChoice			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben	Frederick		701 W University Pkwy GAR	21210	Ben@BenFrederick.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Felicia A	Lockett		RTHA / Bristol Landlord	21015	Webb.tenentassassant@aol.com	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arlene	Whitman		RTHA	21210	whitmanis@smail.com	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(\*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.

**IF YOU WANT TO TESTIFY PLEASE CHECK HERE**



**CITY OF BALTIMORE  
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FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	WHAT IS YOUR POSITION ON THIS BILL?		LOBBYIST: ARE YOU REGISTERED IN THE CITY (*)
						FOR	AGAINST	
John Doe	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ari	Plawt	108	2002 cipper park rd	21211	Fdb3law@aol.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Math <del>Sh</del>	Hill	200	Public Justice	21201	hillm@publicjustice.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Zafar	Shah				shahz@publicjustice.org			
Nehemish	Hall							
Sarah	Lance	24		21210				
Bethy	Tyson	76		21223				
Rian	Talley							
Molly	Amster	<del>21210</del>			molly@jwfj.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
CLAIRE	HAMMER		415 FROMELAND	21212	clairehammer21212@gmail.com			<input checked="" type="checkbox"/>
Stephen	Hammer		701 DePere Rd	21210	Hammer Development LLC@gmail.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

(\*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.

Ron Miles



**CITY OF BALTIMORE  
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PLEASE PRINT				WHAT IS YOUR POSITION ON THIS BILL?	LOBBYIST: ARE YOU REGISTERED IN THE CITY					
FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME		ZIP	EMAIL ADDRESS	FOR	AGAINST	YES	NO
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Heather <del>Berlett</del>	Berlett		5902C The Alameda	21239	HeatherBerlett@gmail.com					
Deborah	Weimer		4060 LT Clinic	21201	dweimer@jawa.com dweimer@jawa.d.edu					

**IF YOU WANT TO TESTIFY PLEASE CHECK HERE**



(\* NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.

# City of Baltimore

City Council  
City Hall, Room 408  
100 North Holliday Street  
Baltimore, Maryland  
21202

## Meeting Minutes - Final

### Judiciary and Legislative Investigations

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Tuesday, February 20, 2018

10:00 AM

Du Burns Council Chamber, 4th floor, City Hall

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18-0185

#### CALL TO ORDER

#### INTRODUCTIONS

#### ATTENDANCE

- Present** 6 - Member Eric T. Costello, Member Mary Pat Clarke, Member Leon F. Pinkett III, Member John T. Bullock, Member Brandon M. Scott, and Member Robert Stokes Sr.
- Absent** 1 - Member Edward Reisinger

#### ITEMS SCHEDULED FOR PUBLIC HEARING

18-0185

##### **Non-Owner-Occupied Dwelling Units, Rooming Houses, and Vacant Structures - Rental Dwellings - Registration and Licensing**

For the purpose of adding certain non-owner-occupied 1- and 2-family dwellings to the licensing, inspection, and related requirements for multi-family dwellings and rooming houses (collectively, "rental dwellings"); modifying the procedures and prerequisites for the registration of certain non-owner-occupied dwellings, rooming houses, and vacant structures; modifying the procedures and prerequisites for the licensing of rental dwellings; providing for the denial, suspension, or revocation of a rental dwelling license under certain circumstances; providing for judicial and appellate review of administrative decisions relating to the registration or the licensing of these structures; amending the underlying definition of "rooming house" to clarify its applicability to a bed and breakfast facility; defining and redefining certain other terms; imposing certain penalties; correcting, clarifying, and conforming related language; providing certain transition rules for pre-existing licenses; providing for a special effective date; and generally relating to the registration of non-owner-occupied dwellings, rooming houses, and vacant structures and to the licensing of rental dwellings.

**Sponsors:** Bill Henry, Ryan Dorsey, Brandon M. Scott, Kristerfer Burnett, John T. Bullock, Leon F. Pinkett, III, Sharon Green Middleton, Zeke Cohen, Robert Stokes, Sr., Shannon Sneed, Mary Pat Clarke, Edward Reisinger

**Council Bill #18-0185 received a Public Hearing.**



**ADJOURNMENT**

**THIS MEETING IS OPEN TO THE PUBLIC**







**HEARING NOTES**

**Bill: 18-0185**

**Non-Owner-Occupied Dwelling Units, Rooming Houses, and Vacant Structures -  
Rental Dwellings - Registration and Licensing**

**Committee:** Judiciary and Legislative Investigations

**Chaired By:** Councilmember Eric Costello

**Hearing Date:** February 20, 2018

**Time (Beginning):** 10:05 a.m.

**Time (Ending):** 12:30 p.m.

**Location:** Clarence "Du" Burns Chamber

**Total Attendance:** ~60

**Committee Members in Attendance:**

Eric Costello Mary Pat Clarke Brandon Scott

Leon Pinkett Robert Stokes John Bullock

<b>Bill Synopsis in the file?</b> .....	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
<b>Attendance sheet in the file?</b> .....	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
<b>Agency reports read?</b> .....	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
<b>Hearing televised or audio-digitally recorded?</b> .....	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no	<input type="checkbox"/> n/a
<b>Certification of advertising/posting notices in the file?</b> .....	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> n/a
<b>Evidence of notification to property owners?</b> .....	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> n/a
<b>Final vote taken at this hearing?</b> .....	N/A		
<b>Seconded by:</b> .....	N/A		
<b>Final Vote:</b> .....	N/A		

**Major Speakers**

*(This is not an attendance record.)*

- Jason Hessler, Department of Housing and Community Development



## Major Issues Discussed

1. Chairman Costello introduced the proceedings, and discussed the reports of various City agencies. Each agency stood by its report.
2. Mr. Jason Hessler discussed the Department of Housing and Community Development's ("HCD") stance on 18-0185. He explained that the Bill is a proposed licensing program that would extend the inspections process expected of larger multi-family housing to housing that includes only one and two units. Mr. Hessler stated that inspections would be done by a third party using a checklist for items like working smoke detectors and faulty wiring. He added that the Department must use third party inspectors because it does not have enough staff in house. Mr. Hessler noted that current HCD staff would be used for quality control and strategic inspections. He mentioned that this Bill will provide safer housing to all, and referenced two amendments by the Department regarding nuisance properties and home inspector seals.
3. Councilman Schleifer asked how many properties the City manages, and was told that it is approximately 12,000 properties. He further asked why HABC is exempted from 18-0185 since the City should be taking the lead in ensuring proper housing. The Councilman was told that there is an extensive federal process for inspections.
4. Vice Chairwoman Clarke asked how HCD resources are being used at present, and was told that they conduct quality control and inspections of multi-family units. She also asked how the City would be associating with third party inspectors, and was told that the City will be regulating them.
5. Councilman Stokes asked whether HCD's workload would improve and was told that the Department will be moving toward online paperwork, and using staff for online support as well as in person.
6. Councilman Burnett asked if there are any supports for relocating individuals in subpar housing, and was told that HCD has an ombudsman to assist in these matters.
7. Councilman Scott asked when was the last time HCD had looked at regulations and laws affecting lead paint, and was told that it had been since 08' or 09'. He was also told that there have been fewer children with elevated levels of lead in their blood in recent years.
8. Vice Chairwoman Clarke asked what HCD's relation is to policing lead paint, and was told that this falls upon the Health Department. She was told that HCD does look at paint that is flaking or chipping in its inspections.
9. The Judiciary and Legislative Investigations Committee adopted the amendment proposed by the Law Department, and two amendments proposed by HCD.
10. Mr. Matt Garono discussed his opposition to 18-0185 as a property owner. He stated that this Bill represents an added cost to "mom and pop" property owners. Mr. Garono expressed dissatisfaction that this license requirement was not being extended to larger property owners, and was told that it already applies.
11. Mr. Rob Strupp expressed support for the Bill, noting that most rentals in Baltimore are one and two unit properties. He added that there is a housing crisis looming with regards to rental properties.
12. Mr. Ari Plaut discussed his support of 18-0185, and stated that he would like to see some amendments. He was told that he must find a sponsor on the Committee.
13. Mr. Ben Frederick expressed support for the Bill and offered a series of amendments on behalf of the Board of Realtors. He mentioned that he would like to see nonprofits be subject to the



Bill, a change of the registration date for property owners, and reduced requirements for home inspectors.

14. Professor Deborah Weimer spoke on behalf of the University of Maryland School of Law's Landlord Tenant Clinic. She stated that many of her clients deal with issues such as lead paint, infestation, heating and hot water issues, and no electrical grid connections. Professor Weimer noted that while she supports the Bill, she still believes more work must be done in terms of helping dislocated individuals. She stated that housing affects many aspects of people's lives including their health and their ability to go to work or school.
15. Ms. Chelsea Scott is a student attorney and explained her support for 18-0185. She discussed the story of Ms. Jackson, a client of hers that experienced great hardship upon entering a leasing agreement with a property owner. Ms. Scott detailed that her client became homeless because the rental property was in such disrepair as to be uninhabitable. She added that her client could not find other housing because she was required to still pay for the uninhabitable rental property.
16. Mr. Hansi Wei is a student attorney and discussed his support for the Bill. He explained that 18-0185 has three goals: healthier homes, reduced rates of asthma, and reduced instances of hospitalization. Mr. Wei stressed that better housing can result in better health outcomes.
17. Mr. Bill Cunningham expressed his opposition to 18-0185 because he believes current laws protecting tenants are not being followed. He noted that 43 homes in Remington are not lead free, and as many as 100,000 rental homes may not be properly registered.
18. Mr. Stephen Hammer discussed his opposition to the Bill. He stated that he believes that this legislation will result in a shortage of affordable housing due to additional fees and costs being passed on to tenants. Mr. Hammer added that inspections are intrusive, and he believes that the City should rely on self-certification agreements between tenants and property owners.
19. Ms. Sonita Wong expressed support for 18-0185 on behalf of Communities United. She detailed her own issues with rental housing in which she was retaliated against for bringing attention to substandard conditions.
20. Ms. Felina Johnson urged support for the Bill as a resident of the ninth district since 2010. She stated that she has four children and one grandchild, and has spent hours addressing substandard housing issues.
21. Ms. Sydinkqua Gilyard discussed her support for 18-0185, noting her issues with negligent landlords in her childhood.
22. Mr. Stephen Copeland expressed the support of Community United for the Bill. He noted that an acquaintance of his is experiencing retaliation by a landlord in the form of eviction due to support for 18-0185.
23. Mr. Zafar Shah represented the Public Justice Center in its support for 18-0185. He stated that 90% of landlord-tenant cases are unable to come before a judge, with only 20% of tenants receiving rent back in said cases. Mr. Shah added that he would like to see the Bill make sure that inspectors are properly regulated, consumers have access to vital information, and that a housing taskforce is established.
24. Mr. Ronald Miles expressed support for the Bill as a former employee of HUD and the Housing Authority. He noted that there is no reason that public housing should be exempted from 18-0185.
25. Ms. Ludeen McCartney-Green represented the Green and Healthy Initiatives in its support for 18-0185. She stated that tenants face many issues such as lead paint, and that the Council



should require third party inspections for said issues. Ms. McCartney-Green added that HCD should conduct mandatory spot checks.

- 26. Mr. Malik Jordan expressed support for the Bill, noting that many property owners are taking advantage of the systems in place. He stated that landlords are running amok by exceeding occupancy limits, and managing to hide this issue during inspections.
- 27. Dr. Gwen DuBois represented MedChi and Physicians for Social Responsibility in their support for 18-0185. She noted that there are no safe lead levels for children, and substandard housing comes at a tremendous cost for society. Dr. DuBois also mentioned the large private cost to families. She would like to see published standards available to all for rental properties.
- 28. Ms. Molly Amster discussed Jews United for Justice's support for the Bill. She noted that her organization's support for 18-0185 is grounded in Jewish tradition, which suggests that landlords must take proper care of their tenants.. Ms. Amster would also like to see the Bill provide relocation support for displaced individuals, and additional funds set aside for the affordable housing trust fund.
- 29. Ms. Claire Hammer stated that she opposes 18-0185 as a small property owner. She noted that property owners are already required to get state certification for lead abatement. Ms. Hammer added that, under this Bill, responsible property owners will be subsidizing irresponsible property owners. She mentioned that tenants can already call HCD, and possibly take property owners to court, where their rent will be held in escrow. Ms. Hammer suggested that rents will go up as a result of 18-0185, and that additional regulations will stifle the creation of additional buildings in the City.
- 30. Ms. Andrea Campo expressed support for the Bill as a small developer/landlord.
- 31. Ms. Heather Berlett discussed her support for 18-0185. She noted that many courts are not hearing cases regarding landlord-tenant cases. Ms. Berlett added that landlords are deceiving tenants about their rights, and that homeowners must be educated in this regard.

### Further Study

Was further study requested?

Yes  No

If yes, describe. N/A

---

### Committee Vote:

- E. Costello: .....
  - M. Clarke:.....
  - J. Bullock:.....
  - L. Pinkett: .....
  - E. Reisinger: .....
  - B. Scott: .....
  - R. Stokes: .....
-





*D'Paul Nibber*

D'Paul Nibber, Committee Staff

Date: February 21, 2018

cc: Bill File  
OCS Chrono File



received  
6-20-18

# Rental Licensing Bill 18-0185

JASON HESSLER, ASSISTANT COMMISSIONER

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, PERMITS AND CODE ENFORCEMENT

[JASON.HASSLER@BALTIMORECITY.GOV](mailto:JASON.HASSLER@BALTIMORECITY.GOV)

410-396-4140

CURBOUT PWA



# Current Law

## PROPERTY REGISTRATION

- All non-owner-occupied dwelling and rooming units must register with DHCD annually. (Includes vacant buildings, rental property and 2<sup>nd</sup> homes.)
- Registration requires:
  - Contact information for owner;
  - List of units to be registered;
  - Affidavit of compliance with State Lead Paint laws; and
  - Pay registration fee (\$25-35 per unit)
- No inspection required.

## LICENSING

- All Multiple-family dwellings (MFD) must be licensed.
- An MFD is a property with: more than two dwelling units; two dwelling units and any other use; or any combination of 3 or more rooming or dwelling units.
- MFD License requires:
  - Property Registration completed; and
  - Annual inspection by DHCD Senior Inspector.
- No additional fee beyond the registration fees.

# Units Currently Registered vs Licensed

## PROPERTY REGISTRATION

- Over 53,000 registered units that are in structures containing 1-2 dwelling units.

## LICENSING

- Over 5,100 MFD parcels that require annual inspections.
- There are over 90,000 MFD dwelling units (DU).
- There are over 23,000 MFD rooming units (RU).

	Parcels	DU	RU
<b>DU with no RU</b>	<b>4,818</b>	<b>88,273</b>	<b>0</b>
<b>RU with no DU</b>	<b>75</b>	<b>0</b>	<b>8,046</b>
<b>9 or less DU</b>	<b>4,086</b>	<b>15,575</b>	<b>11,373</b>
<b>9 to 99 DU</b>	<b>848</b>	<b>27,877</b>	<b>417</b>
<b>100 to 499 DU</b>	<b>202</b>	<b>38,955</b>	<b>112</b>
<b>500 or more DU</b>	<b>14</b>	<b>7,994</b>	<b>0</b>

# 18-0185 Highlights

- 1) All rental units must be licensed – expands licensing to include 1 and 2 dwelling units.
- 2) All rental units must pass an inspection to obtain license.
- 3) Licensure inspections are performed by State Licensed Home Inspectors that are registered with Baltimore City.
- 4) DHCD will provide the inspection form and certification that must be submitted.
- 5) Tiered license expiration based on property owner's compliance with code.
- 6) Commissioner may suspend or revoke a rental license if owner is in violation.
- 7) All rental units must have a sanitation plan educating tenants on proper waste disposal and storage.
- 8) Goes into effect January 1, 2019

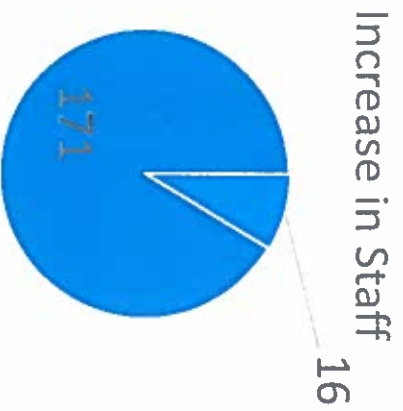
## Do we already inspect 1-2 family dwelling units?

Currently 1 and 2 dwelling units are not licensed and are only inspected if an occupant :

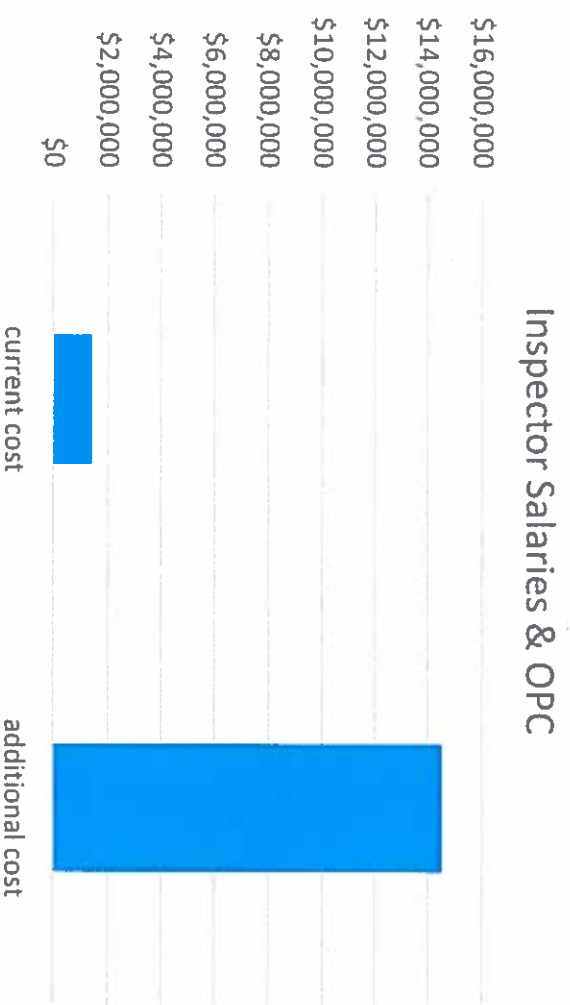
- 1) makes a 311 complaint, or
- 2) raises an issue in a District Court escrow action.



# Why not use Housing Inspectors to do inspections?



- Current MFD Inspectors
- Additional Inspectors needed



# How do we avoid fraudulent inspection reports?

- Requiring Inspections by Licensed Home Inspectors that must register with the City frees up 16 Senior Inspectors that currently perform MFD License inspections.

