

Council Bill 18-0189

1 BY adding
2 Article 1 - Mayor, City Council, and Municipal Agencies
3 Section(s) 40-14(e)(2)(Subtitle 48)
4 Baltimore City 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 15 . Licensing and Regulation**

10 **SUBTITLE 48. SHORT-TERM RESIDENTIAL RENTALS**

11 ***PART 1. DEFINITIONS; GENERAL PROVISIONS***

12 **§ 48-1. DEFINITIONS.**

13 (A) *IN GENERAL.*

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

15 (B) *BOOKING TRANSACTION.*

16 “BOOKING TRANSACTION” MEANS A RESERVATION TRANSACTION BETWEEN A HOST AND A
17 PROSPECTIVE TRANSIENT GUEST FOR A SHORT-TERM RESIDENTIAL RENTAL.

18 (C) *DWELLING UNIT.*

19 “DWELLING UNIT” HAS THE MEANING STATED IN § 202.2 OF THE BALTIMORE CITY
20 BUILDING CODE.

21 ~~(D) *FINANCE DEPARTMENT; DEPARTMENT.*~~

22 ~~“FINANCE DEPARTMENT” OR “DEPARTMENT” MEANS THE BALTIMORE CITY DEPARTMENT~~
23 ~~OF FINANCE.~~

24 ~~(E) *FINANCE DIRECTOR; DIRECTOR.*~~

25 ~~“FINANCE DIRECTOR” OR “DIRECTOR” MEANS THE DIRECTOR OF THE BALTIMORE CITY~~
26 ~~DEPARTMENT OF FINANCE OR THE DIRECTOR’S DESIGNEE.~~

27 (D) ~~(F)~~ *HOST.*

28 “HOST” MEANS THE OWNER OF A DWELLING UNIT WHO PROVIDES OR OFFERS TO PROVIDE
29 ALL OR PART OF THE DWELLING UNIT FOR SHORT-TERM RESIDENTIAL RENTAL USE IN
30 EXCHANGE FOR A FEE.

Council Bill 18-0189

1 ~~(G)~~ *HOSTED RENTAL.*

2 ~~“HOSTED RENTAL” MEANS A SHORT TERM RESIDENTIAL RENTAL WHERE THE HOST ALSO~~
3 ~~OCCUPIES THE DWELLING UNIT DURING THE TRANSIENT GUEST’S STAY.~~

4 ~~(E)~~ ~~(H)~~ *HOSTING PLATFORM.*

5 “HOSTING PLATFORM” MEANS AN INTERNET-BASED ENTITY THAT, IN EXCHANGE FOR A
6 FEE:

- 7 (1) FACILITATES RESERVATIONS OF SHORT-TERM RESIDENTIAL RENTALS;
- 8 (2) SERVES AS A CONDUIT OF COMMUNICATION BETWEEN HOSTS AND TRANSIENT
9 GUESTS; OR
- 10 (3) OTHERWISE FACILITATES BOOKING TRANSACTIONS FOR SHORT-TERM RESIDENTIAL
11 RENTALS.

12 ~~(F)~~ *HOUSING COMMISSIONER; COMMISSIONER.*

13 “HOUSING COMMISSIONER” OR “COMMISSIONER” MEANS THE COMMISSIONER OF
14 HOUSING AND COMMUNITY DEVELOPMENT OR THE COMMISSIONER’S DESIGNEE.

15 ~~(G)~~ ~~(H)~~ *PERMANENT RESIDENCE.*

- 16 (1) “PERMANENT RESIDENCE” MEANS A DWELLING UNIT:
- 17 (I) IN WHICH THE OWNER RESIDES FOR AN AGGREGATE OF AT LEAST 180 DAYS
18 ANNUALLY; AND
- 19 (II) THAT IS THE OWNER’S USUAL PLACE OF RETURN FOR HOUSING, AS
20 DOCUMENTED BY AT LEAST ONE OF THE FOLLOWING:
- 21 (A) DRIVER'S LICENSE;
- 22 (B) VOTER REGISTRATION; OR
- 23 (C) OFFICIAL DESIGNATION OF THE DWELLING UNIT AS THE OWNER’S
24 PRINCIPLE RESIDENCE IN ACCORDANCE WITH THE CRITERIA GOVERNING
25 THE STATE HOMESTEAD TAX CREDIT.
- 26 (2) FOR PURPOSES OF THIS SUBTITLE, A HOST MAY HAVE ONLY 1 “PERMANENT
27 RESIDENCE”.

