

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 22-0287

Introduced by: Councilmembers Bullock, Middleton, Torrence, Dorsey, Conway, Burnnett,
Schleifer, Ramos, Porter, Glover, Cohen
At the request of: Commission for Historical and Architectural Preservation
Introduced and read first time: October 3, 2022
Assigned to: Economic and Community Development Committee
Committee Report: Favorable
Council action: Adopted
Read second time: June 26, 2023

AN ORDINANCE CONCERNING

**Real Estate Practices – Disclosures –
Historic Districts, Landmarks, and Potential Landmarks**

FOR the purpose of requiring certain disclosures in order to sell a property that is located in a historic district, designated as a landmark, or designated as a potential landmark; and providing for certain penalties.

BY adding
Article 2 - Consumer Protection
Section 14-7
Baltimore City 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 2. Consumer Protection

Subtitle 14. Real Estate Practices - Disclosures

§ 14-7. HISTORIC DISTRICTS.

(A) *IN GENERAL.*

~~ON OR BEFORE ENTERING INTO A CONTRACT FOR THE SALE OF ANY REAL PROPERTY, THE SELLER MUST DISCLOSE TO THE BUYER IN WRITING WHETHER THE PROPERTY IS LOCATED IN A HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT AS DEFINED UNDER ARTICLE 6, § 1-1(F) {"DEFINITIONS - HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT; PRESERVATION DISTRICT; DISTRICT"} OF THE CODE.~~

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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ON OR BEFORE ENTERING INTO A CONTRACT FOR THE SALE OF ANY REAL PROPERTY, THE SELLER MUST DISCLOSE TO THE BUYER IN WRITING WHETHER THE PROPERTY IS:

(1) LOCATED IN A HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT, AS DEFINED UNDER ARTICLE 6, § 1-1(F) {"DEFINITIONS - HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT; PRESERVATION DISTRICT; DISTRICT"} OF THE CODE;

(2) INCLUDED ON THE LANDMARK LIST: EXTERIORS, AS ESTABLISHED BY ARTICLE 6, SUBTITLE 4 {"DESIGNATION OF LANDMARKS"} OF THE CODE; OR

(3) INCLUDED ON THE POTENTIAL-LANDMARK LIST: EXTERIORS, AS ESTABLISHED BY ARTICLE 6, SUBTITLE 5 {"DESIGNATION OF POTENTIAL LANDMARKS"} OF THE CODE.

(B) FORM OF DISCLOSURE.

THE DISCLOSURE REQUIRED BY THIS SECTION SHALL READ AS STATED:

~~_____ HISTORIC DISTRICT DISCLOSURE _____~~

~~THIS PROPERTY IS [] IS NOT [] LOCATED WITHIN A HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT.~~

~~_____ SELLER'S INITIALS _____~~

~~BEFORE BEGINNING ANY EXTERIOR ALTERATIONS TO A STRUCTURE LOCATED WITHIN A HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT (A "HISTORIC DISTRICT") THE OWNER OF THE PROPERTY AND THE STRUCTURE MUST FIRST SECURE AN AUTHORIZATION TO PROCEED ("ATP") FROM THE COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION ("CHAP").~~

~~STRUCTURES THAT ARE LOCATED WITHIN A HISTORIC DISTRICT ARE DESIGNATED AS BEING PART OF A NEIGHBORHOOD THAT IS OF PARTICULAR HISTORICAL SIGNIFICANCE AND ARCHITECTURAL CHARACTER.~~

~~CHAP IS RESPONSIBLE FOR PROMOTING THE PRESERVATION OF STRUCTURES LOCATED IN A HISTORIC DISTRICT UNDER ARTICLE 6 {"HISTORICAL AND ARCHITECTURAL PRESERVATION"} OF THE CITY CODE.~~