## **QUALITY CONTROL INSPECTIONS**

Current MFD Inspectors will do random inspections to insure compliance with Baltimore City Code Standards.

## **SMART DATA DRIVEN INSPECTIONS**

- Current MFD Inspectors will also perform inspections on suspicious activity in inspection reports submitted.

## How much will this cost Landlords?

- In other jurisdictions Licensed Home Inspectors charge \$50-150 per unit.
- The inspection required is limited to specific items outlined by DHCD on their inspection form and not a full home inspection used for the transfer or property.
- All Landlords begin with a two year license so the inspection cost is spread out over two years.
- At renewal landlords that properly maintain their properties will receive a license valid for three years.
- Buildings with more than 9 units will only be required to have a sample of properties inspected, not every unit.

## How does this help?

---

- This bill is a major step toward improving the overall quality of the housing stock in Baltimore City.
- Tenants will have healthier, safer places to live.
- Creates a level playing field for all Landlords.
- Helps create safer, cleaner neighborhoods that are more attractive to current and future residents.



**To: Baltimore City Council**  
**From: Greater Baltimore Board of Realtors® Legislative Committee**  
**RE: City Council Bill 18-0185**  
**February 20, 2018**

We support this Bill with the following amendments:

Page	Line	Section	Comment
3	27	4-1(e)(1)(i)	<p><b>Define a "non-owner occupied dwelling unit as any dwelling unit that is unoccupied FOR MORE THAN 180 DAYS."</b></p> <p><u>Comment:</u> As written, a homeowner would have to register their house if they move and place on the market for sale. The fine for failure to register is \$100 (see 40-14 (e)(1). Adding "more than 180 days" gives the homeowner time to sell it. <u>Alternate:</u> Retain the exception deleted on lines 5 and 6 of page 6.</p>
6	3	4-8(e)(2)	<p><b>Delete line 3 and 4.</b></p> <p><u>Comment:</u> Properties owned by non-profit, religious, charitable organizations ought to pay the fees and have their units inspected just like everyone else. The City doesn't collect property taxes from these organizations. Just like private landlords, most comply with the law and do a good job managing their units; but there are those that do not. Furthermore, it creates an incentive or loophole for pseudo non-profits. We agree with exempting college dormitories. What about non-profit artist housing; shouldn't they have to comply also?</p>
6	8	4-9	<p><b>Keep the current registration deadline of August 30 or consider April 30 as an alternative. Page 9 line 24 requires applications be submitted no less than 30 days before the due date. This means registrations need to be to the City before November 30.</b></p> <p><u>Comment:</u> Registrations currently renew September 1. This law changes the expiration date to December 31, really November 30. Can you imagine what a zoo the permit office will be on November 30? Many city employees take off the week of Thanksgiving.</p>
9	18	5-5 (b)	<p><b>Add "The application must be made and signed, in person or electronically"</b></p> <p><u>Comment:</u> Adding electronic signatures as an acceptable means of compliance modernizes out City and increases productivity for compliance.</p>
9	19	5-5 (b)	<p><b>Change the word "and" to "or".</b></p> <p><u>Comment:</u> Application for registration must be signed by "the owner of the premises AND the managing operator of the Premises if other than the owner". Would it be reasonable to allow for the owner's attorney, agent, or authorized person sign on his/her behalf? What if the owner is a military person overseas and they hire a local</p>

			property manager to handle their affairs? We suggest changing "AND" to "OR". Also, can we allow for electronic signatures?
9	24	5-5(c)	<b>delete "NO LESS THAN 30 DAYS". Change "60 days" to "120 days".</b> Application for license renewal must be submitted "no less than 30 days and no more than 60 days before the license expires". If the license renewal remains as December 31, this means the actual deadline is November 30, colliding with Thanksgiving Holidays when many take off from work and travel. Let's be realistic, there are always going to be those that wait until the last minute. Also, what if I am an over-achiever and want to get ahead of the deadlines and submit my paperwork 2 or even 3 or 4 months ahead of time. Or if my favorite inspector needs to schedule out a portfolio of properties to be done in an orderly fashion.
10	1	5-6(3)	<b>Delete the word "recent".</b> <u>Comment:</u> "A rental dwelling license may be issued or renewed only if the premises have passed a recent inspection". 5-7(B)(2)(II) states that "the inspection must be performed not more than 90 days before a completed application...is submitted". Therefore, we suggest deleting the word "recent" from 5-6(3) to remove any vagaries.
11	3-7	5-7 (B)(III)(B)	<b>Delete the requirement for Home Inspectors to register with the City.</b> <u>Comment:</u> Requires Home Inspectors to Register with the Housing Commissioner in addition to being licensed by the State of Maryland. Do we really need another registration process and pay another fee? It seems that the State Licensing regulatory body has a process in place to suspend, revoke, or fine inspectors resulting from complaints. If the City has a problem with an inspector, it may be more efficient for the City to file a complaint with DLLR and let them handle the review and disciplinary process. Having a separate City registration might be fine if the home inspector only did City Rental Inspections or wanted to do a lot of them. However, what about a case where an inspector might do an occasional City inspection? He is less likely to go through another registration process and, most probably, have to pay a fee to register in the City. A number of contractors refuse to work in Baltimore City because of the perceived hassle of dealing with the City. Experience tells us that additional registrations and fees deter quality home inspectors from being willing to perform City rental inspections.
12	1,2	5-7(B)(4)(I)(B)	<b>Replace "meets the City's Health and Safety Standards specified in the rules and regulations adopted under this subtitle" with "meets the following Health and Safety Standards: has a proper working smoke alarm and carbon monoxide alarm in accordance with current codes, secondary means of egress in accordance with applicable codes, no visible electrical wires, hot and cold running water in the each kitchen and bathroom with no leaks below the sink and all toilets properly flush, an operating furnace, a railing is</b>

			<p>present for interior and exterior steps with more than 3 risers, notes any additional readily observable problems that in the inspector's opinion represent an immediate threat to the health or safety of the occupant, with a description of such condition(s)."</p> <p><u>Comment:</u> What are the standards? How will they change? We advocate for a very basic essential inspection, such as in Baltimore County (see above and form attached). Will they adopt HQS? As standards become more stringent housing becomes less affordable. Mission creep.</p>
15	18	5-15(A)	<p>Delete Section 5-15(A) providing that a "Nuisance Property" may be denied a rental license.</p> <p><u>Comment:</u> So, a multi-family property would lose its license, and hence its zoning if one group of tenants becomes unruly. How do you deny a license for one apartment and not the whole community? Defines a nuisance property, for which a housing license may be denied, a violation of 43B for having tenants that have loud parties and underage drinking. Nuisance property violations are already addressed with fines. A landlord has limited control over how a tenant uses a property.</p>
16	1	5-15(B)(6)	<p>Add "unless denied entry by the tenant" after the word "issuance". Add a provision for a winter waiver for exterior painting violations occurring October 1 to April 1.</p> <p><u>Comment:</u> Subject to a hearing Housing Commissioner may deny, suspend, or revoke a rental dwelling license if fails to abate within 120 days ANY violation notice, order, or citation. We would like to add a provision for a "winter waiver" for exterior peeling paint violations. The waiver period is currently November 1 to April 1. Suggestion is to add "except for violations involving exterior paint issued between November 1 and April 1, in which case the Commissioner may deny, suspend or revoke a dwelling license if violation is not abated on or before May 31".</p>
16	18	5-15(B)(8)(II)(A)	<p>Retain the original language of this item.</p> <p><u>Comment:</u> We recommend reverting to the old law, deleting the ability to deny a license if a property is deemed a "nuisance property".</p>
16	22	5-15(B)(8)(II)(B)	<p>Retain the original language of this item.</p> <p><u>Comment:</u> Deny or revoke a dwelling license if "knew or should have known that the premises were being used a nuisance property and failed to prevent them from being so used". We recommend reverting the old law, reinstating "for one of these purposes" and deleting "as a nuisance property"</p>
16	29	5-16-(a)(2)	<p>Please explain what "be heard" means in this context.</p> <p><u>Comment:</u></p>



			Provides "an opportunity to be heard as to why the license should not be denied, suspended or revoked". Before whom would this occur? Please explain what "be heard" means.
19	28	10-14(e)(1)	<p><b>Fine \$100 for failing to obtain a license.</b></p> <p><u>Comment:</u>  \$1,000 penalty environmental control board fine for failing to have the required license. This seems harsh. We recommend a penalty of \$100, the same as the fine for failing to register. Surely, there will be well-intentioned people who forget and are not aware of the change in the law. There is no need to be harsh with them.</p>
23	29		<p><b>Ordinance Takes Effect October 1. First Inspections and Registrations Due August 1, 2019.</b></p> <p>Think about it. If this bill passes in April or May and is signed by the Mayor in June or July, time will be needed to set up systems, computer systems, inspection forms, to educate landlords as to the new way of doing things.</p> <p>The schedule proposed means that 100,000 rental units need to be inspection between August 1 and December 31, 2018...oh no, the dealing is really November 30 since that have to be submitted 30 days for the due date. Does HCD have time to register all home inspectors, generate standards of compliance (pass/fail) have the industry review and input the guidelines, etc.</p> <p>Think about it...If it takes 30 minutes to do a basic inspection to ensure heat, plumbing, electrical and life-safety issues, and there are 100,000 units to be inspected, it would take 50,000 person-hours to inspect these units. If there are 20 work days in a month and 8 hours per work day, it would take 104 Home Inspectors working full time for 3 months to complete these inspections. There are 750 licensed home inspectors in the entire State of Maryland (some of these licensed home inspectors may be inactive). If we extrapolate that since Baltimore City has about 10% of the State's population, it has 10% of the State's Home Inspectors, we would employ every home inspector full time for 3 months, negating the need for home buyers to have their homes inspected. We ask for a 1-year implementation schedule.</p>

Respectfully submitted,

Benedict J. Frederick III

On behalf of the Greater Baltimore Board of Realtors® Legislative Committee



**BALTIMORE COUNTY RENTAL LICENSE INSPECTION SHEET**

**Requirements:** Time and date stamped photos of front and back facades of home, including yards taken by Licensed Home Inspector must be attached to this inspection sheet. One "rental license inspection sheet" must be returned for each unit in a dwelling.

1. Rental Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Unit # \_\_\_\_\_
2. Person requesting inspection:  
 Name: \_\_\_\_\_ Email: \_\_\_\_\_  
 Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Check one:  Owner  Manager  Resident Agent  Other: \_\_\_\_\_
3. Inspector Information:  
 Name: \_\_\_\_\_ Email: \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Company Name: \_\_\_\_\_ State License #: \_\_\_\_\_
4. Type of Home:  Single Family Detached  Rowhome/Townhome  Duplex  Multi-Unit  Condo
5. Checklist (Items A-G must be marked "yes" and item H must be marked "no" before submitting form to County):

Item	Yes or No	Date	Re-Inspection: Y/N	Re-Inspection Date
<b>A) Hardwired &amp; battery backed interconnected smoke detectors present and operational. Wireless remote interconnection is acceptable as long as the smoke detectors are hardwired and approved by a recognized testing lab such as UL and be listed and approved for sale, installation and use in Maryland by the <u>Office of the State Fire Marshal</u>.</b> <b align="center">Smoke detectors must be UL Approved</b> <u>Single Family Home</u> 1. A hardwired smoke detector with a battery backup must be located in the corridor or hallway outside of sleeping areas. 2. If the home has a basement, a hardwired smoke detector with a battery backup must also be located in the basement, and must be interconnected to the smoke detectors outside of the sleeping areas. <u>Homes with 2 or 3 Apartments</u> 1. A hardwired smoke detector with a battery backup must be located in the corridor or hallway outside of sleeping areas. 2. If the home has a basement, a hardwired smoke detector with a battery backup must also be located in the basement, but only has to be interconnected to the smoke detector on the first floor. <u>Homes with 4-6 Apartments</u> 1. A hardwired smoke detector with a battery backup must be located in the corridor or hallway outside of sleeping areas in each unit. 2. No smoke detector is required in the basement for homes with 4-6 apartments.				
<b>B) Electrical wires are not visible in living areas.</b>				
<b>C) There is hot and cold running water in kitchen and each bathroom with no leaks below sink area and all toilets flush.</b>				
<b>D) There are no sleeping areas in the basement or if there is a sleeping area in the basement, there is a secondary means of escape as follows: basement window with minimum 5.5 ft opening with sill height 44 inches or less from floor OR basement door with thumb turn dead bolt.</b>				
<b>E) The furnace is either operational or because of outside temperatures it is unable to be tested</b>				
<b>F) Railing is present for interior and exterior steps with more than 3 risers.</b>				
<b>G) Carbon Monoxide Detectors are located in the common area out side of sleeping areas and are operational.</b>				
<b>H) Are there any other readily observable problems that in the inspector's opinion represent an immediate threat to the health or safety of occupant? If "yes" please describe below:</b>				

**Disclaimer:** The scope of the above inspection is limited to the items listed above and has been performed to the requirements set forth by the Baltimore County Office of Code Enforcement as required under the Baltimore County Rental Licensing program. The above inspection shall not be construed to be either a home inspection as defined under Maryland law or an inspection related to one or more of the Baltimore County life and safety codes. Under Maryland law, the person completing this report for the property owner may not repair or recommend any person to repair any of the items listed above.

\_\_\_\_\_  
Signature of Inspector/Date

\_\_\_\_\_  
Signature of Owner or Agent/Date

Baltimore County Government, Bureau of Code Enforcement/Rental Division  
 111 W. Chesapeake Avenue, Room G14, Towson, MD 21204  
[pdmenforce@baltimorecountymd.gov](mailto:pdmenforce@baltimorecountymd.gov) / 410-887-8060





## Green & Healthy Homes Initiative

Green & Healthy Homes Initiative  
Ruth Ann Norton, President and CEO

2714 Hudson Street, Baltimore, Maryland 21224

410-534-6447 or 800-370-LEAD

www.ghhi.org

received  
2-20-18

February 20, 2018

Eric Costello, Chair  
Judiciary and Legislative Investigations Committee  
Baltimore City Council  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: SUPPORT WITH AMENDMENTS - CITY COUNCIL BILL 18-0185 – Non-Occupied Dwelling Units, Rooming Houses and Vacant Structures – Rental Dwellings – Registration and Licensing

Dear Chairman Costello and Members of the Committee:

The Green & Healthy Homes Initiative (GHHI), a Maryland based nonprofit organization is the nation's leading voice in the efforts to eradicate childhood lead poisoning. Founded in Baltimore in 1986 as Parents Against Lead, we have seen firsthand the ravages of lead poisoning on our City. It has undermined our children's ability in Baltimore to stay in school, have better health outcomes, stay out of the criminal justice system and be able to compete in the job market for employment. To end this tragic and costly toxic legacy – we need to improve housing standards in the City and work more comprehensively to eliminate exposures to our children.

### Baltimore City's Toxic Lead Legacy

Our organization has worked with the City Council, various City and State Departments and other partners to enact lead poisoning prevention laws and programs that have helped to reduce lead poisoning by 99% in Baltimore City since 1993. Despite that progress, childhood lead poisoning remains a devastating problem that strikes on a daily basis to limit opportunities in particular for low income children. That impact has been disproportionately borne by children in Baltimore City where historically 50-70% of the children lead poisoned in Maryland reside. Those poisonings directly contribute to the cycle of learning disabilities, poor school performance, steep school dropout rates and juvenile delinquency that prevent low income children in particular from being able to thrive and which burdens the City and State through increased special education, criminal justice costs and case management costs.

In 2012, the CDC lowered the blood lead reference level for lead poisoning from 10 µg/dl to 5 µg/dl in response to research that showed that no level of lead in a child's body is safe. There were 971 children with elevated blood levels (EBLs) of 5 µg/dl or higher in Baltimore City in 2016. Lead poisoning in children causes learning disabilities, attention deficit disorder,

hyperactivity, aggressive behavior, speech development problems and IQ reduction. The effects of lead poisoning are irreversible.

Today, as many as 200,000 homes in the City may still contain lead-based paint. With 1,000 children being diagnosed annually with lead poisoning annually in Baltimore, it is undermining our potential and crippling our growth. The investments in early education, workforce development and economic opportunity for the City cannot allow it to flourish until we remove the yoke of lead poisoning that is preventing it from thriving. Baltimore City's children must have safe and healthy housing as one of the foundations for their future success.

The Opportunity to Improve Housing Standards and Reduce Lead Hazards in our City's Housing

The lifetime earning potential of a child who is lead poisoned is reduced by \*\$1,024,000. Ending childhood lead poisoning in Baltimore City would return hundreds of millions of dollars in increased earning capacity for the next generation. The business case for increased monies being spent to repair deteriorated housing conditions and undertake lead hazard remediation is clear. For every \$1 spent on lead hazard control programs there is a \$17-\$221 return on investment.

City Council Bill 18-0185 is a step in the right direction to improve our rental housing stock and prevent lead poisoning. The Bill will close a long-standing loophole by expanding the requirement of inspection and licensing to cover all rental properties including non-owner occupied 1 and 2 rental dwelling units in Baltimore City. Regular, proactive housing inspections of all rental properties are needed to identify and remediate chipping, peeling paint and other structural defects in pre-1978 rental properties that generate hazardous chipping paint, lead dust and household injury risks. Hazardous lead paint and dust are the leading cause of childhood lead poisoning.

Strengthening City housing standards for all rental properties, through strong inspection oversight, housing code and Health Department Lead Violation compliance, and credible licensing enforcement, is critical to the City's ability to advance its goal of eliminating childhood lead poisoning. Families who move into non-compliant rental properties are confronted with the dilemma of staying in a hazardous property while their child's lead level continues to rise or attempting to cobble together resources to find new permanent housing that is safer for their family. We can no longer permit rental property owners of non-multifamily dwelling units to offer rental properties that are in subpar conditions and disregard the myriad of housing code violations that need to be addressed prior to placing the rental property on the market. In particular, the failure to remediate chipping paint and lead based paint hazards in residential rental homes has plagued the City and poses a significant current threat to life, health, and safety.

Recommended Amendments

To strengthen the Bill, GHHI recommends that the City Council include the following amendments:

1) Explicitly including language mandating compliance with City housing code, City Health Department Lead Violations, the Maryland Reduction of Lead Risk in Housing Law (Env. Article

6-801 et. Seq.) for affected properties and other related housing and safety provisions to obtain a rental license;

2) Include more specific language to require that for training certification requirements, all third-party inspectors shall be certified by Maryland Department of the Environment (MDE) as Lead Risk Assessors;

3) Establish mandatory City requirements for regular spot checks and other oversight mechanisms of the third-party inspectors to ensure the integrity of the inspection process.