28 ~~(H)~~ ~~(I)~~ *SHORT-TERM RESIDENTIAL RENTAL.*

29 “SHORT-TERM RESIDENTIAL RENTAL” MEANS THE USE, FACILITATED IN WHOLE OR IN PART
30 BY A HOSTING PLATFORM, OF ALL OR ANY PART OF A DWELLING UNIT TO PROVIDE
31 ACCOMMODATIONS TO TRANSIENT GUESTS FOR SLEEPING OR LODGING PURPOSES IN
32 EXCHANGE FOR A FEE.

Council Bill 18-0189

1 ~~(i) (k)~~ *TRANSIENT GUEST.*

2 (1) *ANCILLARY DEFINITION OF “TRANSIENT”.*

3 IN THIS SUBSECTION, “TRANSIENT” MEANS ANY PERSON WHO OCCUPIES, OR HAS BEEN
4 GIVEN THE RIGHT TO OCCUPY, SLEEPING OR LODGING ACCOMMODATIONS FOR A
5 PERIOD OF FEWER THAN 90 CONSECUTIVE DAYS.

6 (2) *“TRANSIENT GUEST” DEFINED.*

7 “TRANSIENT GUEST” MEANS ANY TRANSIENT WHO USES A HOSTING PLATFORM TO
8 FACILITATE A SHORT-TERM RESIDENTIAL RENTAL.

9 ~~(L) UNHOSTED RENTAL.~~

10 ~~“UNHOSTED RENTAL” MEANS A SHORT-TERM RESIDENTIAL RENTAL WHERE THE HOST~~
11 ~~DOES NOT OCCUPY THE DWELLING UNIT DURING THE TRANSIENT GUEST’S STAY.~~

12 **§ 48-2. MANDATORY, PROHIBITORY, AND PERMISSIVE TERMS.**

13 (A) *MANDATORY TERMS.*

14 “MUST” AND “SHALL” ARE EACH MANDATORY TERMS USED TO EXPRESS A REQUIREMENT
15 OR TO IMPOSE A DUTY.

16 (B) *PROHIBITORY TERMS.*

17 “MAY NOT” AND “NO ... MAY” ARE EACH MANDATORY NEGATIVE TERMS USED TO
18 ESTABLISH A PROHIBITION.

19 (C) *PERMISSIVE TERMS.*

20 “MAY” IS PERMISSIVE.

21 **§ 48-3. RULES AND REGULATIONS.**

22 (A) *IN GENERAL.*

23 THE ~~FINANCE DIRECTOR~~ HOUSING COMMISSIONER MUST ADOPT RULES AND REGULATIONS
24 TO CARRY OUT THIS SUBTITLE.

25 (B) *FILING WITH LEGISLATIVE REFERENCE.*

26 A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE FILED
27 WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

28 **§§ 48-4 to 48-5. {RESERVED}**

Council Bill 18-0189

PART 2. LICENSING

§ 48-6. LICENSE REQUIRED.

(A) IN GENERAL.

NO PERSON MAY OPERATE A SHORT-TERM RESIDENTIAL RENTAL WITHOUT A CURRENTLY EFFECTIVE LICENSE TO DO SO FROM THE ~~FINANCE DIRECTOR~~ HOUSING COMMISSIONER.

(B) APPLICATION FOR LICENSE..

THE APPLICATION FOR AN INITIAL OR RENEWAL SHORT-TERM RESIDENTIAL RENTAL LICENSE MUST BE MADE IN THE FORM AND CONTAIN THE INFORMATION AND DOCUMENTATION THAT THE ~~FINANCE DIRECTOR~~ HOUSING COMMISSIONER REQUIRES.

§ 48-7. LICENSING PREREQUISITES.

(A) LIMITATIONS.

~~A SHORT-TERM RESIDENTIAL RENTAL LICENSE MAY BE ISSUED ONLY:~~

~~(1) TO THE OWNER OF THE DWELLING UNIT TO BE USED FOR SHORT-TERM RESIDENTIAL RENTALS; AND~~

~~(2) FOR A MAXIMUM OF 2 DWELLING UNITS, SO LONG AS 1 OF THE DWELLING UNITS IS THE OWNER'S PERMANENT RESIDENCE.~~

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON MAY ONLY BE ISSUED A SHORT-TERM RESIDENTIAL RENTAL LICENSE FOR HIS OR HER PERMANENT RESIDENCE.

