



**BALTIMORE CITY COUNCIL
ECONOMIC AND COMMUNITY DEVELOPMENT
COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the Committee on Economic and Community Development (ECD) is responsible for supporting strong thriving communities. ECD will review proposed zoning and land use changes, tackle issues related to economic development, oversee housing policy, and promote equitable economic opportunity for all Baltimore residents.

The Honorable Sharon Green Middleton

PUBLIC HEARING

March 26, 2024

2:00 PM

CLARENCE "DU" BURNS COUNCIL CHAMBERS

23-0357

Strengthening Renter's Safety Act

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BILL SYNOPSIS

Committee: Economic and Community Development

Bill: 23-0357

Strengthening Renters' Safety Act

Sponsor: Councilmember Cohen

Introduced: February 27, 2023

Purpose:

For the purpose of establishing a priority inspection; establishing criteria for priority dwellings and priority inspections; requiring the Commissioner of the Department of Housing and Community Development to post certain notices; amending certain rental dwelling license application requirements; amending certain prerequisites for new and renewed rental dwelling licenses; amending license fees; updating inspection requirements; requiring the posting of license numbers; updating causes for denial, suspension, or revocation of a license; bolstering public access to information; authorizing the initiation of enforcement of the subtitle by complaint; providing for certain data collection; establishing the Baltimore City Rental Licensing and Inspection Task Force; providing for the composition, terms, and organization of the Task Force, establishing the duties of the Task Force, adding a civil citation fine for violating of licensing requirements; requiring annual reporting; amending certain definitions; providing a time period when the Task Force shall first convene; and providing for a special effective date.

By repealing, and re-ordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies

Section 41-14

Baltimore City Code

(Edition 2000)

By renumbering current

Article 13 - Housing and Urban Renewal

Current Sections 5-1(g) through (i), respectively, to be New Sections 5-1(i) through (k), respectively

Baltimore City Code
(Edition 2000)

BY adding

Article 13 - Housing and Urban Renewal
New Sections 5-1(g), 5-1(h), and 5-1(l)
Baltimore City Code
(Edition 2000)

BY repealing, and re-ordaining, without amendments

Article 13 - Housing and Urban Renewal
Sections 5-2, 5-13, 5-16, 5-17, 5-19, 5-20, 5-24, and 5-26
Baltimore City Code
(Edition 2000)

BY repealing, and re-ordaining, with amendments

Article 13 - Housing and Urban Renewal
Sections 5-4, 5-5 through 5-9, 5-11, 5-12, 5-15, 5-20, 5-22, and 5-25
Baltimore City Code
(Edition 2000)

BY adding

Article 13 - Housing and Urban Renewal
Sections 5-10, 5-14, and 5-27 through 5-33
Baltimore City Code
(Edition 2000)

Effective: The date it is enacted

Agency Reports

Department of Finance	Defer to DHCD
Housing and Community Development	Unfavorable
Housing Authority of Baltimore City	Favorable w/ amendments
City Solicitor	Approved for form and legal sufficiency
Office of Homeless Services	

Analysis

Current Law

- Article I section 41 of the Baltimore City Code deals with civil citations section 41-14 lists offenses and the fine associated with them. For instance, under subtitle 18-8 riding a bicycle on the sidewalk is a 50-dollar citation.
- Article 13 section 5 of the Baltimore City Code (g-i) defines:
 - rental dwelling – (1) any multiple-family dwelling,
 - rooming house – (2) any rooming house
 - rooming unit – (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.
- Article 13 of the Baltimore City Code:
 - Section 2 – requires the Commissioner to adopt rules and regulations to carry out the subtitle.
 - Section 4 – requires that except for HABC properties – operators of rental dwellings must have a license.
 - Section 5- requires an application process and who may make an application for a license.
 - Section 6 – defines prerequisites for an application or renewal of a license.
 - Section 7–defines prerequisites for an inspection for a new or renewal of a license.
 - Section 8 – says that there is no fee for a rental license.
 - Section 9 – lays out a tired system of when licenses expire if they are not renewed. For example, an initial license expires 2 years after being issued. Which can be renewed for 3 years 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
 - Section 13 – Requires multi-family dwellings or rooming house operations to have a license or a permit from the Commissioner.
 - Section 11 – defines how licenses should be posted.
 - Section 12– defines the process for transferring a license and the associated fee.
 - Section 15 – defines the process for denying, suspending, or revoking a license.
 - Section 16 - details the notice and hearing process for denying, suspending, or revoking a license.
 - Section 17 – authorizes the commissioner to have a rental dwelling vacate in 24 hours in certain circumstances (operating without a license or if necessary for the health, safety, or welfare of the public).
 - Section 19 – defines:
 - reasonable accommodation - affirmative steps that do not impose an undue financial hardship or a substantial burden.