City Council Bill 18-0185 is designed to implement an expanded inspection and licensing system to all rental properties to improve housing standards prior to occupancy before a child is poisoned or an occupant suffers a preventable household injury. This Bill also helps the City identify rental property owners who fail to take responsibility to meet basic housing standards proactively and supports the cross sector, collective approach needed to reduce lead hazards in the homes of children in the City. This Bill will help provide Baltimore City residents with quality, safer rental properties while giving the City several of the tools it needs to improve regulatory oversight of the rental housing market.

**SUPPORT With Amendments City Council Bill 18-0185.**

*\*In 2017 inflation adjusted dollars.*





received  
2-20-18

**Bill Title:** City Council Bill 18-0185, Non-Owner Occupied Dwelling Units, Rooming Houses, and Vacant Structures – Rental Dwellings – Registration and Licensing

**Committee:** Judiciary and Legislative Investigations

**Date:** February 20, 2018

**Position:** **Favorable**

This testimony is offered on behalf of Maryland Multi-Housing Association (MMHA). We are a professional trade association established in 1996, whose members consists of owners and managers of more than 190,000 rental housing homes in over 800 apartment communities, **43,800 rental housing homes in Baltimore City** . In addition, MMHA represents companies that manage over 35,000 condominium and home owner associations in over 250 communities. Our members house over 556,000 residents of the State of Maryland.

Under this legislation, non-owner occupied one and two family dwellings will be added to the licensing, inspection and requirements that currently exist for all other rental dwellings, including multi-family and rooming house dwellings. Additionally, this bill:

- Requires notification of new identity and contact information to the Commissioner of Housing and Community Development within 10 days of any changes to the owner or property manager.
- An owner must have a currently effective license in order to rent and collect rent.
- to renew a license or an application for renewal, it must be submitted to the Commissioner no less than 30 days nor more than 60 days before the license expires
- Prior to applying for a license or renewal, the dwelling must be inspected within 90 days before the application is completed.
- If a property has 9 or fewer units, all must be inspected. In a multi-family environment with 10 or more units, the number of units inspected will be determined by the rules and regulations adopted by the Commissioner. The owner or manager is required to submit evidence that the premises passed its periodic inspection.
- Provides for a staggered licensing term based on specific factors.
- Defines nuisance properties and allows for denial, suspension or revocation of the license.
- Following approval by the Commissioner, provide a sanitation guide to be disbursed to each dwelling and prominently posted in each collection room.
- Does not subject the Housing Authority for Baltimore City to the same rules as all others.

MMHA supports a reasonable registration and licensing requirement if it eliminates property owners who fail to maintain rental units and provides the City with appropriate contact information. However, despite this support, MMHA is extremely concerned with the implementation and enforcement of this bill, should it pass. As a stakeholder, we remain willing and interested in working with Housing and Community Development and others to ensure that this legislation is effective.

MMHA therefore respectfully requests a **favorable** report on City Council Bill 18-0185.







# CITY OF BALTIMORE CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Judiciary and Legislative Investigations      Chairperson: Eric Costello  
 Date: February 20, 2018      Time: 10:00AM      Place: Clarence "Du" Burns Chambers  
 Subject: Ordinance - Non-Owner-Occupied Dwelling Units, Rooming Houses, and Vacant Structures -  
 Rental Dwellings - Registration and Licensing      CC Bill Number: 18-0185

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE

➔

FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	WHAT IS YOUR POSITION ON THIS BILL?		LOBBYIST: ARE YOU REGISTERED IN THE CITY	
						FOR	AGAINST	YES	NO
John	Doe	100	North Charles Street	21202	John.dqn@bmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
1 Matt	Garano	1803	Allegans St	21231	Matt.garano@gmail.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2 Robert	Stupp	2530	N. Charles St	21218	r.stuppe@n-maypland.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3 Ari	Plawt	108	2002 clipper lane rd	21211	Fobslaw@gsi.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4 Ben	Frederick					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5 Tom	Schlavich					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
6 Gejz	Schwind					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
7 Deborah	Weimer		University of Maryland			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
8 Chelsea	Scott		"			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
9 Hansi	Wen		"			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Bill	Cunningham		541 W 20th St 21211	21211	Bill.Cunningham@ATN	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

(\* NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.



# CITY OF BALTIMORE CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Judiciary and Legislative Investigations      Chairperson: Eric Costello

Date: February 20, 2018      Time: 10:00AM      Place: Clarence "Du" Burns Chambers

Subject: Ordinance - Non-Owner-Occupied Dwelling Units, Rooming Houses, and Vacant Structures - Rental Dwellings - Registration and Licensing      CC Bill Number: 18-0185

**PLEASE PRINT**

**IF YOU WANT TO TESTIFY PLEASE CHECK HERE**



FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	WHAT IS YOUR POSITION ON THIS BILL?		LOBBYIST: ARE YOU REGISTERED IN THE CITY
						FOR	AGAINST	
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	NO
Stephen	Hammer	701	Deepenic Rd	21210	HammerDevelopmentAPD@gmail.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Felina	Johnson	8881	Maryland Ave.	21211	Kc@communitiesunite.org	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sonita	Wong	↓	↓	↓	↓	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ANANDA SYDNKORA	Gilyard					<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SYDNKORA	GILYARD		BALTIMORE NEAITYN STREET		SYDNKORA@YAHOO.COM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Stephen	Copeland		COMMUNITY UNITED	21213		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Zafar	Shah	200	PUBLIC JUSTICE CENTER 1 N. Charles St.	21201	shah.z@publicjustice.org	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
RONALD	MILES		1912 Park Ave.	21217		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben	Frederick		701 W University Pkwy	21210	Ben@benfrederick.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ASHLEY	Brown		LAW DEPT.			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 Rental Dwellings - Registration and Licensing      CC Bill Number: 18-0185

PLEASE PRINT		WHAT IS YOUR POSITION ON THIS BILL?		LOBBYIST: ARE YOU REGISTERED IN THE CITY	
FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com
Jason	Hessler	417	E Fey-Hel St	21202	Jason.hessler@baltimorecity.gov
Sharon	Daboin	417	E Fey-Hel St	21202	
Ira	Kowler		BDC		
EPIC	TISSO		PLANNING		EPIC TISSO@BALTIMORECITY.GOV
Luduen	McCarthy-Green		GHHI		lgreen@gghi.org
Adam	Sokoluk		MNHA		ASokoluk@mnhaonline.org
Malik	Jordan		Property Owner	21212	mjordan@tigiddevelopment.com
Gwen	Dubois		FMSICIDAO	21209	gdubois@jhsph.edu
Vonne/Jane	Dupree/Tobea		Property Owner	21216	janetobea@gmail.com

**IF YOU WANT TO TESTIFY PLEASE CHECK HERE**



**TESTIFY**

(\*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.





# City of Baltimore

City Council  
City Hall, Room 408  
100 North Holliday Street  
Baltimore, Maryland  
21202

## Meeting Agenda - Final

### Judiciary and Legislative Investigations

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Tuesday, February 20, 2018

10:00 AM

Du Burns Council Chamber, 4th floor, City Hall

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18-0185

#### **CALL TO ORDER**

#### **INTRODUCTIONS**

#### **ATTENDANCE**

#### **ITEMS SCHEDULED FOR PUBLIC HEARING**

##### **18-0185**

##### **Non-Owner-Occupied Dwelling Units, Rooming Houses, and Vacant Structures - Rental Dwellings - Registration and Licensing**

For the purpose of adding certain non-owner-occupied 1- and 2-family dwellings to the licensing, inspection, and related requirements for multi-family dwellings and rooming houses (collectively, "rental dwellings"); modifying the procedures and prerequisites for the registration of certain non-owner-occupied dwellings, rooming houses, and vacant structures; modifying the procedures and prerequisites for the licensing of rental dwellings; providing for the denial, suspension, or revocation of a rental dwelling license under certain circumstances; providing for judicial and appellate review of administrative decisions relating to the registration or the licensing of these structures; amending the underlying definition of "rooming house" to clarify its applicability to a bed and breakfast facility; defining and redefining certain other terms; imposing certain penalties; correcting, clarifying, and conforming related language; providing certain transition rules for pre-existing licenses; providing for a special effective date; and generally relating to the registration of non-owner-occupied dwellings, rooming houses, and vacant structures and to the licensing of rental dwellings.

##### **Sponsors:**

Bill Henry, Ryan Dorsey, Brandon M. Scott, Kristerfer Burnett, John T. Bullock, Leon F. Pinkett, III, Sharon Green Middleton, Zeke Cohen, Robert Stokes, Sr., Shannon Sneed, Mary Pat Clarke, Edward Reisinger

#### **ADJOURNMENT**

**THIS MEETING IS OPEN TO THE PUBLIC**





CITY OF BALTIMORE

CATHERINE L. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director  
415 City Hall, 100 N. Holliday Street  
Baltimore, Maryland 21202  
410-396-7215 / Fax: 410-545-7596  
email: larry.greene@baltimorecity.gov

## BILL SYNOPSIS

**Committee:** Judiciary and Legislative Investigations

**Bill 18-0185**

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**Non-Owner-Occupied Dwelling Units, Rooming Houses, And Vacant Structures -  
Rental Dwellings - Registration And Licensing**

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**Sponsor:** Councilmember Henry, et al

**Introduced:** January 22, 2018

**Purpose:**

For the purpose of adding certain non-owner-occupied 1- and 2-family dwellings to the licensing, inspection, and related requirements for multi-family dwellings and rooming houses (collectively, "rental dwellings"); modifying the procedures and prerequisites for the registration of certain non-owner-occupied dwellings, rooming houses, and vacant structures; modifying the procedures and prerequisites for the licensing of rental dwellings; providing for the denial, suspension, or revocation of a rental dwelling license under certain circumstances; providing for judicial and appellate review of administrative decisions relating to the registration or the licensing of these structures; amending the underlying definition of "rooming house" to clarify its applicability to a bed and breakfast facility; defining and redefining certain other terms; imposing certain penalties; correcting, clarifying, and conforming related language; providing certain transition rules for pre-existing licenses; providing for a special effective date; and generally relating to the registration of non-owner-occupied dwellings, rooming houses, and vacant structures and to the licensing of rental dwellings.

**Effective:** On August 1, 2018.

**Hearing Date/Time/Location:** February 20, 2018/10:00 a.m./Clarence "Du" Burns Chamber

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**Agency Reports**

Law Department

Favorable w/ Amendments



Department of Housing and Community Development  
Police Department  
Fire Department  
Department of Finance  
Baltimore Development Corporation  
Department of Planning

Favorable w/ Amendments  
Favorable  
Favorable  
Favorable  
Favorable  
Comments

---

## **ANALYSIS**

### **Current Law**

Article 13, Subtitle 5 of the Baltimore City Code establishes the "Licensing of Multiple-Family Dwellings and Rooming Houses."

### **Background**

Council Bill 18-0185 revises the City's rental property licensure program to include certain non-owner occupied one- to two- family dwellings. The Bill revises language and reorders several subtitles/sections in the "Housing and Urban Renewal," "Mayor, City Council, and Municipal Agencies," "Police Ordinances," "Building, Fire, and Related Codes," and "Health" articles. In the "Housing and Urban Renewal" article, 18-0185 requires that additional entities, including partnerships, be required to provide registration statements. A registration fee exception for unoccupied dwellings is removed. The registration expiration date has been moved from August 30 to December 31.

A new section has been established to allow judicial review for persons "aggrieved by a decision of the Housing Commissioner." The Bill provides added definitions for "non-owner-occupied dwelling unit" and "rental dwelling." The Housing Commissioner would be required to provide rules and regulations on rental dwelling licensure. A license is required by any entity seeking to rent or offer to rent a rental dwelling, excluding properties owned by the Housing Authority of Baltimore City.

The Bill changes the application criteria for licensure to include a completed application by the managing operator of a given premises, and requires that renewals occur between 30 and 60 days before expiration. It requires no violations of the City's "Building, Fire, and Related Codes" article, specifically "Unsafe Structures," within a certain timeframe. The Bill also requires a recent inspection for new or renewed licenses. A new section is created detailing home inspections to be conducted by a third-party or governmental agency, wherein the latter may be substituted for the former.

The renewal of licenses is subject to a tiered term, up to three years, depending upon a series of "risk factors." Said risk factors include the timely abatement of any violations of the City's "Building, Fire, and Related Codes" article. Issued licenses must be placed in a space that is



accessible to occupants and housing inspectors. The Bill establishes a section allowing for the denial, suspension, or revocation of a license, which includes a finding by one of several governmental agencies that a given rental dwelling constitutes a "nuisance property." Additionally, an owner or managing operator must prepare a "sanitation guide" for their rental property pertaining to the removal and storage of waste and recyclables. These guides must be provided to occupants and posted in common areas.

The Law Department has approved 18-0185 for form and legal sufficiency, but advises that two amendments may be necessary: 1. Removing the section requiring judicial review, and replacing it with an administrative review process; and 2. Ensuring that third party inspectors adhere to a checklist established by the City allowing for no discretion on their part. Similarly, the Department of Housing and Community Development has provided a favorable report with several amendments. These amendments include the following: 1. Require a signature rather than a seal by a home inspector for reports and certificates; 2. Replacing the definition of "Nuisance Property" with one that is more encompassing of State and City law.

The Department of Planning provided comments on 18-0185, deferring to the judgment of the Department of Housing and Community Development. Additionally, the Baltimore Development Corporation provided a favorable report, noting that "the cost of regulatory compliance in this case is relatively small, and all property owners should bear the cost of bringing a property into habitable, code-compliant condition." The Fire Department provided a favorable report, provided that "all applicable sections of the Fire and Building codes are adhered to."

The Police Department's report was also favorable, mentioning that unsafe housing is a precursor to crime. Similarly, the Finance Department provided a favorable report, citing a lack of fiscal or operational impact and increased efficiency.

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#### ***Additional Information***

**Fiscal Note:** Not Available

**Information Source(s):** Law Department; Department of Housing and Community Development; Police Department; Fire Department; Department of Finance; Baltimore Development Corporation; Department of Planning

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Analysis by: *D'Paul S. Nibber*  
D'Paul S. Nibber  
Analysis Date: February 20, 2018

Direct Inquiries to: (410) 396-1268



**CITY OF BALTIMORE  
COUNCIL BILL 18-0185  
(First Reader)**

Introduced by: Councilmembers Henry, Dorsey, Scott, Burnett, Bullock, Pinkett, Middleton,  
Cohen, Stokes, Sneed, Clarke, Reisinger

Introduced and read first time: January 22, 2018

Assigned to: Judiciary and Legislative Investigations Committee

~~REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning  
Appeals, Planning Commission, Department of Housing and Community Development, Police  
Department, Fire Department, Department of Finance, Baltimore Development Corporation~~

*Planning  
Department*

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Non-Owner-Occupied Dwelling Units, Rooming Houses,**  
3 **and Vacant Structures – Rental Dwellings – Registration and Licensing**

4 FOR the purpose of adding certain non-owner-occupied 1- and 2-family dwellings to the  
5 licensing, inspection, and related requirements for multi-family dwellings and rooming  
6 houses (collectively, “rental dwellings”); modifying the procedures and prerequisites for the  
7 registration of certain non-owner-occupied dwellings, rooming houses, and vacant structures;  
8 modifying the procedures and prerequisites for the licensing of rental dwellings; providing  
9 for the denial, suspension, or revocation of a rental dwelling license under certain  
10 circumstances; providing for judicial and appellate review of administrative decisions  
11 relating to the registration or the licensing of these structures; amending the underlying  
12 definition of “rooming house” to clarify its applicability to a bed and breakfast facility;  
13 defining and redefining certain other terms; imposing certain penalties; correcting, clarifying,  
14 and conforming related language; providing certain transition rules for pre-existing licenses;  
15 providing for a special effective date; and generally relating to the registration of non-owner-  
16 occupied dwellings, rooming houses, and vacant structures and to the licensing of rental  
17 dwellings.

18 BY repealing and reordaining, with amendments

19 Article 13 - Housing and Urban Renewal  
20 Sections 4-1, 4-6, 4-8, and 4-9  
21 Baltimore City Code  
22 (Edition 2000)

23 BY adding

24 Article 13 - Housing and Urban Renewal  
25 New Section 4-12  
26 Baltimore City Code  
27 (Edition 2000)

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

**Council Bill 18-0185**

- 1 **BY renumbering**  
2 **Article 13 - Housing and Urban Renewal**  
3 **Current Sections 4-12 and 4-13**  
4 **to be**  
5 **New Sections 4-13 and 4-14**  
6 **Baltimore City Code**  
7 **(Edition 2000)**
- 8 **BY repealing and reordaining, with amendments**  
9 **Article 13 - Housing and Urban Renewal**  
10 **Subtitle 5, to be under the revised subtitle name,**  
11 **“Subtitle 5. Licensing of Rental Dwellings”**  
12 **Baltimore City Code**  
13 **(Edition 2000)**
- 14 **BY repealing and reordaining, with amendments**  
15 **Article 13 - Housing and Urban Renewal**  
16 **Section 8A-5(b)(2)**  
17 **Baltimore City Code**  
18 **(Edition 2000)**
- 19 **BY repealing and reordaining, with amendments**  
20 **Article 1 - Mayor, City Council, and Municipal Agencies**  
21 **Section 40-14(e)(1)**  
22 **Baltimore City Code**  
23 **(Edition 2000)**
- 24 **BY repealing and reordaining, with amendments**  
25 **Article 19 - Police Ordinances**  
26 **Sections 43-4(c)(1) and 43A-3(c)(1)**  
27 **Baltimore City Code**  
28 **(Edition 2000)**
- 29 **BY repealing and reordaining, with amendments**  
30 **Article - Building, Fire, and Related Codes**  
31 **Section 2-103 (BC §§ 114.21.2b and 202.48-2c) and**  
32 **Section 7-102 (PMC § 202.2.14.1)**  
33 **Baltimore City Revised Code**  
34 **(2015 Edition)**
- 35 **BY repealing and reordaining, without amendments**  
36 **Article - Building, Fire, and Related Codes**  
37 **Section 7-102 (PMC §§ 202.2.3, 202.2.6, and 202.2.15)**  
38 **Baltimore City Revised Code**  
39 **(2015 Edition)**



**Council Bill 18-0185**

1 BY repealing and reordaining, with amendments

2 Article - Health

3 Section 6-603.1(b)(1)(Article 13)

4 Baltimore City Revised Code

5 (Edition 2000)

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

8 **Baltimore City Code**

9 **Article 13. Housing and Urban Renewal**

10 **Subtitle 4. Registration of Non-Owner-Occupied Dwellings,**  
11 **Rooming Houses, and Vacant Structures**

12 **§ 4-1. Definitions.**

13 (a) *In general.*

14 In this subtitle, the following terms have the meanings indicated.

15 (b) *Commissioner.*

16 "Commissioner" means the Commissioner of Housing and Community Development or  
17 the Commissioner's designee.