(2) (i) A HOST MAY BE ISSUED A SHORT-TERM RESIDENTIAL RENTAL LICENSE FOR 1 ADDITIONAL DWELLING UNIT IF:

(A) THE DWELLING UNIT HAD A SUCCESSFULLY EXECUTED BOOKING TRANSACTION, AS DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (2), BETWEEN AUGUST 1, 2017, AND DECEMBER 31, 2018;

(B) THE HOST BECAME THE OWNER OF THE ADDITIONAL DWELLING UNIT ON OR BEFORE DECEMBER 31, 2018; AND

(C) THE HOST APPLIES FOR A SHORT-TERM RESIDENTIAL RENTAL LICENSE FOR THE ADDITIONAL DWELLING UNIT NO LATER THAN THE 90TH DAY AFTER THE DATE ON WHICH THIS SUBTITLE TAKES EFFECT.

Council Bill 18-0189

1 (II) FOR PURPOSES OF THIS PARAGRAPH (2), A BOOKING TRANSACTION IS DEEMED
2 SUCCESSFULLY EXECUTED IF A FEE WAS EXCHANGED, WHETHER DIRECTLY OR
3 INDIRECTLY, BETWEEN THE HOST APPLYING FOR THE DWELLING UNIT’S SHORT-
4 TERM RESIDENTIAL RENTAL LICENSE AND A TRANSIENT GUEST, FOR THE SHORT-
5 TERM RESIDENTIAL RENTAL OF THE DWELLING UNIT.

6 (3) SHORT-TERM RESIDENTIAL RENTAL LICENSES ARE NOT PROPERTY RIGHTS, AND A
7 SHORT-TERM RESIDENTIAL RENTAL LICENSE DOES NOT TRANSFER ON THE SALE OR ANY
8 OTHER OWNERSHIP TRANSFER OF A DWELLING UNIT.

9 (B) *ADDITIONAL REQUIREMENTS.*

10 (1) *IN GENERAL.*

11 ALL APPLICANTS FOR AN INITIAL OR RENEWAL LICENSE MUST MEET THE FOLLOWING
12 REQUIREMENTS.

13 (2) *PROOF OF OWNER’S PERMANENT RESIDENCE.*

14 THE OWNER MUST PROVIDE PROOF THAT THE DWELLING UNIT (OR, IF 2 DWELLING
15 UNITS ARE APPLIED FOR, 1 OF THOSE UNITS) IS THE OWNER’S PERMANENT RESIDENCE.

16 (3) *NON-OWNER-OCCUPIED DWELLINGS.*

17 FOR ANY DWELLING UNIT THAT IS A “NON-OWNER-OCCUPIED DWELLING UNIT” (AS
18 DEFINED IN CITY CODE ARTICLE 13, SUBTITLE 4 {“REGISTRATION OF NON-OWNER-
19 OCCUPIED DWELLINGS ...”}):

20 (I) THE DWELLING UNIT MUST BE CURRENTLY REGISTERED, AS REQUIRED BY THAT
21 SUBTITLE 4;

22 (II) ALL REGISTRATION FEES AND ALL RELATED INTEREST REQUIRED BY THAT
23 SUBTITLE 4 MUST HAVE BEEN PAID; AND

24 (III) ALL OTHER REQUIREMENTS OF ARTICLE 13 APPLICABLE TO NON-OWNER-
25 OCCUPIED DWELLING UNITS MUST BE COMPLIED WITH.

26 (4) *SALES AND USE TAX.*

27 THE OWNER MUST BE REGISTERED WITH THE STATE COMPTROLLER FOR THE
28 COLLECTION OF THE STATE’S SALES AND USE TAX.

29 **§ 48-8. LICENSE TERM AND RENEWAL.**

30 (A) *TERM.*

31 EACH SHORT-TERM RESIDENTIAL RENTAL LICENSE EXPIRES ~~ANNUALLY~~ BIENNIALY ON
32 THE ANNIVERSARY OF ITS ISSUANCE.

Council Bill 18-0189

1 (B) *RENEWAL.*

2 (1) BEFORE A LICENSE EXPIRES, THE HOST MAY APPLY TO RENEW IT FOR AN ADDITIONAL
3 ~~1-YEAR~~ 2-YEAR TERM.

4 (2) THE RENEWAL APPLICATION MUST BE SUBMITTED TO THE ~~FINANCE DEPARTMENT~~
5 HOUSING COMMISSIONER, WITH THE APPLICABLE ANNUAL FEE, AT LEAST 30 DAYS
6 BEFORE THE CURRENT LICENSE EXPIRES.

7 **§ 48-9. LICENSE FEE.**

8 THE ~~ANNUAL~~ BIENNIAL LICENSE FEE FOR A SHORT-TERM RESIDENTIAL RENTAL LICENSE IS
9 ~~\$100~~ \$200 PER DWELLING UNIT, SUBJECT TO ADJUSTMENT IN ACCORDANCE WITH THE CITY
10 FEE POLICY.