~~RELEVANT EXCERPTS FROM ARTICLE 6 OF THE CITY CODE ESTABLISHING THE REQUIREMENTS STATED ABOVE ARE PROVIDED BELOW.~~

~~_____ § 8 2. BUILDING PERMIT REQUIRED. _____~~

~~_____ (A) EXTERIOR STRUCTURES. _____~~

~~NO PERSON MAY UNDERTAKE, CAUSE, OR ALLOW ANY OF THE FOLLOWING REGULATED ALTERATIONS FOR OR WITH RESPECT TO ANY STRUCTURE LOCATED WITHIN AN HISTORIC DISTRICT WITHOUT FIRST OBTAINING A PERMIT TO DO SO FROM THE BUILDING OFFICIAL:~~

~~(1) ANY RECONSTRUCTION, ALTERATION, OR REMOVAL OF ANY EXTERIOR ARCHITECTURAL FEATURE;~~

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~~_____ (2) ANY CHANGE IN AN EXTERIOR COLOR, WHETHER BY PAINTING OR OTHER MEANS;~~

~~_____ (3) ANY EXTERIOR EXCAVATION;~~

~~_____ (4) THE CONSTRUCTION OR ERECTION OF ANY EXTERIOR BUILDING, FENCE, WALL, OR OTHER STRUCTURE OF ANY KIND; OR~~

~~_____ (5) ANY EXTERIOR DEMOLITION.~~

~~_____ § 8 4. CHAP TO REVIEW.~~

~~_____ (c) CHAP APPROVAL PREREQUISITE FOR PERMIT.~~

~~_____ THE BUILDING OFFICIAL MAY NOT ISSUE A PERMIT FOR ANY REGULATED ALTERATION~~

HISTORIC DISTRICT, LANDMARK, OR POTENTIAL LANDMARK – DISCLOSURE

THIS PROPERTY IS [] IS NOT [] LOCATED WITHIN A HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT.

THIS PROPERTY IS [] IS NOT [] LISTED ON THE LANDMARK LIST: EXTERIORS.

THIS PROPERTY IS [] IS NOT [] LISTED ON THE POTENTIAL-LANDMARK LIST: EXTERIORS.

SELLER’S INITIALS

BEFORE BEGINNING ANY EXTERIOR ALTERATIONS TO A STRUCTURE, THE OWNER OF THE PROPERTY AND THE STRUCTURE MUST FIRST SECURE AN AUTHORIZATION TO PROCEED (“ATP”) FROM THE COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION (“CHAP”) IF THE PROPERTY IS:

(1) LOCATED WITHIN A HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT (A “HISTORIC DISTRICT”);

(2) INCLUDED ON THE LANDMARK LIST: EXTERIORS; OR

(3) INCLUDED ON THE POTENTIAL LANDMARK LIST: EXTERIORS.

STRUCTURES THAT ARE LOCATED WITHIN A HISTORIC DISTRICT ARE DESIGNATED AS BEING PART OF A NEIGHBORHOOD THAT IS OF PARTICULAR HISTORICAL SIGNIFICANCE AND ARCHITECTURAL CHARACTER.

STRUCTURES THAT ARE INCLUDED ON THE LANDMARK LIST: EXTERIORS ARE CONSIDERED TO BE OF SUCH SPECIAL HISTORICAL OR ARCHITECTURAL SIGNIFICANCE THAT, EVEN IF NOT LOCATED WITHIN AN HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT, THOSE STRUCTURES AND THEIR EXTERIORS SHOULD BE EXTENDED THE SAME PROTECTIONS AS APPLY TO STRUCTURES WITHIN A DISTRICT.