18 (c) *Dwelling unit.*

19 "Dwelling unit" has the meaning stated in § 202.2 of the Baltimore City Property  
20 Maintenance Code.

21 (d) *Multiple-family dwelling.*

22 "Multiple-family dwelling" has the meaning stated in § 202.2 of the Baltimore City  
23 Property Maintenance Code.

24 (e) *Non-owner-occupied dwelling unit.*

25 (1) *In general.*

26 "Non-owner-occupied dwelling unit" means any:

27 (i) dwelling unit that is unoccupied;

28 (ii) dwelling unit that, even if occupied, is not occupied by an owner of record; or

29 (iii) dwelling unit that, even if occupied, is not designated by the State  
30 Department of Assessments and Taxation as the owner's principle residence  
31 in accordance with the criteria governing the State Homestead Tax Credit.

**Council Bill 18-0185**

1 (2) *Qualifications.*

2 For purposes of this definition:

3 (i) an owner may only have one owner-occupied dwelling UNIT in Baltimore  
4 City; and

5 (ii) an owner-occupied unit must be titled to a natural person.

6 (F) [(f-1)] *Rooming house.*

7 “Rooming house” has the meaning stated in § 202.2 of the Baltimore City Property  
8 Maintenance Code.

9 (G) [(f-2)] *Rooming unit.*

10 “Rooming unit” has the meaning stated in § 202.2 of the Baltimore City Property  
11 Maintenance Code.

12 (H) [(g)] *Vacant structure.*

13 (1) *In general.*

14 “Vacant structure” means any structure that is subject to an unabated violation notice  
15 issued under § 116 {“Unsafe Structures”} of the Baltimore City Building Code.

16 (2) *Exclusions.*

17 “Vacant structure” does not include an accessory structure that is not intended for  
18 occupancy, such as a garage, shed, or storage building.

19 **§ 4-6. Registration statement – Contents.**

20 (a) *In general.*

21 [(1)] Each registration statement must be in the form that the Commissioner requires and  
22 contain the following information:

23 (1) [(i)] a description of the premises by street number or by block-and-lot;

24 (2) [(ii)] the name, street address, telephone number, and email address of the  
25 premises’ owner of record;

26 (3) [(iii)] the name, street address, telephone number, and email address of the  
27 premises’ managing operator, if other than the owner; AND

28 (4) [(iv)] if the owner is a corporation, PARTNERSHIP, limited partnership, limited  
29 liability company, or similar entity, the name, street address, telephone number,  
30 and email address of [its resident agent] A NATURAL PERSON WHO SERVES AS THE

**Council Bill 18-0185**

1 OWNER'S CHIEF EXECUTIVE OFFICER, MANAGING PARTNER, OR MANAGING  
2 MEMBER, OR IN A SIMILARLY AUTHORITATIVE POSITION[; and].

3 [(v) if the owner is a partnership or other similar entity, the name, street  
4 address, telephone number, and email address of a responsible partner or  
5 officer.]

6 [(2) The failure to provide or maintain an email address is not cause to reject an  
7 application and is not a violation of this subtitle.]

8 (b) *Change of [operator, or agent] LISTED INFORMATION.*

9 The Commissioner must be notified within 10 days of any change in the [managing  
10 operator or resident agent] IDENTITY OF OR CONTACT INFORMATION FOR THE OWNER OF  
11 RECORD OR ANY OTHER PERSON LISTED IN THE REGISTRATION STATEMENT.

12 **§ 4-8. Registration fees.**

13 (A) [(a-1)] *Rooming houses.*

14 Except as otherwise specified in this section, an annual registration fee must be paid for  
15 rooming houses at the rate of \$25 per rooming unit.

16 (B) [(a)] *Non-owner-occupied dwelling units.*

17 Except as otherwise specified in this section, an annual registration fee must be paid for  
18 non-owner-occupied dwelling units at the following rates:

19 (1) for properties with 1 and 2 dwelling units – \$30 per dwelling unit.

20 (2) for multiple-family dwellings – \$35 per dwelling unit, plus  
21 \$25 per rooming unit.

22 (C) [(b)] *Vacant structures.*

23 Except as otherwise specified in this section, an annual registration fee, in addition to any  
24 fee that might also be required by subsection (a) of this section, must be paid for vacant  
25 structures at the following rates:

26 (1) for residential structures – \$100 per structure.

27 (2) for all other structures – \$250 per structure.

28 (D) [(c)] *When payable.*

29 These fees must all be paid at the time of registration.

30 (E) [(d)] *Exceptions.*

31 No fee is charged for:

**Council Bill 18-0185**

1 (1) any dwelling unit, rooming house, or vacant structure that is owned by a  
2 governmental entity or an instrumentality or unit of a governmental entity; OR

3 (2) any dwelling unit that is not in a vacant structure and is owned by a nonprofit  
4 religious, charitable, or educational institution or organization[; or].

5 [(3) an unoccupied, habitable dwelling unit last occupied by its current owner  
6 as his or her residence.]

7 **§ 4-9. Term and renewal.**

8 A registration expires on [August 30] DECEMBER 31 of each year, unless it is renewed and  
9 the annual registration fee paid before then.

10 **§ 4-12. JUDICIAL AND APPELLATE REVIEW.**

11 (A) *JUDICIAL REVIEW.*

12 A PERSON AGGRIEVED BY A DECISION OF THE HOUSING COMMISSIONER UNDER THIS  
13 SUBTITLE MAY SEEK JUDICIAL REVIEW OF THAT DECISION BY PETITION TO THE CIRCUIT  
14 COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF  
15 PROCEDURE.

16 (B) *STAYS.*

17 (1) THE FILING OF A PETITION FOR JUDICIAL REVIEW DOES NOT STAY THE DECISION OF THE  
18 COMMISSIONER.

19 (2) HOWEVER, ON MOTION AND AFTER HEARING, THE COURT MAY GRANT A STAY AS  
20 PROVIDED IN THE MARYLAND RULES OF PROCEDURE.

21 (C) *APPELLATE REVIEW.*

22 A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE  
23 COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF  
24 PROCEDURE.

25 **§ 4-13. [§ 4-12.] Enforcement by citation.**

26 (a) *In general.*

27 In addition to any other civil or criminal remedy or enforcement procedure, this subtitle  
28 may be enforced by issuance of an environmental citation as authorized by City Code  
29 Article 1, Subtitle 40 {"Environmental Control Board"}.

30 (b) *Process not exclusive.*

31 The issuance of an environmental citation to enforce this subtitle does not preclude  
32 pursuing any other civil or criminal remedy or enforcement action authorized by law.

**Council Bill 18-0185**

1     **§ 4-14. [§ 4-13.] Penalties.**

2           (a) *In general.*

3           Any person who violates a provision of this subtitle or of a rule, regulation, or order  
4           adopted or issued under this subtitle is guilty of a misdemeanor and, on conviction, is  
5           subject to a fine of not more than \$500 for each offense.

6           (b) *Each day a separate offense.*

7           Each day that a violation continues is a separate offense.

8                                   **Subtitle 5. Licensing of RENTAL DWELLINGS**  
9                                   **[Multiple-Family Dwellings and Rooming Houses]**

10     **§ 5-1. Definitions.**

11           (a) *In general.*

12           In this subtitle, the following terms have the meanings indicated.

13           (B) [(c)] *Dwelling unit.*

14           “Dwelling unit” has the meaning stated in § 202.2 of the Property Maintenance Code of  
15           Baltimore City.

16           (C) [(b)] *HOUSING COMMISSIONER; Commissioner.*

17           “HOUSING COMMISSIONER” OR “Commissioner” means the Commissioner of Housing  
18           and Community Development or the Commissioner’s designee.

19           (d) *Multiple-family dwelling.*

20           “Multiple-family dwelling” has the meaning stated in § 202.2 of the Property  
21           Maintenance Code of Baltimore City.

22           (E) *NON-OWNER-OCCUPIED DWELLING UNIT.*

23           “NON-OWNER-OCCUPIED DWELLING UNIT” HAS THE MEANING STATED IN § 4-1 OF THIS  
24           ARTICLE.

25           (F) [(e)] *Person.*

26           (1) *In general.*

27           “Person” means:

28           (i) an individual;

29           (ii) a partnership, firm, association, corporation, or other entity of any kind; and

**Council Bill 18-0185**

1 (iii) a receiver, trustee, guardian, personal representative, fiduciary, or  
2 representative of any kind.

3 (2) *Inclusions.*

4 "Person" includes, except as used in § 5-21 {"Penalties"} of this subtitle, a  
5 governmental entity or an instrumentality or unit of a governmental entity.

6 (G) *RENTAL DWELLING.*

7 "RENTAL DWELLING" MEANS:

8 (1) ANY MULTIPLE-FAMILY DWELLING;

9 (2) ANY ROOMING HOUSE; AND

10 (3) ANY NON-OWNER-OCCUPIED DWELLING UNIT IN A 1- OR 2-FAMILY DWELLING THAT  
11 IS LEASED OR RENTED OR OFFERED OR AVAILABLE FOR LEASE OR RENTAL IN  
12 EXCHANGE FOR ANY FORM OF CONSIDERATION.

13 (H) [(f)] *Rooming house.*

14 "Rooming house" has the meaning stated in § 202.2 of the Property Maintenance Code of  
15 Baltimore City.

16 (I) [(g)] *Rooming unit.*

17 "Rooming unit" has the meaning stated in § 202.2 of the Property Maintenance Code of  
18 Baltimore City.

19 **§ 5-2. Rules and regulations.**

20 (a) *Commissioner [may] TO adopt.*

21 The HOUSING Commissioner [may] MUST adopt rules and regulations to carry out this  
22 subtitle.

23 (b) *Filing with Legislative Reference.*

24 A copy of all rules and regulations adopted under this subtitle must be filed with the  
25 Department of Legislative Reference BEFORE THEY TAKE EFFECT.

26 **§ 5-3. {Reserved}**

27 **§ 5-4. License required.**

28 (A) *IN GENERAL.*

29 [No] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, NO person may:

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1 (1) [operate] RENT OR OFFER TO RENT TO ANOTHER ALL OR ANY PART OF any  
2 [multiple-family dwelling or rooming house] RENTAL DWELLING without a  
3 CURRENTLY EFFECTIVE license to do so from the HOUSING Commissioner; OR

4 (2) CHARGE, ACCEPT, RETAIN, OR SEEK TO COLLECT ANY RENTAL PAYMENT OR OTHER  
5 COMPENSATION FOR PROVIDING TO ANOTHER THE OCCUPANCY OF ALL OR ANY  
6 PART OF ANY RENTAL DWELLING UNLESS THE PERSON WAS LICENSED UNDER THIS  
7 SUBTITLE AT BOTH THE TIME OF OFFERING TO PROVIDE AND THE TIME OF  
8 PROVIDING THIS OCCUPANCY.

9 (B) *EXCEPTION.*

10 A LICENSE IS NOT REQUIRED UNDER THIS SUBTITLE FOR ANY RENTAL DWELLING THAT IS  
11 OWNED AND OPERATED BY THE HOUSING AUTHORITY OF BALTIMORE CITY.

12 **§ 5-5. Application for NEW OR RENEWAL license.**

13 (a) *In general.*

14 The application for a NEW OR RENEWAL RENTAL DWELLING license must be made in the  
15 form AND CONTAIN THE INFORMATION AND DOCUMENTATION that the HOUSING  
16 Commissioner requires.

17 (b) *By whom to be made.*

18 The application must be made and signed by:

19 (1) the owner of the premises; and

20 (2) the [lessee] MANAGING OPERATOR OF THE PREMISES, if [any] OTHER THAN THE  
21 OWNER[, who will operate the business].

22 (C) *APPLICATION PERIOD FOR RENEWAL.*

23 TO RENEW A LICENSE ISSUED UNDER THIS SUBTITLE, AN APPLICATION FOR RENEWAL MUST  
24 BE SUBMITTED TO THE COMMISSIONER NO LESS THAN 30 DAYS NOR MORE THAN 60 DAYS  
25 BEFORE THE LICENSE EXPIRES.

26 **§ 5-6. Prerequisites for NEW OR RENEWAL license – IN GENERAL.**

27 A RENTAL DWELLING license may be issued or renewed under this subtitle only if:

28 (1) all dwelling units AND ROOMING UNITS are currently registered [under] AS REQUIRED  
29 BY Subtitle 4 {"REGISTRATION OF Non-Owner-Occupied Dwellings[;], ROOMING  
30 HOUSES, AND Vacant Structures"} of this article;

31 (2) [the] ALL registration fees FOR THESE UNITS and all [outstanding] RELATED interest  
32 and late fees required by Subtitle 4 have been paid;

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1 (3) the premises have [been inspected] PASSED A RECENT INSPECTION [by the  
2 Commissioner], AS REQUIRED BY § 5-7 {"PREREQUISITES ... – INSPECTION"} OF THIS  
3 SUBTITLE;

4 (4) the premises are in compliance with ALL FEDERAL, State, AND CITY laws and  
5 regulations governing lead paint;

6 (5) [(6) if] FOR [the] premises THAT include a hotel OR MOTEL subject to City Code  
7 Article 15 {"Licensing and Regulation"}, Subtitle 10 {"Hotels"}, the hotel OR MOTEL  
8 is in compliance with the training, certification, and posting requirements of that  
9 subtitle[.];

10 (6) [(5)] the premises are not subject to [an unabated] ANY violation notice OR ORDER  
11 THAT:

12 (i) HAS BEEN issued under [§ 116 {"Unsafe Structures"} of] the Baltimore City  
13 [Building Code] BUILDING, FIRE, AND RELATED CODES ARTICLE; AND

14 (ii) NOTWITHSTANDING THE PASSAGE OF MORE THAN 90 DAYS SINCE ITS ISSUANCE,  
15 HAS NOT BEEN ABATED BEFORE THE LICENSE ISSUANCE OR RENEWAL[; and].

16 **§ 5-7. PREREQUISITES FOR NEW OR RENEWAL LICENSE – INSPECTION.**

17 (A) *IN GENERAL.*

18 THE INSPECTION REQUIRED BY § 5-6 {"PREREQUISITES ... – IN GENERAL"} OF THIS  
19 SUBTITLE MUST COMPLY WITH EITHER:

20 (1) SUBSECTION (B) {"THIRD-PARTY HOME INSPECTIONS"} OF THIS SECTION; OR

21 (2) SUBSECTION (C) {"GOVERNMENTAL AGENCY INSPECTIONS"} OF THIS SECTION.

22 (B) *THIRD-PARTY HOME INSPECTIONS.*

23 (1) *DEFINITIONS.*

24 (i) *IN GENERAL.*

25 IN THIS SUBSECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

26 (ii) *HOME INSPECTION.*

27 "HOME INSPECTION" MEANS A HOME INSPECTOR'S WRITTEN EVALUATION OF A  
28 RENTAL DWELLING'S COMPLIANCE WITH THE CITY'S HEALTH AND SAFETY  
29 STANDARDS SPECIFIED IN THE HOUSING COMMISSIONER'S RULES AND  
30 REGULATIONS ADOPTED UNDER THIS SUBTITLE.

31 (iii) *HOME INSPECTOR.*

32 "HOME INSPECTOR" MEANS AN INDIVIDUAL:



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1 (A) WHO IS LICENSED AS A HOME INSPECTOR UNDER TITLE 16, SUBTITLE 3A OF  
2 THE STATE BUSINESS OCCUPATION AND PROFESSIONS ARTICLE; AND

3 (B) WHO, AS REQUIRED BY THE RULES AND REGULATIONS ADOPTED UNDER  
4 THIS SUBTITLE:

5 1. HAS REGISTERED WITH THE HOUSING COMMISSIONER AS  
6 GENERALLY AVAILABLE TO INSPECT AND CERTIFY RENTAL  
7 DWELLINGS UNDER THIS SUBSECTION; AND

8 2. FOR EACH HOME INSPECTION TO BE PERFORMED UNDER THIS  
9 SUBSECTION, CERTIFIES THAT NEITHER THE HOME INSPECTOR NOR  
10 ANY OWNER, PARTNER, DIRECTOR, OFFICER, EMPLOYEE, OR AGENT  
11 OF THE HOME INSPECTOR OR OF THE HOME INSPECTOR'S BUSINESS  
12 HAS ANY FINANCIAL INTEREST IN:

13 A. THE RENTAL DWELLING TO BE INSPECTED;

14 B. THE OWNER OR OPERATOR OF THAT RENTAL DWELLING; OR

15 C. ANY OWNER, PARTNER, DIRECTOR, OFFICER, EMPLOYEE, OR  
16 AGENT OF THE RENTAL DWELLING'S OWNER OR OPERATOR.

17 (2) *APPLICANT TO CONTRACT FOR TIMELY INSPECTION.*

18 (i) BEFORE APPLYING FOR A RENTAL DWELLING LICENSE OR RENEWAL LICENSE, THE  
19 APPLICANT MUST, AT THE APPLICANT'S EXPENSE, CONTRACT WITH A HOME  
20 INSPECTOR TO PERFORM A HOME INSPECTION UNDER THIS SECTION.

21 (ii) THE INSPECTION MUST BE PERFORMED NOT MORE THAN 90 DAYS BEFORE A  
22 COMPLETED APPLICATION FOR A LICENSE OR RENEWAL LICENSE IS SUBMITTED TO  
23 THE HOUSING COMMISSIONER.

24 (3) *NUMBER OF UNITS TO BE INSPECTED.*

25 (i) FOR ANY RENTAL DWELLING THAT COMPRISES 9 OR FEWER DWELLING OR  
26 ROOMING UNITS, ALL DWELLING AND ROOMING UNITS MUST BE INSPECTED UNDER  
27 THIS SUBSECTION.

28 (ii) FOR ANY MULTIPLE-FAMILY DWELLING OR ROOMING HOUSE THAT COMPRISES 10  
29 OR MORE DWELLING OR ROOMING UNITS, THE NUMBER OF UNITS THAT MUST BE  
30 INSPECTED ARE AS DETERMINED IN THE RULES AND REGULATIONS ADOPTED UNDER  
31 THIS SUBTITLE.

32 (4) *INSPECTOR'S REPORT AND CERTIFICATION.*

33 (i) AFTER THE HOME INSPECTION, THE HOME INSPECTOR MUST ISSUE TO THE  
34 APPLICANT:

35 (A) A COPY OF THE INSPECTION REPORT; AND

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1 (B) IF THE RENTAL DWELLING MEETS THE CITY'S HEALTH AND SAFETY  
2 STANDARDS SPECIFIED IN THE RULES AND REGULATIONS ADOPTED UNDER  
3 THIS SUBTITLE, A CERTIFICATE OF SATISFACTORY COMPLIANCE WITH THOSE  
4 STANDARDS.