11 **§§ 48-10 TO 48-14. {RESERVED}**

12 ***PART 3. OPERATIONAL REQUIREMENTS***

13 **§ 48-15. HOSTS.**

14 (A) *IN GENERAL.*

15 ALL HOSTS MUST COMPLY WITH THE FOLLOWING REQUIREMENTS.

16 ~~(B) *NUMBER OF RENTAL DAYS.*~~

17 ~~(1) *UNHOSTED RENTALS.*~~

18 ~~A DWELLING UNIT MAY BE USED FOR UNHOSTED RENTALS NO MORE THAN 60 DAYS IN~~
19 ~~ANY LICENSE YEAR.~~

20 ~~(2) *HOSTED RENTALS.*~~

21 ~~A DWELLING UNIT MAY BE USED FOR HOSTED RENTALS AN UNLIMITED NUMBER OF~~
22 ~~DAYS IN A LICENSE YEAR.~~

23 ~~(C) *HOMEOWNERS' ASSOCIATION, ETC., REGULATIONS.*~~

24 ~~THE USE OF A DWELLING UNIT FOR SHORT-TERM RESIDENTIAL RENTALS MUST COMPLY~~
25 ~~WITH ALL APPLICABLE REGULATIONS OF ANY GOVERNING HOMEOWNERS' ASSOCIATION OR~~
26 ~~CONDOMINIUM REGIME.~~

27 (B) ~~(D)~~ *CITY CODES COMPLIANCE.*

28 THE DWELLING UNIT MUST BE MAINTAINED IN COMPLIANCE WITH THE CITY BUILDING,
29 FIRE, AND RELATED CODES ARTICLE, THE CITY HEALTH ARTICLE, AND THE ZONING
30 CODE OF BALTIMORE CITY.

Council Bill 18-0189

1 (C) ~~(E)~~ *RECORD OF RENTALS AND GUESTS.*

2 THE HOST MUST:

3 (1) MAKE A RECORD, IN THE FORM AND CONTAINING THE INFORMATION REQUIRED BY
4 THE RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE, OF ALL OF THE
5 HOST'S SHORT-TERM RESIDENTIAL RENTALS ~~AND THEIR RESPECTIVE TRANSIENT~~
6 ~~GUESTS~~;

7 (2) MAINTAIN THAT RECORD FOR AT LEAST THE PERIOD OF YEARS REQUIRED BY THE
8 RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE; AND

9 (3) ON REQUEST, MAKE THAT RECORD AVAILABLE FOR INSPECTION BY THE ~~FINANCE~~
10 ~~DEPARTMENT~~ HOUSING COMMISSIONER.

11 (D) ~~(F)~~ *POSTING EMERGENCY CONTACT.*

12 (1) DURING THE TERM OF ANY ~~UNHOSTED~~ RENTAL, THE HOST MUST PROMINENTLY
13 DISPLAY, IN AN AREA OF THE DWELLING UNIT THAT IS READILY ACCESSIBLE TO THE
14 TRANSIENT GUESTS, EMERGENCY CONTACT INFORMATION FOR A REPRESENTATIVE OF
15 THE HOST.

16 (2) THIS REPRESENTATIVE MUST RESIDE WITHIN 15 MILES OF THE DWELLING UNIT AND BE
17 ACCESSIBLE FOR THE ~~ENTIRETY~~ ENTIRE TERM OF THE ~~UNHOSTED~~ RENTAL.

18 (E) ~~(G)~~ *POSTING NOTICE OF LICENSURE.*

19 AT ALL TIMES DURING THE TERM OF A SHORT-TERM RESIDENTIAL RENTAL, THE HOST MUST
20 PROMINENTLY DISPLAY A SIGN, IN THE FORM AND MANNER REQUIRED BY THE RULES AND
21 REGULATIONS ADOPTED UNDER THIS SUBTITLE, STATING THAT THE ~~FACILITY~~ DWELLING
22 UNIT IS LICENSED FOR SHORT-TERM RESIDENTIAL RENTALS.

23 (F) ~~(H)~~ *DISPLAYING LICENSE NUMBER ON HOSTING PLATFORM.*

24 THE HOST MUST INCLUDE HIS OR HER LICENSE NUMBER IN ANY ADVERTISEMENT OR
25 LISTING OF THE DWELLING UNIT ON A HOSTING PLATFORM.