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1 STRUCTURES THAT ARE INCLUDE DON THE POTENTIAL-LANDMARK LIST:
2 EXTERIORS ARE CONSIDERED TO BE OF SUCH HISTORICAL OR
3 ARCHITECTURAL SIGNIFICANCE THAT, EVEN IF NOT LOCATED WITHIN AN
4 HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT, THOSE
5 STRUCTURES AND THEIR EXTERIORS SHOULD BE EXTENDED TEMPORARY
6 PROTECTION UNDER § 5-5 {"PROTECTIONS PENDING DECISION"} AND
7 UNDER SUBTITLE 8 {"ALTERATIONS, ETC. TO OR AFFECTING
8 PROPERTIES"} OF ARTICLE 6 OF THE CITY CODE.

9 CHAP IS RESPONSIBLE FOR PROMOTING THE PRESERVATION OF
10 STRUCTURES LOCATED IN A HISTORIC DISTRICT, INCLUDED ON THE
11 LANDMARK LIST: EXTERIORS, OR INCLUDED ON THE POTENTIAL-
12 LANMARK LIST: EXTERIORS UNDER ARTICLE 6 {"HISTORICAL AND
13 ARCHITECTURAL PRESERVATION"} OF THE CITY CODE. RELEVANT
14 EXCERPTS FROM ARTICLE 6 OF THE CITY CODE ESTABLISHING THE
15 REQUIREMENTS STATED ABOVE ARE PROVIDED BELOW.

16 **§ 8-2. BUILDING PERMIT REQUIRED.**

17 (A) EXTERIOR STRUCTURES.

18 NO PERSON MAY UNDERTAKE, CAUSE, OR ALLOW ANY OF THE
19 FOLLOWING REGULATED ALTERATIONS FOR OR WITH RESPECT TO
20 ANY STRUCTURE LOCATED WITHIN AN HISTORICAL AND
21 ARCHITECTURAL PRESERVATION DISTRICT OR INCLUDED ON THE
22 LANDMARK LIST: EXTERIORS OR THE POTENTIAL-LANDMARK
23 LIST: EXTERIORS WITHOUT FIRST OBTAINING A PERMIT TO DO SO
24 FROM THE BUILDING OFFICIAL:

- 25 (1) ANY RECONSTRUCTION, ALTERATION, OR REMOVAL OF
26 ANY EXTERIOR ARCHITECTURAL FEATURE;
- 27 (2) ANY CHANGE IN AN EXTERIOR COLOR, WHETHER BY
28 PAINTING OR OTHER MEANS;
- 29 (3) ANY EXTERIOR EXCAVATION;
- 30 (4) THE CONSTRUCTION OR ERECTION OF ANY EXTERIOR
31 BUILDING, FENCE, WALL, OR OTHER STRUCTURE OF ANY
32 KIND; OR
- 33 (5) ANY EXTERIOR DEMOLITION.

34 **§ 8-4. CHAP TO REVIEW.**

35 (C) CHAP APPROVAL PREREQUISITE FOR PERMIT.

36 THE BUILDING OFFICIAL MAY NOT ISSUE A PERMIT FOR ANY
37 REGULATED ALTERATION UNLESS THE COMMISSION FIRST ISSUES
38 AN AUTHORIZATION TO PROCEED. UNLESS THE COMMISSION
39 FIRST ISSUES AN AUTHORIZATION TO PROCEED.

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LEARN MORE ABOUT CHAP AND THE PROCESS FOR SECURING AN ATP:

COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION
[INSERT MAILING ADDRESS]
[INSERT TELEPHONE NUMBER]
[INSERT WEBSITE ADDRESS]

(C) *PENALTY.*

ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$500 FOR EACH OFFENSE.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance does not operate retroactively to require any property seller to give the notice created by this bill if an offer for sale of that property has already been accepted prior to the bill’s effective date.

SECTION 3 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

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Certified as duly passed this 17 day of July, 2023



President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this 17 day of July, 2023



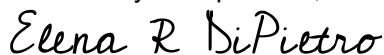
Chief Clerk

Approved this 18th day of September, 2023



Mayor, Baltimore City

Approved for Form and Legal Sufficiency
This 19th Day of September, 2023.



Chief Solicitor