5 (ii) THE REPORT AND THE CERTIFICATE MUST BE IN THE FORM REQUIRED BY THE  
6 COMMISSIONER AND UNDER THE HOME INSPECTOR'S SEAL.

7 (C) *GOVERNMENTAL AGENCY INSPECTIONS.*

8 (1) *SCOPE OF SUBSECTION.*

9 THIS SUBSECTION APPLIES TO ANY RENTAL DWELLING UNIT THAT IS REQUIRED TO  
10 UNDERGO PERIODIC INSPECTIONS CONDUCTED BY A GOVERNMENTAL AGENCY IN  
11 ACCORDANCE WITH FEDERAL OR STATE INSPECTION STANDARDS.

12 (2) *REQUIRED EVIDENCE OF COMPLIANCE WITH MOST RECENT INSPECTION.*

13 FOR A RENTAL DWELLING UNIT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION,  
14 THE APPLICANT FOR A LICENSE OR RENEWAL LICENSE MAY, IN LIEU OF THE  
15 REQUIREMENTS OF SUBSECTION (B) {"THIRD-PARTY HOME INSPECTIONS"} OF THIS  
16 SECTION, SUBMIT EVIDENCE SATISFACTORY TO THE HOUSING COMMISSIONER THAT  
17 THE UNIT HAS PASSED THE MOST RECENT PERIODIC INSPECTION BY THE APPLICABLE  
18 GOVERNMENTAL AGENCY.

19 (D) *COMMISSIONER'S INSPECTION AUTHORITY NOT AFFECTED.*

20 THIS SECTION DOES NOT IN ANY WAY PREVENT OR LIMIT THE AUTHORITY OF THE HOUSING  
21 COMMISSIONER TO CONDUCT ROUTINE, SPOT, QUALITY-CONTROL, OR OTHER INSPECTIONS  
22 OF RENTAL DWELLINGS UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE

23 **§ 5-8. [§ 5-7.] License fees.**

24 No fee is imposed for a RENTAL DWELLING license issued under this subtitle.

25 **§ 5-9. [§ 5-8.] [Term and renewal] TIERED TERMS OF LICENSES.**

26 (a) *In general.*

27 [Except as otherwise provided under this section,] UNLESS TIMELY RENEWED, each  
28 RENTAL DWELLING license ISSUED UNDER THIS SUBTITLE expires [1 year from] ON THE 1<sup>ST</sup>,  
29 2<sup>ND</sup>, OR 3<sup>RD</sup> ANNIVERSARY OF [the date of] its issuance [and may be renewed annually], AS  
30 PROVIDED IN THIS SECTION.

31 [(b) *Stagger.*]

32 [The Commissioner may provide for staggered license terms, by issuing an  
33 original license or, on a 1-time basis, a renewal license for a period of less than 1  
34 year or for a period of more than 1 year but less than 2 years.]

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1 [(c) *Notice of renewal and reinspection.*]

2 [(1) Before a license expires, the Commissioner will mail notice to the licensee,  
3 specifying a date and time when an inspector will be present to reinspect the  
4 premises.]

5 [(2) Within 1 week of receiving the notice, the licensee may reschedule the  
6 inspection to a date no more than 2 weeks after the date specified in the  
7 notice.]

8 [(3) The license will not be renewed if the licensee fails to provide entry for a  
9 scheduled inspection or unduly delays the inspection.]

10 [(d) *Vacant dwellings.*]

11 [If a dwelling has remained vacant for more than a year, a renewal license may be  
12 issued only if reoccupancy of the dwelling would not violate the Zoning Code of  
13 Baltimore City.]

14 (B) *INITIAL LICENSE.*

15 A DWELLING UNIT LICENSE INITIALLY ISSUED UNDER THIS SUBTITLE TO ANY RENTAL  
16 DWELLING EXPIRES 2 YEARS FROM THE DATE OF ITS ISSUANCE, UNLESS TIMELY RENEWED.

17 (C) *1<sup>ST</sup> RENEWAL OF INITIAL LICENSE.*

18 SUBJECT TO COMPLIANCE WITH § 5-6 {"PREREQUISITES FOR ... RENEWAL LICENSE – IN  
19 GENERAL"} OF THIS SUBTITLE, THE 1<sup>ST</sup> RENEWAL OF AN INITIAL 2-YEAR LICENSE WILL BE  
20 FOR A 3-, 2-, OR 1-YEAR RENEWAL TERM, BASED ON THE FOLLOWING RISK FACTORS:

21 (1) *3-YEAR TERM:* THE RENEWAL LICENSE WILL BE FOR A 3-YEAR TERM IF, DURING THE  
22 24 MONTHS IMMEDIATELY PRECEDING SUBMISSION OF A COMPLETED RENEWAL  
23 APPLICATION, ALL VIOLATION NOTICES OR ORDERS ISSUED DURING THOSE MONTHS  
24 UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE HAVE BEEN  
25 ABATED WITHIN 60 DAYS OF THEIR ISSUANCE.

26 (2) *2-YEAR TERM:* THE RENEWAL LICENSE WILL BE FOR A 2-YEAR TERM IF, DURING THE  
27 24 MONTHS IMMEDIATELY PRECEDING SUBMISSION OF A COMPLETED RENEWAL  
28 APPLICATION, ALL VIOLATION NOTICES OR ORDERS ISSUED DURING THOSE MONTHS  
29 UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE HAVE BEEN  
30 ABATED WITHIN 90 DAYS OF THEIR ISSUANCE.

31 (3) *1-YEAR TERM:* THE RENEWAL LICENSE WILL BE FOR A 1-YEAR TERM IF THE RENTAL  
32 DWELLING DOES NOT QUALIFY UNDER THIS SUBSECTION FOR A 2- OR 3-YEAR  
33 RENEWAL.

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1 (D) *SUBSEQUENT RENEWALS.*

2 SUBJECT TO COMPLIANCE WITH § 5-6 {"PREREQUISITES FOR ... RENEWAL LICENSE – IN  
3 GENERAL"} OF THIS SUBTITLE, ALL SUBSEQUENT RENEWAL TERMS WILL BE BASED ON THE  
4 FOLLOWING RISK FACTORS:

5 (1) *3-YEAR TERM:* THE RENEWAL LICENSE WILL BE FOR A 3-YEAR TERM IF, DURING THE  
6 36 MONTHS IMMEDIATELY PRECEDING SUBMISSION OF A COMPLETED RENEWAL  
7 APPLICATION, ALL VIOLATION NOTICES OR ORDERS ISSUED DURING THOSE MONTHS  
8 UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE HAVE BEEN  
9 ABATED WITHIN 60 DAYS OF THEIR ISSUANCE.

10 (2) *2-YEAR TERM:* THE RENEWAL LICENSE WILL BE FOR A 2-YEAR TERM IF, DURING THE  
11 24 MONTHS IMMEDIATELY PRECEDING SUBMISSION OF A COMPLETED RENEWAL  
12 APPLICATION, ALL VIOLATION NOTICES OR ORDERS ISSUED DURING THOSE MONTHS  
13 UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE HAVE BEEN  
14 ABATED WITHIN 90 DAYS OF THEIR ISSUANCE.

15 (3) *1-YEAR TERM:* THE RENEWAL LICENSE WILL BE FOR A 1-YEAR TERM IF THE RENTAL  
16 DWELLING DOES NOT QUALIFY UNDER THIS SUBSECTION FOR A 2- OR 3-YEAR  
17 RENEWAL.

18 § 5-10. [§ 5-9.] *{Reserved}*

19 § 5-11. [§ 5-10.] *Posting license.*

20 The license issued under this subtitle must be prominently displayed:

21 (1) FOR A MULTIPLE-FAMILY DWELLING OR ROOMING HOUSE, in the vestibule, lobby, or  
22 other public place on the premises; AND

23 (2) FOR A 1- OR 2-FAMILY DWELLING, IN AN AREA OF EACH DWELLING UNIT THAT IS  
24 ACCESSIBLE TO THAT UNIT'S OCCUPANTS AND TO HOUSING INSPECTORS.

25 § 5-12. [§ 5-11.] *Transfer of license.*

26 (a) *In general.*

27 Any person who assumes the ownership or operation of a licensed [multiple-family]  
28 RENTAL dwelling [or rooming house] must, within 15 days of assuming ownership or  
29 operation, apply to the HOUSING Commissioner for transfer of the license.

30 (b) *Fee.*

31 The fee for a transfer is \$25.

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**1 § 5-13. [§ 5-12.] Discontinuance of [use] MULTIPLE-FAMILY OR ROOMING HOUSE  
2 OPERATIONS.**

3 Notwithstanding [a] ANY discontinuance, IN WHOLE OR IN PART, OF A MULTIPLE-FAMILY  
4 DWELLING'S OR A ROOMING HOUSE'S operations, [an annual] A license ISSUED UNDER THIS  
5 SUBTITLE [must be obtained] IS STILL REQUIRED unless the HOUSING Commissioner has  
6 issued a permit reflecting a change of use for the property.

7 **§ 5-14. [§§ 5-13 and 5-14.] {Reserved}**

8 **§ 5-15. [Revocation] DENIAL, SUSPENSION, OR REVOCATION of license – In general.**

9 **(A) "NUISANCE PROPERTY" DEFINED.**

10 IN THIS SECTION, "NUISANCE PROPERTY" MEANS ANY PROPERTY THAT, IN ACCORD WITH  
11 1 OR ANOTHER OF THE FOLLOWING LAWS, HAS BEEN FOUND TO CONSTITUTE A PUBLIC  
12 NUISANCE OR TO BE MAINTAINED OR OPERATED SO AS TO CAUSE OR ALLOW A PUBLIC  
13 NUISANCE:

14 (1) STATE CODE REAL PROPERTY ARTICLE § 14-120 {"ACTIONS TO ABATE  
15 NUISANCES"} {SEE ESP. SUBSECTION (A)(5) (DEFINING "NUISANCE")};

16 (2) CITY CODE ARTICLE 19, SUBTITLE 43 {"PUBLIC NUISANCES"} {SEE ESP. § 43-1(L)  
17 (DEFINING "PUBLIC NUISANCE")}; AND

18 (3) CITY CODE ARTICLE 19, SUBTITLE 43B {"NEIGHBORHOOD NUISANCES AND  
19 UNRULY SOCIAL EVENTS"} {SEE ESP. § 43B-1(B) (DEFINING "NEIGHBORHOOD  
20 NUISANCE"), § 43B-1(K) (DEFINING "PERSON RESPONSIBLE"), AND § 43B-1(O)  
21 (DEFINING "UNRULY SOCIAL EVENT")};

22 **(B) CAUSES FOR DENIAL, SUSPENSION, OR REVOCATION.**

23 Subject to the hearing provisions of § 5-16 of this subtitle, the HOUSING Commissioner  
24 may DENY, SUSPEND, OR revoke a RENTAL DWELLING license OR RENEWAL LICENSE FOR  
25 ANY OF THE FOLLOWING CAUSES:  
26

27 (1) MAKING ANY MATERIAL FALSE STATEMENT IN AN APPLICATION FOR AN INITIAL OR  
28 RENEWAL LICENSE;

29 (2) FRAUDULENTLY OR DECEPTIVELY OBTAINING A RENTAL DWELLING LICENSE FOR  
30 ONESELF OR FOR ANOTHER;

31 (3) FRAUDULENTLY OR DECEPTIVELY USING A RENTAL DWELLING LICENSE;

32 (4) FALSIFYING ANY INSPECTION REPORT OR CERTIFICATE;

33 (5) REFUSAL BY AN OWNER OR OPERATOR OF A RENTAL DWELLING TO ALLOW THE  
34 COMMISSIONER TO CONDUCT A ROUTINE, SPOT, QUALITY-CONTROL, OR OTHER  
35 INSPECTION OF THE RENTAL DWELLING AS AUTHORIZED BY THE CITY BUILDING,  
36 FIRE, AND RELATED CODES ARTICLE;

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1 (6) FAILING TO ABATE WITHIN 120 DAYS OF ISSUANCE ANY VIOLATION NOTICE,  
2 ORDER, OR CITATION FOR VIOLATING ANY PROVISION OF THE CITY BUILDING, FIRE,  
3 AND RELATED CODES ARTICLE, THE CITY HEALTH ARTICLE, OR THE ZONING  
4 CODE OF BALTIMORE CITY;

5 (7) FAILING TO COMPLY WITH ANY PROVISION OF THIS SUBTITLE OR OF ANY RULE OR  
6 REGULATION ADOPTED UNDER THIS SUBTITLE; OR

7 (8) if the HOUSING Commissioner finds, or if the Fire Chief, Health Commissioner, or  
8 Police Commissioner certify to the HOUSING Commissioner, that:

9 (i) [(1)] the owner or lessee of a [multiple-family dwelling or rooming house]  
10 RENTAL DWELLING has failed to comply with any lawful notice, [or] order,  
11 OR CITATION to correct a violation that affects the health, safety, morals, or  
12 general welfare of the occupants of the property or of the general public;  
13 or

14 (ii) [(2)] the owner or lessee of a [multiple-family dwelling or rooming house]  
15 RENTAL DWELLING, or any agent of the owner or lessee:

16 (A) [(i)] has allowed the premises to be used [for the purpose  
17 prostitution, drug trafficking, or other criminal activity or for any  
18 other activity that creates or constitutes] AS A NUISANCE PROPERTY;  
19 or

20 (B) [(ii)] knew or should have known that the premises were being  
21 used [for one of these purposes] AS A NUISANCE PROPERTY and  
22 failed to prevent them from being so used.

23 **§ 5-16. [Revocation] DENIAL, SUSPENSION, OR REVOCATION of license – Notice and hearing.**

24 (a) *In general.*

25 No license may be DENIED, SUSPENDED, OR revoked unless the HOUSING Commissioner  
26 first gives the licensee:

27 (1) not less than 10 days notice in writing of the Commissioner's intent to DENY,  
28 SUSPEND, OR revoke the license; and

29 (2) an opportunity to be heard as to why the license should not be DENIED,  
30 SUSPENDED, OR revoked.

31 (b) *Exception.*

32 The Commissioner may DENY, SUSPEND, OR revoke a license without prior notice and  
33 opportunity to be heard if, in the opinion of the Commissioner or the Fire Chief, Health  
34 Commissioner, or Police Commissioner, the health, safety, or welfare of the occupants or  
35 of the general public are in imminent danger.

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1 **§ 5-17. [§ 5-18.] Vacating premises.**

2 The Commissioner may require a [multiple-family dwelling or rooming house] RENTAL  
3 DWELLING to be vacated within 24 hours if:

4 (1) the property is being operated without a valid license; and

5 (2) vacating the premises is necessary for the public health, safety, and welfare.

6 **§ 5-18. {RESERVED}**

7 **§ 5-19. [§ 5-22. Constitutional] IMPAIRING CONSTITUTIONAL rights.**

8 (a) *“Reasonable accommodation” defined.*

9 In this section, “reasonable accommodation” means affirmative steps that do not impose  
10 an undue financial hardship or a substantial burden.

11 (b) *Prohibited conduct.*

12 No bylaw, rule, or regulation governing a [multiple-family] RENTAL dwelling, nor any  
13 action or inaction of the governing body or management of a [multiple-family] RENTAL  
14 dwelling, may:

15 (1) unreasonably impair any rights guaranteed by the Free-Exercise Clause of the  
16 First Amendment to the United States Constitution or by Article 36 of the  
17 Maryland Declaration of Rights; or

18 (2) prohibit or deny any reasonable accommodation for religious practices.

19 **§ 5-20. SANITATION GUIDE.**

20 (A) *PREPARATION OF GUIDE.*

21 THE OWNER OR MANAGING OPERATOR OF EVERY RENTAL DWELLING, OTHER THAN A  
22 HOTEL OR MOTEL, MUST PREPARE, IN THE FORM AND CONTAINING THE INFORMATION  
23 REQUIRED BY THE COMMISSIONER, A SANITATION GUIDE FOR THE PREMISES THAT  
24 PROVIDES NOTICE TO ALL OCCUPANTS OF THE REQUIREMENTS AND PROCEDURES FOR THE  
25 SEPARATION, DISPOSITION, COLLECTION, AND PROPER STORAGE PENDING COLLECTION OF  
26 MIXED REFUSE, RECYCLABLE MATERIALS, YARD WASTE, BULK TRASH, AND ALL OTHER  
27 FORMS OF GARBAGE, RUBBISH, WASTE, AND TRASH.

28 (B) *DISSEMINATION.*

29 A COPY OF THE SANITATION GUIDE MUST BE:

30 (1) PROVIDED TO EACH DWELLING UNIT ON THE PREMISES; AND

31 (2) PROMINENTLY POSTED WITHIN EACH COMMON COLLECTION ROOM, IF ANY, ON THE  
32 PREMISES.

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1    **§§ 5-21 TO 5-23. {RESERVED}**

2    **§ 5-24. JUDICIAL AND APPELLATE REVIEW.**

3        (A) *JUDICIAL REVIEW.*

4            A PERSON AGGRIEVED BY A DECISION OF THE HOUSING COMMISSIONER UNDER THIS  
5            SUBTITLE MAY SEEK JUDICIAL REVIEW OF THAT DECISION BY PETITION TO THE CIRCUIT  
6            COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF  
7            PROCEDURE.

8        (B) *STAYS.*

9            (1) THE FILING OF A PETITION FOR JUDICIAL REVIEW DOES NOT STAY THE DECISION OF THE  
10            COMMISSIONER.

11           (2) HOWEVER, ON MOTION AND AFTER HEARING, THE COURT MAY GRANT A STAY AS  
12            PROVIDED IN THE MARYLAND RULES OF PROCEDURE.

13        (C) *APPELLATE REVIEW.*

14            A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE  
15            COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF  
16            PROCEDURE.

17    **§ 5-25. [§ 5-20.] Enforcement by citation.**

18        (a) *In general.*

19            In addition to any other civil or criminal remedy or enforcement procedure, this subtitle  
20            may be enforced by issuance of an environmental citation as authorized by City Code  
21            Article 1, Subtitle 40 {"Environmental Control Board"}.

22        (b) *Process not exclusive.*

23            The issuance of an environmental citation to enforce this subtitle does not preclude  
24            pursuing any other civil or criminal remedy or enforcement action authorized by law.