26 **§ 48-16. HOSTING PLATFORMS.**

27 (A) *IN GENERAL.*

28 (1) ~~HOSTING~~ ALL HOSTING PLATFORMS MUST COMPLY WITH THE FOLLOWING
29 REQUIREMENTS.

30 (2) THE HOUSING COMMISSIONER MAY ISSUE AND SERVE ADMINISTRATIVE SUBPOENAS AS
31 NECESSARY TO ENSURE COMPLIANCE BY HOSTING PLATFORMS WITH THIS SUBTITLE.

Council Bill 18-0189

1 (B) *VERIFICATION OF HOST'S BONA FIDES.*

2 (1) NO HOSTING PLATFORM MAY ADVERTISE, LIST, OR OTHERWISE FACILITATE BOOKING
3 TRANSACTIONS FOR A SHORT-TERM RESIDENTIAL RENTAL IN THE CITY WITHOUT
4 HAVING VERIFIED WITH THE ~~FINANCE DEPARTMENT~~ HOUSING COMMISSIONER THAT
5 THE LICENSE OF THE HOST IS VALID AND THAT THE ADDRESS OF THE DWELLING UNIT
6 MATCHES THE ADDRESS LISTED FOR THE LICENSE.

7 (2) A HOSTING PLATFORM THAT HAS VERIFIED THE VALIDITY OF A LICENSE FOR A SHORT-
8 TERM RESIDENTIAL RENTAL IS NOT REQUIRED TO RE-VERIFY THE VALIDITY OF THE
9 LICENSE, UNLESS:

10 (I) THE ~~FINANCE DEPARTMENT~~ HOUSING COMMISSIONER HAS NOTIFIED THE
11 HOSTING PLATFORM THAT THE DWELLING UNIT CANNOT LAWFULLY BE USED
12 FOR A SHORT-TERM RESIDENTIAL RENTAL; OR

13 (II) THE HOST HAS CEASED TO OFFER SHORT-TERM RESIDENTIAL RENTALS
14 THROUGH THAT HOSTING PLATFORM FOR A PERIOD OF 12 MONTHS OR MORE
15 SINCE THE LICENSE WAS LAST VERIFIED.

16 (3) IF THE ~~FINANCE DEPARTMENT~~ HOUSING COMMISSIONER NOTIFIES A HOSTING
17 PLATFORM THAT A DWELLING UNIT CANNOT LAWFULLY BE USED FOR A SHORT-TERM
18 RESIDENTIAL RENTAL, THE HOSTING PLATFORM MAY NOT ADVERTISE, LIST, OR
19 OTHERWISE FACILITATE BOOKING TRANSACTIONS FOR THAT DWELLING UNTIL IT
20 RECEIVES SUBSEQUENT CONFIRMATION FROM THE ~~DEPARTMENT~~ COMMISSIONER THAT
21 THE SHORT-TERM RESIDENTIAL RENTAL CAN LAWFULLY BE PROVIDED.

22 (4) IF A HOSTING PLATFORM RECEIVES WRITTEN NOTICE FROM THE HOUSING
23 COMMISSIONER THAT A DWELLING UNIT ADVERTISED OR LISTED FOR SHORT-TERM
24 RESIDENTIAL RENTAL ON THE HOSTING PLATFORM CANNOT LAWFULLY BE USED FOR A
25 SHORT-TERM RESIDENTIAL RENTAL, THE HOSTING PLATFORM MUST REMOVE THE
26 ADVERTISEMENT OR LISTING WITHIN 3 DAYS.

27 (5) A HOSTING PLATFORM MAY NOT COLLECT OR RECEIVE A FEE IN EXCHANGE FOR
28 FACILITATING RESERVATIONS, ADVERTISEMENTS, OR LISTINGS OF SHORT-TERM
29 RESIDENTIAL RENTALS, FOR SERVING AS A COMMUNICATION CONDUIT BETWEEN HOSTS
30 AND TRANSIENT GUESTS, OR FOR OTHERWISE FACILITATING BOOKING TRANSACTIONS
31 FOR SHORT-TERM RESIDENTIAL RENTALS IF THE DWELLING UNIT CANNOT LAWFULLY
32 BE USED FOR A SHORT-TERM RESIDENTIAL RENTAL.

33 (C) *RENTAL RECORDS.*

34 (1) *IN GENERAL.*

35 A HOSTING PLATFORM MUST:

36 (I) MAKE A RECORD OF ALL SHORT-TERM RESIDENTIAL RENTALS IN BALTIMORE
37 CITY ADVERTISED, LISTED, OR OTHERWISE FACILITATED BY THAT PLATFORM;

Council Bill 18-0189

1 (II) MAINTAIN THAT RECORD FOR AT LEAST THE PERIOD OF YEARS REQUIRED BY
2 THE RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE; AND

3 (III) ON REQUEST, MAKE THAT RECORD AVAILABLE FOR INSPECTION BY THE
4 ~~FINANCE DEPARTMENT~~ HOUSING COMMISSIONER.