25    **§ 5-26. [§ 5-24.] Penalties.**

26        (a) *In general.*

27            Any person who violates [a] ANY provision of this subtitle (INCLUDING ANY OFFENSE  
28            LISTED IN § 5-15 OF THIS SUBTITLE AS POTENTIAL CAUSE FOR A DENIAL, SUSPENSION, OR  
29            REVOCAION OF A LICENSE) or ANY PROVISION of a rule, regulation, or order adopted or  
30            issued under this subtitle is guilty of a misdemeanor and, on conviction, is subject to [the  
31            following penalties:]

32            [(1) for a violation of § 5-22 {" Constitutional rights"} of this subtitle,] a fine of not more  
33            than \$1,000 for each offense[; and].





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**Article 19. Police Ordinances**

**Subtitle 43. Public Nuisances**

**§ 43-4. Notice and opportunity for hearing.**

*(c) Service and posting of notice.*

(1) The notice shall be given by personal service or by certified or registered mail to the owner, operator, and commercial tenant, as their names and addresses:

(i) are recorded in the Land Records of Baltimore City;

(ii) appear in the registration statement [made] FILED under City Code Article 13, Subtitle 4 {"Registration of [Residential Properties] NON-OWNER-OCCUPIED DWELLINGS, ETC."}; or

(iii) are otherwise known or readily ascertainable.

**Subtitle 43A. Neighborhood Nuisances – Abatement**

**§ 43A-3. Notice and opportunity for hearing.**

*(c) Service and posting of notice.*

(1) The notice shall be given by personal service or by certified or registered mail to the owner and to any operator or tenant of the premises, as their names and addresses:

(i) are recorded in the Land Records of Baltimore City;

(ii) appear in the registration statement [made] FILED under City Code Article 13, Subtitle 4 {"Registration of [Residential Properties] NON-OWNER-OCCUPIED DWELLINGS, ETC."}; or

(iii) are otherwise known or readily ascertainable.

**Baltimore City Revised Code**

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

**Part II. International Building Code**

**§ 2-103. City modifications.**

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

**Council Bill 18-0185**

**Chapter 1. Scope and Administration**

**Section 114 Violations**

**114.21.2 Liability for sanitary maintenance.**

**b. Liability – Failure to register property.** The owner of a property is responsible for exterior sanitary maintenance if:

1. the owner fails to register or license the property as required by City Code Article 13, Subtitle 4 {"REGISTRATION OF Non-Owner-Occupied Dwellings, etc."} or Subtitle 5 {"LICENSING OF [Multiple-Family Dwellings] RENTAL DWELLINGS"}, or
2. reasonable attempts at telephone contact, using information in a current registration statement, do not lead within 2 business days to current occupant information.

**Chapter 2. Definitions; Rules of Construction**

**Section 202 Definitions**

**202.2 Supplemental definitions.** Notwithstanding any different definition in the International Building Code, the following terms have the meanings given in this § 202.2.

**202.2.48 Person.** "Person":

2. whenever used in this Code with reference to liability or to the imposition of a penalty or fine, includes:

c. in addition, the responsible officer, trustee, partner, or member designated on a [Registration Statement made] REGISTRATION STATEMENT FILED under City Code Article 13, Subtitle 4 {"Registration of [Residential Properties] NON-OWNER-OCCUPIED DWELLINGS, ETC."}.

**Part VII. International Property Maintenance Code**

**§ 7-102. City modifications.**

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

Council Bill 18-0185

Chapter 2. Definitions

Section 202 General Definitions

202.2 Supplemental definitions. Notwithstanding any different definition in the International Property Maintenance Code, the following terms have the meanings given in this § 202.2.

...

202.2.3 Dwelling unit. "Dwelling unit" has the meaning stated in § 202.2 of the Baltimore City Building Code.

...

202.2.6 Multiple-family dwelling. "Multiple-family dwelling" means a building or a group of buildings on the same lot that contains or is designed or intended to contain:

1. more than 2 dwelling units,
2. 2 dwelling units and any other residential or commercial occupancy, or
3. any combination of 3 or more rooming units and dwelling units.

...

202.2.14 Rooming house. "Rooming house" means a building that:

1. is not a multiple-family dwelling, and
2. contains more than 2 rooming units occupied or designed or intended to be occupied by individuals who, even though they might share common areas and facilities, do not form a single housekeeping unit and do not provide compensation under a single lease for occupancy of the rooming house.

202.2.14.1 Inclusions. "Rooming house" includes a hotel, motel, BED AND BREAKFAST (AS DEFINED IN ZONING CODE § 1-203(F)), or boarding house.

202.2.15 Rooming unit. "Rooming unit" means any room or group of rooms that form a single habitable unit occupied or designed or intended to be occupied for sleeping or living, but not for cooking purposes.

....

Article – Health

Title 6. Food Service Facilities

Subtitle 6. Suspensions and Revocations

§ 6-603.1. Suspension or nonrenewal for multiple or unpaid citations.

(b) Covered offenses.

- (1) For purposes of this section, citations issued for violations of the following provisions of the City Code are presumed to be issued for reasons related to public health or to the prevention of disease, epidemics, or nuisances affecting public health:

**Council Bill 18-0185**

1                   Article 13. Housing and Urban Renewal  
2                   Subtitle 5 {"[Multiple-Family Dwellings and Rooming Houses] LICENSING OF  
3                   RENTAL DWELLINGS"}.

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

7           **SECTION 3. AND BE IT FURTHER ORDAINED,** That:

8           (a) On and after the effective date of this Ordinance, a preexisting multiple-family dwelling  
9 or rooming house operating under an unexpired license that was issued under former City  
10 Code Article 13, Subtitle 5, may continue to operate under that license: (i) until the  
11 license expires at the end of its stated term or (ii) if the end of its stated term is fewer than  
12 90 days after the effective date of this Ordinance, for an extended term that expires on the  
13 90<sup>th</sup> day after the effective date of this Ordinance.

14           (b) The multiple-family dwelling or rooming house may not continue to operate after the  
15 preexisting license expires under subsection (a)(i) or (ii) of this Section until the licensee  
16 has applied for and obtained a new, initial rental dwelling license under City Code  
17 Article 13, Subtitle 5, as amended by this Ordinance.

18           **SECTION 4. AND BE IT FURTHER ORDAINED,** That, on and after the effective date of this  
19 Ordinance, a rental dwelling described in Article 13, § 5-1(g)(3), as added by this Ordinance,  
20 may preliminarily operate without an initial rental dwelling license, but only as long as:

21           (1) all non-owner-occupied dwelling units are duly registered under Article 13, Subtitle  
22 4, as amended by this Ordinance, and all registration fees and related interest and late  
23 fees required by that Subtitle 4 have been paid;

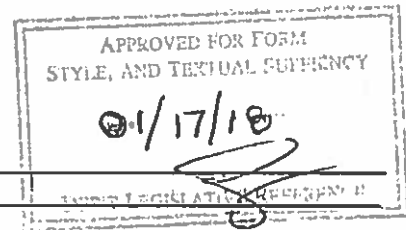
24           (2) within 120 days of the effective date of this Ordinance, the owner submits a  
25 completed application under Article 13, Subtitle 5, as amended by this subtitle, for a  
26 new, initial rental dwelling; and

27           (3) the Housing Commissioner has not yet issued an approval or denial of that  
28 application.

29           **SECTION 5. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on August 1,  
30 2018.



**INTRODUCTORY\***  
**CITY OF BALTIMORE**  
**COUNCIL BILL \_\_\_\_\_**



Introduced by: Councilmember Henry

A BILL ENTITLED

AN ORDINANCE concerning

**Non-Owner-Occupied Dwelling Units, Rooming Houses,  
and Vacant Structures – Rental Dwellings – Registration and Licensing**

FOR the purpose of adding certain non-owner-occupied 1- and 2-family dwellings to the licensing, inspection, and related requirements for multi-family dwellings and rooming houses (collectively, “rental dwellings”); modifying the procedures and prerequisites for the registration of certain non-owner-occupied dwellings, rooming houses, and vacant structures; modifying the procedures and prerequisites for the licensing of rental dwellings; providing for the denial, suspension, or revocation of a rental dwelling license under certain circumstances; providing for judicial and appellate review of administrative decisions relating to the registration or the licensing of these structures; amending the underlying definition of “rooming house” to clarify its applicability to a bed and breakfast facility; defining and redefining certain other terms; imposing certain penalties; correcting, clarifying, and conforming related language; providing certain transition rules for pre-existing licenses; providing for a special effective date; and generally relating to the registration of non-owner-occupied dwellings, rooming houses, and vacant structures and to the licensing of rental dwellings.

BY repealing and reordaining, with amendments

Article 13 - Housing and Urban Renewal  
Sections 4-1, 4-6, 4-8, and 4-9  
Baltimore City Code  
(Edition 2000)

BY adding

Article 13 - Housing and Urban Renewal  
New Section 4-12  
Baltimore City Code  
(Edition 2000)

BY renumbering

Article 13 - Housing and Urban Renewal  
Current Sections 4-12 and 4-13  
to be  
New Sections 4-13 and 4-14  
Baltimore City Code  
(Edition 2000)

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

\* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.  
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

BY repealing and reordaining, with amendments  
Article 13 - Housing and Urban Renewal  
Subtitle 5, to be under the revised subtitle name,  
“Subtitle 5. Licensing of Rental Dwellings”  
Baltimore City Code  
(Edition 2000)

BY repealing and reordaining, with amendments  
Article 13 - Housing and Urban Renewal  
Section 8A-5(b)(2)  
Baltimore City Code  
(Edition 2000)

BY repealing and reordaining, with amendments  
Article 1 - Mayor, City Council, and Municipal Agencies  
Section 40-14(e)(1)  
Baltimore City Code  
(Edition 2000)

BY repealing and reordaining, with amendments  
Article 19 - Police Ordinances  
Sections 43-4(c)(1) and 43A-3(c)(1)  
Baltimore City Code  
(Edition 2000)

BY repealing and reordaining, with amendments  
Article - Building, Fire, and Related Codes  
Section 2-103 (BC §§ 114.21.2b and 202.48-2c) and  
Section 7-102 (PMC § 202.2.14.1)  
Baltimore City Revised Code  
(2015 Edition)

BY repealing and reordaining, without amendments  
Article - Building, Fire, and Related Codes  
Section 7-102 (PMC §§ 202.2.3, 202.2.6, and 202.2.15)  
Baltimore City Revised Code  
(2015 Edition)

BY repealing and reordaining, with amendments  
Article - Health  
Section 6-603.1(b)(1)(Article 13)  
Baltimore City Revised Code  
(Edition 2000)

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

**Baltimore City Code**

**Article 13. Housing and Urban Renewal**



#### Subtitle 4. Registration of Non-Owner-Occupied Dwellings, Rooming Houses, and Vacant Structures

##### § 4-1. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Commissioner.*

“Commissioner” means the Commissioner of Housing and Community Development or the Commissioner’s designee.

(c) *Dwelling unit.*

“Dwelling unit” has the meaning stated in § 202.2 of the Baltimore City Property Maintenance Code.

(d) *Multiple-family dwelling.*

“Multiple-family dwelling” has the meaning stated in § 202.2 of the Baltimore City Property Maintenance Code.

(e) *Non-owner-occupied dwelling unit.*

(1) *In general.*

“Non-owner-occupied dwelling unit” means any:

- (i) dwelling unit that is unoccupied;
- (ii) dwelling unit that, even if occupied, is not occupied by an owner of record; or
- (iii) dwelling unit that, even if occupied, is not designated by the State Department of Assessments and Taxation as the owner’s principle residence in accordance with the criteria governing the State Homestead Tax Credit.

(2) *Qualifications.*

For purposes of this definition:

- (i) an owner may only have one owner-occupied dwelling UNIT in Baltimore City; and
- (ii) an owner-occupied unit must be titled to a natural person.

(F) [(f-1)] *Rooming house.*

“Rooming house” has the meaning stated in § 202.2 of the Baltimore City Property Maintenance Code.

(G) [(f-2)] *Rooming unit.*

“Rooming unit” has the meaning stated in § 202.2 of the Baltimore City Property Maintenance Code.

(H) [(g)] *Vacant structure.*

(1) *In general.*

“Vacant structure” means any structure that is subject to an unabated violation notice issued under § 116 {“Unsafe Structures”} of the Baltimore City Building Code.

(2) *Exclusions.*

“Vacant structure” does not include an accessory structure that is not intended for occupancy, such as a garage, shed, or storage building.

**§ 4-6. Registration statement – Contents.**

(a) *In general.*

[(1)] Each registration statement must be in the form that the Commissioner requires and contain the following information:

- (1) [(i)] a description of the premises by street number or by block-and-lot;
- (2) [(ii)] the name, street address, telephone number, and email address of the premises’ owner of record;
- (3) [(iii)] the name, street address, telephone number, and email address of the premises’ managing operator, if other than the owner; AND
- (4) [(iv)] if the owner is a corporation, PARTNERSHIP, limited partnership, limited liability company, or similar entity, the name, street address, telephone number, and email address of [its resident agent] A NATURAL PERSON WHO SERVES AS THE OWNER’S CHIEF EXECUTIVE OFFICER, MANAGING PARTNER, OR MANAGING MEMBER, OR IN A SIMILARLY AUTHORITATIVE POSITION[; and].

[(v) if the owner is a partnership or other similar entity, the name, street address, telephone number, and email address of a responsible partner or officer.]

[(2) The failure to provide or maintain an email address is not cause to reject an application and is not a violation of this subtitle.]

(b) *Change of [operator, or agent] LISTED INFORMATION.*

The Commissioner must be notified within 10 days of any change in the [managing operator or resident agent] IDENTITY OF OR CONTACT INFORMATION FOR THE OWNER OF RECORD OR ANY OTHER PERSON LISTED IN THE REGISTRATION STATEMENT.

**§ 4-8. Registration fees.**

(A) [(a-1)] *Rooming houses.*

Except as otherwise specified in this section, an annual registration fee must be paid for rooming houses at the rate of \$25 per rooming unit.

(B) [(a)] *Non-owner-occupied dwelling units.*

Except as otherwise specified in this section, an annual registration fee must be paid for non-owner-occupied dwelling units at the following rates:

- (1) for properties with 1 and 2 dwelling units – \$30 per dwelling unit.
- (2) for multiple-family dwellings – \$35 per dwelling unit, plus \$25 per rooming unit.

(C) [(b)] *Vacant structures.*

Except as otherwise specified in this section, an annual registration fee, in addition to any fee that might also be required by subsection (a) of this section, must be paid for vacant structures at the following rates:

- (1) for residential structures – \$100 per structure.
- (2) for all other structures – \$250 per structure.

(D) [(c)] *When payable.*

These fees must all be paid at the time of registration.

(E) [(d)] *Exceptions.*

No fee is charged for:

- (1) any dwelling unit, rooming house, or vacant structure that is owned by a governmental entity or an instrumentality or unit of a governmental entity; OR
- (2) any dwelling unit that is not in a vacant structure and is owned by a nonprofit religious, charitable, or educational institution or organization[; or].
- [(3) an unoccupied, habitable dwelling unit last occupied by its current owner as his or her residence.]

**§ 4-9. Term and renewal.**

A registration expires on [August 30] DECEMBER 31 of each year, unless it is renewed and the annual registration fee paid before then.

**§ 4-12. JUDICIAL AND APPELLATE REVIEW.**

(A) *JUDICIAL REVIEW.*

A PERSON AGGRIEVED BY A DECISION OF THE HOUSING COMMISSIONER UNDER THIS SUBTITLE MAY SEEK JUDICIAL REVIEW OF THAT DECISION BY PETITION TO THE CIRCUIT COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

(B) *STAYS.*

(1) THE FILING OF A PETITION FOR JUDICIAL REVIEW DOES NOT STAY THE DECISION OF THE COMMISSIONER.

(2) HOWEVER, ON MOTION AND AFTER HEARING, THE COURT MAY GRANT A STAY AS PROVIDED IN THE MARYLAND RULES OF PROCEDURE.

(C) *APPELLATE REVIEW.*

A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

**§ 4-13. [§ 4-12.] Enforcement by citation.**

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of an environmental citation as authorized by City Code Article 1, Subtitle 40 {"Environmental Control Board"}.

(b) *Process not exclusive.*

The issuance of an environmental citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

**§ 4-14. [§ 4-13.] Penalties.**

(a) *In general.*

Any person who violates a provision of this subtitle or of a rule, regulation, or order adopted or issued under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

**Subtitle 5. Licensing of RENTAL DWELLINGS [Multiple-Family Dwellings  
and Rooming Houses]**

**§ 5-1. Definitions.**

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(B) [(c)] *Dwelling unit.*

“Dwelling unit” has the meaning stated in § 202.2 of the Property Maintenance Code of Baltimore City.

(C) [(b)] *HOUSING COMMISSIONER; Commissioner.*

“HOUSING COMMISSIONER” OR “Commissioner” means the Commissioner of Housing and Community Development or the Commissioner’s designee.

(d) *Multiple-family dwelling.*

“Multiple-family dwelling” has the meaning stated in § 202.2 of the Property Maintenance Code of Baltimore City.

(E) *NON-OWNER-OCCUPIED DWELLING UNIT.*

“NON-OWNER-OCCUPIED DWELLING UNIT” HAS THE MEANING STATED IN § 4-1 OF THIS ARTICLE.

(F) [(e)] *Person.*

(1) *In general.*

“Person” means:

- (i) an individual;
- (ii) a partnership, firm, association, corporation, or other entity of any kind; and
- (iii) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind.

(2) *Inclusions.*

“Person” includes, except as used in § 5-21 {“Penalties”} of this subtitle, a governmental entity or an instrumentality or unit of a governmental entity.

(G) *RENTAL DWELLING.*

“RENTAL DWELLING” MEANS:

- (1) ANY MULTIPLE-FAMILY DWELLING;
- (2) ANY ROOMING HOUSE; AND

- (3) ANY NON-OWNER-OCCUPIED DWELLING UNIT IN A 1- OR 2-FAMILY DWELLING THAT IS LEASED OR RENTED OR OFFERED OR AVAILABLE FOR LEASE OR RENTAL IN EXCHANGE FOR ANY FORM OF CONSIDERATION.

(H) [(f)] *Rooming house.*

“Rooming house” has the meaning stated in § 202.2 of the Property Maintenance Code of Baltimore City.

(I) [(g)] *Rooming unit.*

“Rooming unit” has the meaning stated in § 202.2 of the Property Maintenance Code of Baltimore City.

**§ 5-2. Rules and regulations.**

(a) *Commissioner [may] TO adopt.*

The HOUSING Commissioner [may] MUST adopt rules and regulations to carry out this subtitle.

(b) *Filing with Legislative Reference.*

A copy of all rules and regulations adopted under this subtitle must be filed with the Department of Legislative Reference BEFORE THEY TAKE EFFECT.