5 (2) *CONTENTS.*

6 THESE RECORDS MUST INCLUDE, FOR EACH SHORT-TERM RESIDENTIAL RENTAL:

7 (I) THE NAME AND LICENSE NUMBER OF THE HOST WHO PROVIDED THE SHORT-
8 TERM RESIDENTIAL RENTAL;

9 (II) THE STREET ADDRESS AND THE BLOCK AND LOT NUMBERS OF THE SHORT-
10 TERM RESIDENTIAL RENTAL;

11 (III) THE DATE OF THE BOOKING TRANSACTION;

12 ~~(IV) THE NAME AND ADDRESS OF THE TRANSIENT GUEST WHO BOOKED THE SHORT-~~
13 ~~TERM RESIDENTIAL RENTAL;~~

14 (IV) ~~(V)~~ THE START AND END DATES OF THE SHORT-TERM RESIDENTIAL RENTAL;

15 (V) ~~(VI)~~ THE RENT AND OTHER FEES CHARGED BY THE HOST AND BY THE HOSTING
16 PLATFORM FOR PROVIDING OR FACILITATING THE SHORT-TERM RESIDENTIAL
17 RENTAL AND RELATED SERVICES; AND

18 (VI) ~~(VII)~~ ANY OTHER INFORMATION REQUIRED BY THE RULES AND REGULATIONS
19 ADOPTED UNDER THIS SUBTITLE.

20 (D) *DISPLAY OF LICENSE NUMBERS.*

21 IN ANY ADVERTISEMENT OR LISTING OF A DWELLING UNIT AVAILABLE FOR SHORT-TERM
22 RESIDENTIAL RENTALS IN BALTIMORE CITY, HOSTING PLATFORMS MUST INCLUDE THE
23 LICENSE NUMBERS OF THE HOSTS OFFERING THOSE RENTALS.

24 **§§ 48-17 TO 48-20 {RESERVED}**

25 ***PART 4. ADMINISTRATIVE SANCTIONS***

26 **§ 48-21. DENIAL, SUSPENSION, OR REVOCATION OF LICENSE – IN GENERAL.**

27 SUBJECT TO THE HEARING PROVISIONS OF § 48-22 OF THIS SUBTITLE, THE ~~FINANCE DIRECTOR~~
28 HOUSING COMMISSIONER MAY DENY, SUSPEND, OR REVOKE A SHORT-TERM RESIDENTIAL
29 RENTAL LICENSE OR RENEWAL LICENSE FOR ANY OF THE FOLLOWING CAUSES:

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

Council Bill 18-0189

1 (2) FRAUDULENTLY OR DECEPTIVELY OBTAINING THE LICENSE FOR ONESELF OR FOR
2 ANOTHER;

3 (3) FRAUDULENTLY OR DECEPTIVELY USING THE LICENSE;

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

8 (5) FAILING TO COMPLY WITH ANY PROVISION OF THIS SUBTITLE OR OF ANY RULE OR
9 REGULATION ADOPTED UNDER THIS SUBTITLE.

10 **§ 48-22. DENIAL, SUSPENSION, OR REVOCATION OF LICENSE – NOTICE AND HEARING.**

11 (A) *IN GENERAL.*

12 NO LICENSE MAY BE DENIED, SUSPENDED, OR REVOKED UNDER THIS SUBTITLE UNLESS THE
13 ~~FINANCE DIRECTOR~~ HOUSING COMMISSIONER FIRST GIVES THE LICENSEE:

14 (1) NOT LESS THAN 10 DAYS NOTICE IN WRITING OF THE ~~DIRECTOR'S~~ COMMISSIONER'S
15 INTENT TO DENY, SUSPEND, OR REVOKE THE LICENSE; AND

16 (2) AN OPPORTUNITY TO BE HEARD AS TO WHY THE LICENSE SHOULD NOT BE DENIED,
17 SUSPENDED, OR REVOKED.