**§ 5-3. {Reserved}**

**§ 5-4. License required.**

(A) *IN GENERAL.*

[No] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, NO person may:

- (1) [operate] RENT OR OFFER TO RENT TO ANOTHER ALL OR ANY PART OF any [multiple-family dwelling or rooming house] RENTAL DWELLING without a CURRENTLY EFFECTIVE license to do so from the HOUSING Commissioner; OR
- (2) CHARGE, ACCEPT, RETAIN, OR SEEK TO COLLECT ANY RENTAL PAYMENT OR OTHER COMPENSATION FOR PROVIDING TO ANOTHER THE OCCUPANCY OF ALL OR ANY PART OF ANY RENTAL DWELLING UNLESS THE PERSON WAS LICENSED UNDER THIS SUBTITLE AT BOTH THE TIME OF OFFERING TO PROVIDE AND THE TIME OF PROVIDING THIS OCCUPANCY.

(B) *EXCEPTION.*

A LICENSE IS NOT REQUIRED UNDER THIS SUBTITLE FOR ANY RENTAL DWELLING THAT IS OWNED AND OPERATED BY THE HOUSING AUTHORITY OF BALTIMORE CITY.

**§ 5-5. Application for NEW OR RENEWAL license.**

(a) *In general.*

The application for a NEW OR RENEWAL RENTAL DWELLING license must be made in the form AND CONTAIN THE INFORMATION AND DOCUMENTATION that the HOUSING Commissioner requires.

(b) *By whom to be made.*

The application must be made and signed by:

- (1) the owner of the premises; and
- (2) the [lessee] MANAGING OPERATOR OF THE PREMISES, if [any] OTHER THAN THE OWNER[, who will operate the business].

(c) *APPLICATION PERIOD FOR RENEWAL.*

TO RENEW A LICENSE ISSUED UNDER THIS SUBTITLE, AN APPLICATION FOR RENEWAL MUST BE SUBMITTED TO THE COMMISSIONER NO LESS THAN 30 DAYS NOR MORE THAN 60 DAYS BEFORE THE LICENSE EXPIRES.

**§ 5-6. Prerequisites for NEW OR RENEWAL license – IN GENERAL.**

A RENTAL DWELLING license may be issued or renewed under this subtitle only if:

- (1) all dwelling units AND ROOMING UNITS are currently registered [under] AS REQUIRED BY Subtitle 4 {"REGISTRATION OF Non-Owner-Occupied Dwellings[;], ROOMING HOUSES, AND Vacant Structures"} of this article;
- (2) [the] ALL registration fees FOR THESE UNITS and all [outstanding] RELATED interest and late fees required by Subtitle 4 have been paid;
- (3) the premises have [been inspected] PASSED A RECENT INSPECTION [by the Commissioner], AS REQUIRED BY § 5-7 {"PREREQUISITES ... – INSPECTION"} OF THIS SUBTITLE;
- (4) the premises are in compliance with ALL FEDERAL, State, AND CITY laws and regulations governing lead paint;
- (5) [(6) if] FOR [the] premises THAT include a hotel OR MOTEL subject to City Code Article 15 {"Licensing and Regulation"}, Subtitle 10 {"Hotels"}, the hotel OR MOTEL is in compliance with the training, certification, and posting requirements of that subtitle[.];
- (6) [(5)] the premises are not subject to [an unabated] ANY violation notice OR ORDER THAT:
  - (I) HAS BEEN issued under [§ 116 {"Unsafe Structures"} of] the Baltimore City [Building Code] BUILDING, FIRE, AND RELATED CODES ARTICLE; AND
  - (II) NOTWITHSTANDING THE PASSAGE OF MORE THAN 90 DAYS SINCE ITS ISSUANCE, HAS NOT BEEN ABATED BEFORE THE LICENSE ISSUANCE OR RENEWAL[; and].

**§ 5-7. PREREQUISITES FOR NEW OR RENEWAL LICENSE – INSPECTION.**

(A) *IN GENERAL.*

THE INSPECTION REQUIRED BY § 5-6 {"PREREQUISITES ... – IN GENERAL"} OF THIS SUBTITLE MUST COMPLY WITH EITHER:

- (1) SUBSECTION (B) {"THIRD-PARTY HOME INSPECTIONS"} OF THIS SECTION; OR
- (2) SUBSECTION (C) {"GOVERNMENTAL AGENCY INSPECTIONS"} OF THIS SECTION.

(B) *THIRD-PARTY HOME INSPECTIONS.*

(1) *DEFINITIONS.*

(i) *IN GENERAL.*

IN THIS SUBSECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(ii) *HOME INSPECTION.*

"HOME INSPECTION" MEANS A HOME INSPECTOR'S WRITTEN EVALUATION OF A RENTAL DWELLING'S COMPLIANCE WITH THE CITY'S HEALTH AND SAFETY STANDARDS SPECIFIED IN THE HOUSING COMMISSIONER'S RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE.

(iii) *HOME INSPECTOR.*

"HOME INSPECTOR" MEANS AN INDIVIDUAL:

- (A) WHO IS LICENSED AS A HOME INSPECTOR UNDER TITLE 16, SUBTITLE 3A OF THE STATE BUSINESS OCCUPATION AND PROFESSIONS ARTICLE; AND
- (B) WHO, AS REQUIRED BY THE RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE:
  1. HAS REGISTERED WITH THE HOUSING COMMISSIONER AS GENERALLY AVAILABLE TO INSPECT AND CERTIFY RENTAL DWELLINGS UNDER THIS SUBSECTION; AND
  2. FOR EACH HOME INSPECTION TO BE PERFORMED UNDER THIS SUBSECTION, CERTIFIES THAT NEITHER THE HOME INSPECTOR NOR ANY OWNER, PARTNER, DIRECTOR, OFFICER, EMPLOYEE, OR AGENT OF THE HOME INSPECTOR OR OF THE HOME INSPECTOR'S BUSINESS HAS ANY FINANCIAL INTEREST IN:
    - A. THE RENTAL DWELLING TO BE INSPECTED;
    - B. THE OWNER OR OPERATOR OF THAT RENTAL DWELLING; OR
    - C. ANY OWNER, PARTNER, DIRECTOR, OFFICER, EMPLOYEE, OR AGENT OF THE RENTAL DWELLING'S OWNER OR OPERATOR.



(2) *APPLICANT TO CONTRACT FOR TIMELY INSPECTION.*

- (I) BEFORE APPLYING FOR A RENTAL DWELLING LICENSE OR RENEWAL LICENSE, THE APPLICANT MUST, AT THE APPLICANT'S EXPENSE, CONTRACT WITH A HOME INSPECTOR TO PERFORM A HOME INSPECTION UNDER THIS SECTION.
- (II) THE INSPECTION MUST BE PERFORMED NOT MORE THAN 90 DAYS BEFORE A COMPLETED APPLICATION FOR A LICENSE OR RENEWAL LICENSE IS SUBMITTED TO THE HOUSING COMMISSIONER.

(3) *NUMBER OF UNITS TO BE INSPECTED.*

- (I) FOR ANY RENTAL DWELLING THAT COMPRISES 9 OR FEWER DWELLING OR ROOMING UNITS, ALL DWELLING AND ROOMING UNITS MUST BE INSPECTED UNDER THIS SUBSECTION.
- (II) FOR ANY MULTIPLE-FAMILY DWELLING OR ROOMING HOUSE THAT COMPRISES 10 OR MORE DWELLING OR ROOMING UNITS, THE NUMBER OF UNITS THAT MUST BE INSPECTED ARE AS DETERMINED IN THE RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE.

(4) *INSPECTOR'S REPORT AND CERTIFICATION.*

- (I) AFTER THE HOME INSPECTION, THE HOME INSPECTOR MUST ISSUE TO THE APPLICANT:
  - (A) A COPY OF THE INSPECTION REPORT; AND
  - (B) IF THE RENTAL DWELLING MEETS THE CITY'S HEALTH AND SAFETY STANDARDS SPECIFIED IN THE RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE, A CERTIFICATE OF SATISFACTORY COMPLIANCE WITH THOSE STANDARDS.
- (II) THE REPORT AND THE CERTIFICATE MUST BE IN THE FORM REQUIRED BY THE COMMISSIONER AND UNDER THE HOME INSPECTOR'S SEAL.

(C) *GOVERNMENTAL AGENCY INSPECTIONS.*

(1) *SCOPE OF SUBSECTION.*

THIS SUBSECTION APPLIES TO ANY RENTAL DWELLING UNIT THAT IS REQUIRED TO UNDERGO PERIODIC INSPECTIONS CONDUCTED BY A GOVERNMENTAL AGENCY IN ACCORDANCE WITH FEDERAL OR STATE INSPECTION STANDARDS.

(2) *REQUIRED EVIDENCE OF COMPLIANCE WITH MOST RECENT INSPECTION.*

FOR A RENTAL DWELLING UNIT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE APPLICANT FOR A LICENSE OR RENEWAL LICENSE MAY, IN LIEU OF THE REQUIREMENTS OF SUBSECTION (B) {"THIRD-PARTY HOME INSPECTIONS"} OF THIS SECTION, SUBMIT EVIDENCE SATISFACTORY TO THE HOUSING COMMISSIONER THAT THE UNIT HAS PASSED THE MOST RECENT PERIODIC INSPECTION BY THE APPLICABLE GOVERNMENTAL AGENCY.

(D) *COMMISSIONER'S INSPECTION AUTHORITY NOT AFFECTED.*

THIS SECTION DOES NOT IN ANY WAY PREVENT OR LIMIT THE AUTHORITY OF THE HOUSING COMMISSIONER TO CONDUCT ROUTINE, SPOT, QUALITY-CONTROL, OR OTHER INSPECTIONS OF RENTAL DWELLINGS UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE

§ 5-8. [§ 5-7.] **License fees.**

No fee is imposed for a RENTAL DWELLING license issued under this subtitle.

§ 5-9. [§ 5-8.] **[Term and renewal] TIERED TERMS OF LICENSES.**

(a) *In general.*

[Except as otherwise provided under this section,] UNLESS TIMELY RENEWED, each RENTAL DWELLING license ISSUED UNDER THIS SUBTITLE expires [1 year from] ON THE 1<sup>ST</sup>, 2<sup>ND</sup>, OR 3<sup>RD</sup> ANNIVERSARY OF [the date of] its issuance [and may be renewed annually], AS PROVIDED IN THIS SECTION.

[(b) *Stagger.*]

[The Commissioner may provide for staggered license terms, by issuing an original license or, on a 1-time basis, a renewal license for a period of less than 1 year or for a period of more than 1 year but less than 2 years.]

[(c) *Notice of renewal and reinspection.*]

[(1) Before a license expires, the Commissioner will mail notice to the licensee, specifying a date and time when an inspector will be present to reinspect the premises.]

[(2) Within 1 week of receiving the notice, the licensee may reschedule the inspection to a date no more than 2 weeks after the date specified in the notice.]

[(3) The license will not be renewed if the licensee fails to provide entry for a scheduled inspection or unduly delays the inspection.]

[(d) *Vacant dwellings.*]

[If a dwelling has remained vacant for more than a year, a renewal license may be issued only if reoccupancy of the dwelling would not violate the Zoning Code of Baltimore City.]

(B) *INITIAL LICENSE.*

A DWELLING UNIT LICENSE INITIALLY ISSUED UNDER THIS SUBTITLE TO ANY RENTAL DWELLING EXPIRES 2 YEARS FROM THE DATE OF ITS ISSUANCE, UNLESS TIMELY RENEWED.

(C) *1<sup>ST</sup> RENEWAL OF INITIAL LICENSE.*

SUBJECT TO COMPLIANCE WITH § 5-6 {"PREREQUISITES FOR ... RENEWAL LICENSE – IN GENERAL"} OF THIS SUBTITLE, THE 1<sup>ST</sup> RENEWAL OF AN INITIAL 2-YEAR LICENSE WILL BE FOR A 3-, 2-, OR 1-YEAR RENEWAL TERM, BASED ON THE FOLLOWING RISK FACTORS:

- (1) *3-YEAR TERM:* THE RENEWAL LICENSE WILL BE FOR A 3-YEAR TERM IF, DURING THE 24 MONTHS IMMEDIATELY PRECEDING SUBMISSION OF A COMPLETED RENEWAL APPLICATION, ALL VIOLATION NOTICES OR ORDERS ISSUED DURING THOSE MONTHS UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE HAVE BEEN ABATED WITHIN 60 DAYS OF THEIR ISSUANCE.
- (2) *2-YEAR TERM:* THE RENEWAL LICENSE WILL BE FOR A 2-YEAR TERM IF, DURING THE 24 MONTHS IMMEDIATELY PRECEDING SUBMISSION OF A COMPLETED RENEWAL APPLICATION, ALL VIOLATION NOTICES OR ORDERS ISSUED DURING THOSE MONTHS UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE HAVE BEEN ABATED WITHIN 90 DAYS OF THEIR ISSUANCE.
- (3) *1-YEAR TERM:* THE RENEWAL LICENSE WILL BE FOR A 1-YEAR TERM IF THE RENTAL DWELLING DOES NOT QUALIFY UNDER THIS SUBSECTION FOR A 2- OR 3-YEAR RENEWAL.

(D) *SUBSEQUENT RENEWALS.*

SUBJECT TO COMPLIANCE WITH § 5-6 {"PREREQUISITES FOR ... RENEWAL LICENSE – IN GENERAL"} OF THIS SUBTITLE, ALL SUBSEQUENT RENEWAL TERMS WILL BE BASED ON THE FOLLOWING RISK FACTORS:

- (1) *3-YEAR TERM:* THE RENEWAL LICENSE WILL BE FOR A 3-YEAR TERM IF, DURING THE 36 MONTHS IMMEDIATELY PRECEDING SUBMISSION OF A COMPLETED RENEWAL APPLICATION, ALL VIOLATION NOTICES OR ORDERS ISSUED DURING THOSE MONTHS UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE HAVE BEEN ABATED WITHIN 60 DAYS OF THEIR ISSUANCE.
- (2) *2-YEAR TERM:* THE RENEWAL LICENSE WILL BE FOR A 2-YEAR TERM IF, DURING THE 24 MONTHS IMMEDIATELY PRECEDING SUBMISSION OF A COMPLETED RENEWAL APPLICATION, ALL VIOLATION NOTICES OR ORDERS ISSUED DURING THOSE MONTHS UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE HAVE BEEN ABATED WITHIN 90 DAYS OF THEIR ISSUANCE.
- (3) *1-YEAR TERM:* THE RENEWAL LICENSE WILL BE FOR A 1-YEAR TERM IF THE RENTAL DWELLING DOES NOT QUALIFY UNDER THIS SUBSECTION FOR A 2- OR 3-YEAR RENEWAL.

§ 5-10. [§ 5-9.] *{Reserved}*

§ 5-11. [§ 5-10.] **Posting license.**

The license issued under this subtitle must be prominently displayed:

- (1) FOR A MULTIPLE-FAMILY DWELLING OR ROOMING HOUSE, in the vestibule, lobby, or other public place on the premises; AND
- (2) FOR A 1- OR 2-FAMILY DWELLING, IN AN AREA OF EACH DWELLING UNIT THAT IS ACCESSIBLE TO THAT UNIT'S OCCUPANTS AND TO HOUSING INSPECTORS.

**§ 5-12. [§ 5-11.] Transfer of license.**

(a) *In general.*

Any person who assumes the ownership or operation of a licensed [multiple-family] RENTAL dwelling [or rooming house] must, within 15 days of assuming ownership or operation, apply to the HOUSING Commissioner for transfer of the license.

(b) *Fee.*

The fee for a transfer is \$25.

**§ 5-13. [§ 5-12.] Discontinuance of [use] MULTIPLE-FAMILY OR ROOMING HOUSE OPERATIONS.**

Notwithstanding [a] ANY discontinuance, IN WHOLE OR IN PART, of A MULTIPLE-FAMILY DWELLING'S OR A ROOMING HOUSE'S operations, [an annual] A license ISSUED UNDER THIS SUBTITLE [must be obtained] IS STILL REQUIRED unless the HOUSING Commissioner has issued a permit reflecting a change of use for the property.

**§ 5-14. [§§ 5-13 and 5-14.] {Reserved}**

**§ 5-15. [Revocation] DENIAL, SUSPENSION, OR REVOCATION of license – In general.**

(A) *"NUISANCE PROPERTY" DEFINED.*

IN THIS SECTION, "NUISANCE PROPERTY" MEANS ANY PROPERTY THAT, IN ACCORD WITH 1 OR ANOTHER OF THE FOLLOWING LAWS, HAS BEEN FOUND TO CONSTITUTE A PUBLIC NUISANCE OR TO BE MAINTAINED OR OPERATED SO AS TO CAUSE OR ALLOW A PUBLIC NUISANCE:

- (1) STATE CODE REAL PROPERTY ARTICLE § 14-120 {"ACTIONS TO ABATE NUISANCES"} {SEE ESP. SUBSECTION (A)(5) (DEFINING "NUISANCE")};
- (2) CITY CODE ARTICLE 19, SUBTITLE 43 {"PUBLIC NUISANCES"} {SEE ESP. § 43-1(L) (DEFINING "PUBLIC NUISANCE")}; AND
- (3) CITY CODE ARTICLE 19, SUBTITLE 43B {"NEIGHBORHOOD NUISANCES AND UNRULY SOCIAL EVENTS"} {SEE ESP. § 43B-1(B) (DEFINING "NEIGHBORHOOD NUISANCE"), § 43B-1(K) (DEFINING "PERSON RESPONSIBLE"), AND § 43B-1(O) (DEFINING "UNRULY SOCIAL EVENT")};

(B) *CAUSES FOR DENIAL, SUSPENSION, OR REVOCATION.*

Subject to the hearing provisions of § 5-16 of this subtitle, the HOUSING Commissioner may DENY, SUSPEND, OR revoke a RENTAL DWELLING license OR RENEWAL LICENSE FOR ANY OF THE FOLLOWING CAUSES:

- (1) MAKING ANY MATERIAL FALSE STATEMENT IN AN APPLICATION FOR AN INITIAL OR RENEWAL LICENSE;
- (2) FRAUDULENTLY OR DECEPTIVELY OBTAINING A RENTAL DWELLING LICENSE FOR ONESELF OR FOR ANOTHER;

- (3) FRAUDULENTLY OR DECEPTIVELY USING A RENTAL DWELLING LICENSE;
- (4) FALSIFYING ANY INSPECTION REPORT OR CERTIFICATE;
- (5) REFUSAL BY AN OWNER OR OPERATOR OF A RENTAL DWELLING TO ALLOW THE COMMISSIONER TO CONDUCT A ROUTINE, SPOT, QUALITY-CONTROL, OR OTHER INSPECTION OF THE RENTAL DWELLING AS AUTHORIZED BY THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE;
- (6) FAILING TO ABATE WITHIN 120 DAYS OF ISSUANCE ANY VIOLATION NOTICE, ORDER, OR CITATION FOR VIOLATING ANY PROVISION OF THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE, THE CITY HEALTH ARTICLE, OR THE ZONING CODE OF BALTIMORE CITY;
- (7) FAILING TO COMPLY WITH ANY PROVISION OF THIS SUBTITLE OR OF ANY RULE OR REGULATION ADOPTED UNDER THIS SUBTITLE; OR
- (8) if the HOUSING Commissioner finds, or if the Fire Chief, Health Commissioner, or Police Commissioner certify to the HOUSING Commissioner, that:
  - (i) [(1)] the owner or lessee of a [multiple-family dwelling or rooming house] RENTAL DWELLING has failed to comply with any lawful notice, [or] order, OR CITATION to correct a violation that affects the health, safety, morals, or general welfare of the occupants of the property or of the general public; or
  - (ii) [(2)] the owner or lessee of a [multiple-family dwelling or rooming house] RENTAL DWELLING, or any agent of the owner or lessee:
    - (A) [(i)] has allowed the premises to be used [for the purpose prostitution, drug trafficking, or other criminal activity or for any other activity that creates or constitutes] AS a nuisance PROPERTY; or
    - (B) [(ii)] knew or should have known that the premises were being used [for one of these purposes] AS A NUISANCE PROPERTY and failed to prevent them from being so used.

**§ 5-16. [Revocation] DENIAL, SUSPENSION, OR REVOCATION of license – Notice and hearing.**

*(a) In general.*

No license may be DENIED, SUSPENDED, OR revoked unless the HOUSING Commissioner first gives the licensee:

- (1) not less than 10 days notice in writing of the Commissioner's intent to DENY, SUSPEND, OR revoke the license; and
- (2) an opportunity to be heard as to why the license should not be DENIED, SUSPENDED, OR revoked.

(b) *Exception.*

The Commissioner may DENY, SUSPEND, OR revoke a license without prior notice and opportunity to be heard if, in the opinion of the Commissioner or the Fire Chief, Health Commissioner, or Police Commissioner, the health, safety, or welfare of the occupants or of the general public are in imminent danger.

§ 5-17. [§ 5-18.] Vacating premises.

The Commissioner may require a [multiple-family dwelling or rooming house] RENTAL DWELLING to be vacated within 24 hours if:

- (1) the property is being operated without a valid license; and
- (2) vacating the premises is necessary for the public health, safety, and welfare.

§ 5-18. {RESERVED}

§ 5-19. [§ 5-22. Constitutional] IMPAIRING CONSTITUTIONAL rights.

(a) *"Reasonable accommodation" defined.*

In this section, "reasonable accommodation" means affirmative steps that do not impose an undue financial hardship or a substantial burden.

(b) *Prohibited conduct.*

No bylaw, rule, or regulation governing a [multiple-family] RENTAL dwelling, nor any action or inaction of the governing body or management of a [multiple-family] RENTAL dwelling, may:

- (1) unreasonably impair any rights guaranteed by the Free-Exercise Clause of the First Amendment to the United States Constitution or by Article 36 of the Maryland Declaration of Rights; or
- (2) prohibit or deny any reasonable accommodation for religious practices.

§ 5-20. SANITATION GUIDE.

(A) *PREPARATION OF GUIDE.*

THE OWNER OR MANAGING OPERATOR OF EVERY RENTAL DWELLING, OTHER THAN A HOTEL OR MOTEL, MUST PREPARE, IN THE FORM AND CONTAINING THE INFORMATION REQUIRED BY THE COMMISSIONER, A SANITATION GUIDE FOR THE PREMISES THAT PROVIDES NOTICE TO ALL OCCUPANTS OF THE REQUIREMENTS AND PROCEDURES FOR THE SEPARATION, DISPOSITION, COLLECTION, AND PROPER STORAGE PENDING COLLECTION OF MIXED REFUSE, RECYCLABLE MATERIALS, YARD WASTE, BULK TRASH, AND ALL OTHER FORMS OF GARBAGE, RUBBISH, WASTE, AND TRASH.

(B) *DISSEMINATION.*

A COPY OF THE SANITATION GUIDE MUST BE:

- (1) PROVIDED TO EACH DWELLING UNIT ON THE PREMISES; AND

(2) PROMINENTLY POSTED WITHIN EACH COMMON COLLECTION ROOM, IF ANY, ON THE PREMISES.

**§§ 5-21 TO 5-23. {RESERVED}**

**§ 5-24. JUDICIAL AND APPELLATE REVIEW.**

(A) *JUDICIAL REVIEW.*

A PERSON AGGRIEVED BY A DECISION OF THE HOUSING COMMISSIONER UNDER THIS SUBTITLE MAY SEEK JUDICIAL REVIEW OF THAT DECISION BY PETITION TO THE CIRCUIT COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

(B) *STAYS.*

(1) THE FILING OF A PETITION FOR JUDICIAL REVIEW DOES NOT STAY THE DECISION OF THE COMMISSIONER.

(2) HOWEVER, ON MOTION AND AFTER HEARING, THE COURT MAY GRANT A STAY AS PROVIDED IN THE MARYLAND RULES OF PROCEDURE.

(C) *APPELLATE REVIEW.*

A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

**§ 5-25. [§ 5-20.] Enforcement by citation.**

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of an environmental citation as authorized by City Code Article 1, Subtitle 40 {"Environmental Control Board"}.

(b) *Process not exclusive.*

The issuance of an environmental citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

**§ 5-26. [§ 5-24.] Penalties.**

(a) *In general.*

Any person who violates [a] ANY provision of this subtitle (INCLUDING ANY OFFENSE LISTED IN § 5-15 OF THIS SUBTITLE AS POTENTIAL CAUSE FOR A DENIAL, SUSPENSION, OR REVOCATION OF A LICENSE) or ANY PROVISION of a rule, regulation, or order adopted or issued under this subtitle is guilty of a misdemeanor and, on conviction, is subject to [the following penalties:]

[(1) for a violation of § 5-22 {" Constitutional rights"} of this subtitle,] a fine of not more than \$1,000 for each offense[; and].

[(2) for any other violation, a fine of not more than \$500 for each offense.]

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

**Subtitle 8A. Eviction Chattels**

**§ 8A-5. Disposition of abandoned property.**

(b) *Discount at City landfill or solid waste facility.*

(2) To be eligible for HABC rates, the landlord or landlord’s agent must present at the facility at the time of disposal:

- (i) a copy of the warrant of restitution issued for the leased dwelling; and
- (ii) proof that the leased dwelling is registered or licensed under City Code Article 13, Subtitle 4 {“Registration of Non-Owner-Occupied Dwellings, ETC.”} or Subtitle 5 {“Licensing of [Multiple-Family Dwellings and Rooming Houses] RENTAL DWELLINGS”}.

**Article 1. Mayor, City Council, and Municipal Agencies**

**Subtitle 40. Environmental Control Board**

**§ 40-14. Violations to which subtitle applies.**

(e) *Provisions and penalties enumerated.*

**(1) Article 13. Housing and Urban Renewal**

**Subtitle 4. Registration of Non-Owner-Occupied Dwellings, Rooming Houses, and Vacant Structures**

Non-owner-occupied [dwellings] DWELLING UNITS	\$100
Rooming houses	\$100
Vacant [Structures] STRUCTURES	\$500

**Subtitle 5. Licensing of [Multiple-Family Dwellings and Rooming Houses] RENTAL DWELLINGS**

§ 5-4. LICENSE REQUIRED	\$1,000
§ 5-15. {OFFENSES THERE LISTED AS CAUSE FOR} DENIAL, SUSPENSION, OR REVOCATION OF LICENSE	\$750
ALL OTHER PROVISIONS	\$500



**Article 19. Police Ordinances**

**Subtitle 43. Public Nuisances**

**§ 43-4. Notice and opportunity for hearing.**

*(c) Service and posting of notice.*

- (1) The notice shall be given by personal service or by certified or registered mail to the owner, operator, and commercial tenant, as their names and addresses:
  - (i) are recorded in the Land Records of Baltimore City;
  - (ii) appear in the registration statement [made] FILED under City Code Article 13, Subtitle 4 {"Registration of [Residential Properties] NON-OWNER-OCCUPIED DWELLINGS, ETC."}; or
  - (iii) are otherwise known or readily ascertainable.

**Subtitle 43A. Neighborhood Nuisances – Abatement**

**§ 43A-3. Notice and opportunity for hearing.**

*(c) Service and posting of notice.*

- (1) The notice shall be given by personal service or by certified or registered mail to the owner and to any operator or tenant of the premises, as their names and addresses:
  - (i) are recorded in the Land Records of Baltimore City;
  - (ii) appear in the registration statement [made] FILED under City Code Article 13, Subtitle 4 {"Registration of [Residential Properties] NON-OWNER-OCCUPIED DWELLINGS, ETC."}; or
  - (iii) are otherwise known or readily ascertainable.

**Baltimore City Revised Code**

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

**Part II. International Building Code**

**§ 2-103. City modifications.**

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

**Chapter 1. Scope and Administration**

**Section 114 Violations**

...  
...

**114.21.2 Liability for sanitary maintenance.**

...  
**b. Liability – Failure to register property.** The owner of a property is responsible for exterior sanitary maintenance if:

1. the owner fails to register or license the property as required by City Code Article 13, Subtitle 4 {"REGISTRATION OF Non-Owner-Occupied Dwellings, etc."} or Subtitle 5 {"LICENSING OF [Multiple-Family Dwellings] RENTAL DWELLINGS"}, or
2. reasonable attempts at telephone contact, using information in a current registration statement, do not lead within 2 business days to current occupant information.

....

**Chapter 2. Definitions; Rules of Construction**

**Section 202 Definitions**

...  
**202.2 Supplemental definitions.** Notwithstanding any different definition in the International Building Code, the following terms have the meanings given in this § 202.2.

...  
**202.2.48 Person.** "Person":

...  
2. whenever used in this Code with reference to liability or to the imposition of a penalty or fine, includes:

...

c. in addition, the responsible officer, trustee, partner, or member designated on a [Registration Statement made] REGISTRATION STATEMENT FILED under City Code Article 13, Subtitle 4 {"Registration of [Residential Properties] NON-OWNER-OCCUPIED DWELLINGS, ETC."}.

....

**Part VII. International Property Maintenance Code**

**§ 7-102. City modifications.**

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

**Chapter 2. Definitions**

**Section 202 General Definitions**

**202.2 Supplemental definitions.** Notwithstanding any different definition in the International Property Maintenance Code, the following terms have the meanings given in this § 202.2.

...  
**202.2.3 Dwelling unit.** "Dwelling unit" has the meaning stated in § 202.2 of the Baltimore City Building Code.

...

**202.2.6 Multiple-family dwelling.** “Multiple-family dwelling” means a building or a group of buildings on the same lot that contains or is designed or intended to contain:

1. more than 2 dwelling units,
2. 2 dwelling units and any other residential or commercial occupancy, or
3. any combination of 3 or more rooming units and dwelling units.

...  
**202.2.14 Rooming house.** “Rooming house” means a building that:

1. is not a multiple-family dwelling, and
2. contains more than 2 rooming units occupied or designed or intended to be occupied by individuals who, even though they might share common areas and facilities, do not form a single housekeeping unit and do not provide compensation under a single lease for occupancy of the rooming house.

**202.2.14.1 Inclusions.** “Rooming house” includes a hotel, motel, BED AND BREAKFAST (AS DEFINED IN ZONING CODE § 1-203(F)), or boarding house.

**202.2.15 Rooming unit.** “Rooming unit” means any room or group of rooms that form a single habitable unit occupied or designed or intended to be occupied for sleeping or living, but not for cooking purposes.

....

## Article – Health

### Title 6. Food Service Facilities

#### *Subtitle 6. Suspensions and Revocations*

#### **§ 6-603.1. Suspension or nonrenewal for multiple or unpaid citations.**

##### *(b) Covered offenses.*

- (1) For purposes of this section, citations issued for violations of the following provisions of the City Code are presumed to be issued for reasons related to public health or to the prevention of disease, epidemics, or nuisances affecting public health:

#### Article 13. Housing and Urban Renewal

##### Subtitle 5 {[Multiple-Family Dwellings and Rooming Houses] LICENSING OF RENTAL DWELLINGS”}.

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

**SECTION 3. AND BE IT FURTHER ORDAINED,** That:

- (a) On and after the effective date of this Ordinance, a preexisting multiple-family dwelling or rooming house operating under an unexpired license that was issued under former City

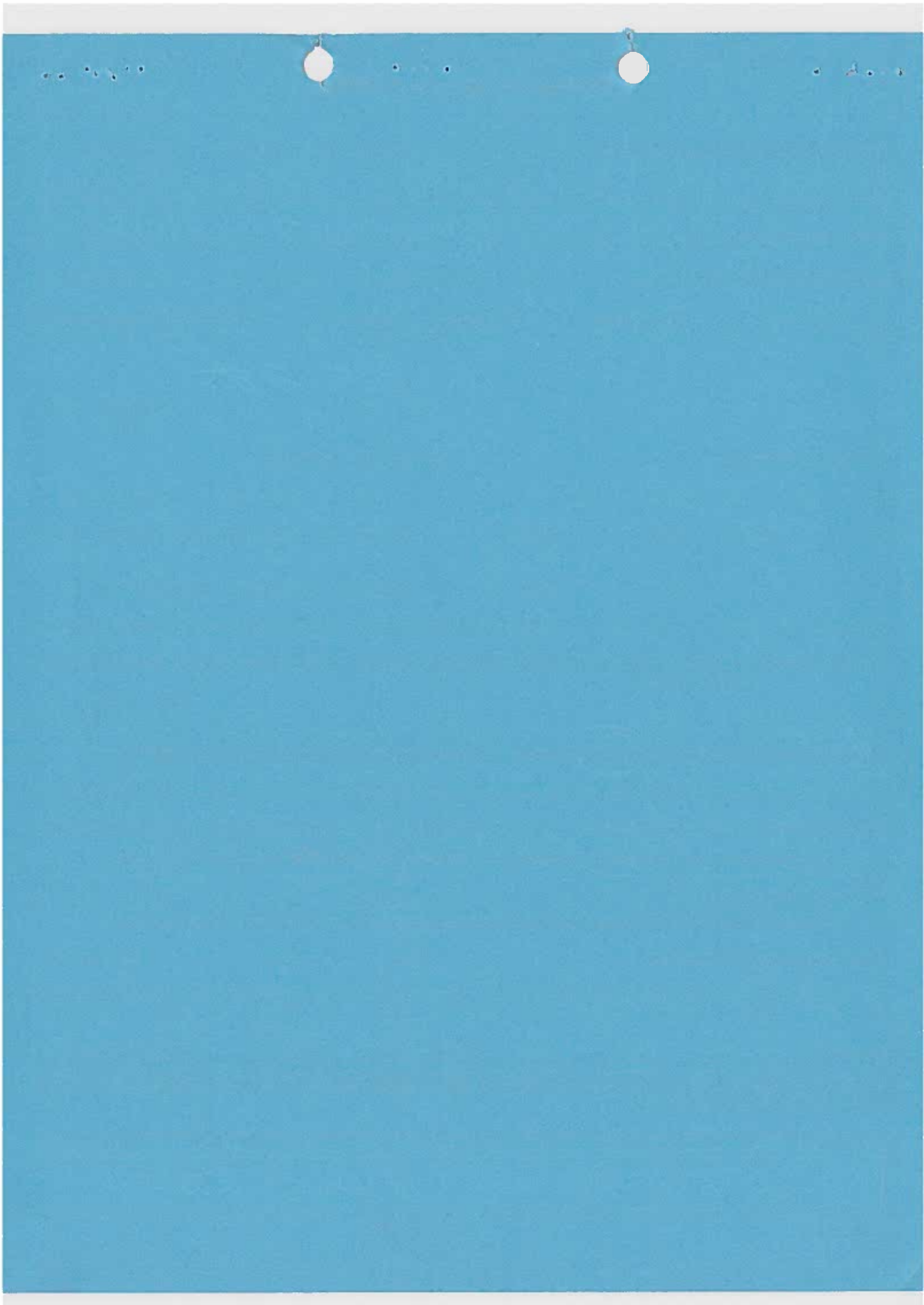
Code Article 13, Subtitle 5, may continue to operate under that license: (i) until the license expires at the end of its stated term or (ii) if the end of its stated term is fewer than 90 days after the effective date of this Ordinance, for an extended term that expires on the 90<sup>th</sup> day after the effective date if this Ordinance.

- (b) The multiple-family dwelling or rooming house may not continue to operate after the preexisting license expires under subsection (a)(i) or (ii) of this Section until the licensee has applied for and obtained a new, initial rental dwelling license under City Code Article 13, Subtitle 5, as amended by this Ordinance.

**SECTION 4. AND BE IT FURTHER ORDAINED,** That, on and after the effective date of this Ordinance, a rental dwelling described in Article 13, § 5-1(g)(3), as added by this Ordinance, may preliminarily operate without an initial rental dwelling license, but only as long as:

- (1) all non-owner-occupied dwelling units are duly registered under Article 13, Subtitle 4, as amended by this Ordinance, and all registration fees and related interest and late fees required by that Subtitle 4 have been paid;
- (2) within 120 days of the effective date of this Ordinance, the owner submits a completed application under Article 13, Subtitle 5, as amended by this subtitle, for a new, initial rental dwelling; and
- (3) the Housing Commissioner has not yet issued an approval or denial of that application.

**SECTION 5. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on August 1, 2018.



ACTION BY THE CITY COUNCIL

JAN 22 2018

FIRST READING (INTRODUCTION) 1 \_\_\_\_\_ 20 \_\_\_\_\_

PUBLIC HEARING HELD ON February 20, 2018, March 20, 2018 (work session) 20 \_\_\_\_\_

COMMITTEE REPORT AS OF March 26, 2018 20 \_\_\_\_\_

\_\_\_\_\_ FAVORABLE \_\_\_\_\_ UNFAVORABLE X FAVORABLE AS AMENDED \_\_\_\_\_ WITHOUT RECOMMENDATION

*G. F. ...*

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

MAR 26 2018

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING \_\_\_\_\_ APR 16 2018

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

APR 16 2018

THIRD READING (ENROLLED) \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) \_\_\_\_\_ 20 \_\_\_\_\_

WITHDRAWAL \_\_\_\_\_ 20 \_\_\_\_\_

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

*[Signature]*

President

*[Signature]*

Chief Clerk