18 (B) *EXCEPTION.*

19 THE ~~FINANCE DIRECTOR~~ HOUSING COMMISSIONER MAY DENY, SUSPEND, OR REVOKE A
20 LICENSE WITHOUT PRIOR NOTICE AND OPPORTUNITY TO BE HEARD IF, IN THE OPINION OF
21 THE ~~FINANCE DIRECTOR~~ HOUSING COMMISSIONER OR OF THE FIRE CHIEF, ~~HOUSING~~
22 ~~COMMISSIONER~~, HEALTH COMMISSIONER, OR POLICE COMMISSIONER, THE HEALTH,
23 SAFETY, OR WELFARE OF THE OCCUPANTS OR OF THE GENERAL PUBLIC ARE IN IMMINENT
24 DANGER.

25 **§ 48-23. JUDICIAL AND APPELLATE REVIEW.**

26 (A) *JUDICIAL REVIEW.*

27 A PERSON AGGRIEVED BY A DECISION OF THE ~~FINANCE DIRECTOR~~ HOUSING
28 COMMISSIONER UNDER THIS SUBTITLE MAY SEEK JUDICIAL REVIEW OF THAT DECISION BY
29 PETITION TO THE CIRCUIT COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE
30 MARYLAND RULES OF PROCEDURE.

31 (B) *STAYS.*

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

Council Bill 18-0189

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

3 (C) *APPELLATE REVIEW.*

4 A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE
5 COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF
6 PROCEDURE.

7 **§ 48-24 {RESERVED}**

PART 5. ENFORCEMENT

9 **§ 48-25. ENFORCEMENT BY ENVIRONMENTAL CITATION.**

10 (A) *IN GENERAL.*

11 IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE,
12 THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF AN ENVIRONMENTAL CITATION UNDER
13 CITY CODE ARTICLE 1, SUBTITLE 40 {"ENVIRONMENTAL CONTROL BOARD"}.

14 (B) *PROCESS NOT EXCLUSIVE.*

15 THE ISSUANCE OF A CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING
16 ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

17 **§ 48-26. PENALTIES.**

18 (A) *IN GENERAL.*

19 ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE (INCLUDING ANY OFFENSE
20 LISTED IN § 48-21 OF THIS SUBTITLE AS POTENTIAL CAUSE FOR A DENIAL, SUSPENSION, OR
21 REVOCATION OF A LICENSE) OR ANY PROVISION OF A RULE OR REGULATION ADOPTED
22 UNDER THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO
23 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.

Article 28. Taxes

Subtitle 21. Hotel Room Tax

28 **§ 21-1. Definitions.**

29 (a) *In general.*

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

Council Bill 18-0189

1 (b) *Gross amounts of money.*

2 “Gross amounts of money” means the total gross payments of any kind or character
3 (including cash, credit, property, and services), [received in a retail transaction for which
4 real property is rented,] whether received in money or otherwise, without any deduction
5 for charges or other amounts for any services necessary to complete the transaction.

6 (c) *Hotel.*

7 “Hotel” means a building containing sleeping accommodations for more than 5 persons
8 and open to the transient public.

9 (d) *Owners or operators of hotels.*

10 “Owners or operators of hotels” means any person:

11 (1) possessing or having an ownership interest in a hotel;

12 (2) engaged in the business of operating a hotel; or

13 (3) receiving any consideration for the rental of a hotel room for sleeping
14 accommodations, including, without limitation, any broker, service provider, or
15 other intermediary:

16 (i) with which a hotel has contracted to arrange for the rental of a hotel room
17 for sleeping accommodations; or

18 (ii) that has acquired any hotel room for subsequent rental from the hotel for
19 sleeping accommodations.

20 (E) *SHORT-TERM RESIDENTIAL RENTAL (AND RELATED TERMS).*

21 “SHORT-TERM RESIDENTIAL RENTAL” AND RELATED TERMS (SUCH AS “BOOKING
22 TRANSACTION”, “DWELLING UNIT”, “HOST”, “HOSTING PLATFORM”, AND “TRANSIENT
23 GUEST”) HAVE THE RESPECTIVE MEANINGS STATED IN CITY CODE ARTICLE 15, SUBTITLE
24 48 {“SHORT-TERM RESIDENTIAL RENTALS”}.

25 (F) [e] *Transient guest or tenant.*

26 “Transient guest or tenant” means a person or persons renting, using, or occupying a
27 room or rooms FOR FEWER THAN 90 CONSECUTIVE DAYS:

28 (1) in a hotel for sleeping accommodations [for less than 90 consecutive days]; OR

29 (2) IN A DWELLING UNIT FOR A SHORT-TERM RESIDENTIAL RENTAL.

30 **§ 21-2. Tax imposed.**

31 A tax of 9.5%, TO BE PAID AND COLLECTED AS PROVIDED IN THIS SUBTITLE, is levied and
32 imposed on all gross amounts of money THAT ARE [paid to]:

Council Bill 18-0189

1 (1) PAID TO the owners or operators of hotels in the City by transient guests or tenants for
2 renting, using, or occupying a room or rooms for sleeping accommodations[, to be
3 paid and collected as provided in this subtitle];

4 (2) PAID TO HOSTING PLATFORMS BY TRANSIENT GUESTS FOR BOOKING OR OTHERWISE
5 FACILITATING SHORT-TERM RESIDENTIAL RENTALS; OR

6 (3) PAID TO HOSTS BY TRANSIENT GUESTS FOR PROVIDING SHORT-TERM RESIDENTIAL
7 RENTALS.

8 **§ 21-4. Collections.**

9 (a) [*Hotel to collect and remit.*] *TAX TO BE COLLECTED AND REMITTED.*

10 Every person, firm, association, or corporation [owning or operating any hotel in
11 Baltimore City] SUBJECT TO THE TAX IMPOSED BY § 21-2 {"TAX IMPOSED"} OF THIS
12 SUBTITLE:

13 (1) shall collect the tax levied and imposed by this subtitle from the persons paying
14 the rental or other charges for the use or occupancy of any room or rooms for
15 sleeping accommodations [in his or its hotel]; and

16 (2) shall pay the tax to the Director of Finance on or before the 25th day of each
17 month.

18

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

20 **Subtitle 40. Environmental Control Board**

21 **§ 40-14. Offenses to which subtitle applies.**

22

23 (e) *Provisions and penalties enumerated.*

24
25 (2) **Article 15. Licensing and Regulation**

26

27 SUBTITLE 48. SHORT-TERM RESIDENTIAL RENTALS

28 § 48-6. LICENSE REQUIRED {FOR HOST} \$500

29 § 48-16. {OPERATIONAL REQUIREMENTS FOR} HOSTING PLATFORMS \$1,000

30 § 48-21. {OFFENSES THERE LISTED AS CAUSE FOR}
31 DENIAL, SUSPENSION, OR REVOCATION OF LICENSE \$500

32 ALL OTHER PROVISIONS \$250

33

Council Bill 18-0189

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

4 **SECTION 3. AND BE IT FURTHER ORDAINED**, *That, notwithstanding Article 15, § 48-7(a)(1)*
5 *and (2) and (b)(2), as added by this Ordinance:*

6 (a) (1) Any natural person who, as of December 31, 2018, owned and operated 1 or more
7 short-term residential rental dwelling units in the City, none of which dwelling units
8 qualify as his or her “permanent residence” (as defined in § 48-1(g) and otherwise a
9 licensing prerequisite under § 48-7(a)(1) and (b)(2)), is nonetheless entitled to apply
10 for and, if otherwise qualified, be issued a short-term residential rental license for 1,
11 but not more than 1, of these preexisting short-term residential rental dwelling units,
12 if:

13 (i) the dwelling unit to be licensed had a successfully executed booking
14 transaction, as described in paragraph (2) of this subsection, between August
15 1, 2017, and December 31, 2018, inclusive;

16 (ii) the host became the owner of that dwelling unit on or before December 31,
17 2018; and

18 (iii) the host applies for the short-term residential rental license for that dwelling
19 unit no later than the 90th day after the date on which Article 15, Subtitle 48,
20 as added by this Ordinance, takes effect.

21 (2) For purposes of paragraph (1)(i) of this subsection, a booking transaction is deemed
22 successfully executed if a fee was exchanged, whether directly or indirectly, between
23 the host applying for the dwelling unit’s short-term residential rental license and a
24 transient guest, for the short-term residential rental of the dwelling unit.

25 (b) Unless the dwelling unit licensed under this section subsequently becomes the host’s
26 “permanent residence”, the host is not eligible for any additional license under Article
27 15, § 48-7(a)(2).

28 **SECTION 3 4. AND BE IT FURTHER ORDAINED**, That if any provision of this Ordinance or its
29 application to any person, entity, or circumstance is held invalid, this invalidity does not affect
30 other provisions or applications; and, to this extent, the provisions of this Ordinance are
31 severable.

32 **SECTION 4 3 5. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect ~~on the~~
33 ~~180th day after the date it is enacted~~ as follows:

34 (i) Article 28, §§ 21-1, 21-2, and 21-4(a), as amended by this Ordinance, take effect on
35 December 31, 2018; and

36 (ii) Article 15, Subtitle 48, as added by this Ordinance, and Article 1, § 40-14(e)(2), as
37 amended by this Ordinance, take effect on December 31, 2019.

Council Bill 18-0189

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