- prohibited conduct - No bylaw, rule, or regulation governing a rental dwelling, nor any action or inaction of the governing body or management of a 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
 - (2) prohibit or deny any reasonable accommodation for religious practices
- Section 20 – defines a sanitation guide and sets guidelines for its distribution and display.
- Section 22 – requires that the Housing Commissioner makes certain information available and accessible to the public via the department’s website.
- Section 24 – defines judicial and appellate reviews for those aggrieved by the Commissioner.
- Section 25 – empowers the enforcement of the article by citation.
- Section 26 – defines penalties for violations of the subtitle.

Bill Summary

Definitions

This bill if enacted would create the following definitions.

Priority Dwelling

A priority dwelling would be defined as a rental dwelling consisting of 20 or more rental units or rooming units which meet certain criteria in the last calendar year including:

- An issued notice order or citation that remained unabated for more than 60 days related to the City Building, Fire, and Related Codes or the Elevator Safety of the Maryland Public Safety Article
- Unabated notices or orders unabated for more than 30 days related to:
 - Peeling, chipping, or flaking lead paint
 - Elevators
- The number of 311 calls related to health and habitability divided by the total number of dwelling and rooming units in the rental dwelling 20 exceeded the minimum value displayed in the table below.

○

Total Number of Units	Minimum Value
20-50	0.75
51-150	0.5

151+	0.25
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- The rental dwelling is under a 1-year renewal term,
- The rental dwelling’s HUD¹ REAC² inspection score for either of the 2 most recent inspections was less than or equal to 79.

Priority Inspections

A priority inspection would be defined as a physical inspection by a multifamily dwelling certified senior inspector from the Department of Housing and Community Development. And would also include the senior inspector’s written evaluation.

Task Force

Task Force would be a reference to the Baltimore City Rental Licensing and Inspection Task Force – provided for under this bill in section 5-28.

This ordinance would also include the following either as new to the article or by amendment:

- 5-4 (C) – the notice to all occupants when a rental dwelling operates without a current license.
- 5-5 (D) – the information required in a new or renewed license application.
- 5-7 (F) – the distribution of inspection reports. Which would include to each resident of the rental dwelling.
- 5-8 -license fees
 - (A) technical update to language that except as otherwise provided in the section no fee is imposed for rental dwelling license.
 - (B) - excepts priority dwelling licenses at a fee of \$100 per dwelling unit and \$75 per rooming unit.
 - (C) – establishes when fees are payable.
- 5-9 (E) – (1) requires abatement of violations in the 1-Year Renewal Term, and that (2) these abatements be reported to the Department of Housing and Community Development. (3) Violations not abated by the end of the renewal period are not eligible for renewal license under the subtitle.
- 5-10 – Creates the priority inspection process defining:
 - The general requirement to inspect priority dwellings.
 - The inspection year period.
 - How to identify priority dwellings.
 - How to notify priority dwellings.

¹ HUD is the acronym for the US Department of Housing and Urban Development

² REAC is the acronym for Real Estate Assessment Center

- How often to inspect priority dwellings.
- The number of units to be inspected.
- Notice of priority inspection.
- 5-11 (B) Lease Agreements – requiring that licenses must be provided to prospective tenants and all existing tenants.
 - Advertising for rental dwellings must include the license number.
 - Advertising for rental dwellings can not include expired license numbers.
- 5-12 (A-1) requires that anyone assuming the record ownership or the operation of a licensed rental dwelling unit comply with section 5-6 of this subtitle.
- 5-22 (1) – requires that the license number be included in public information in addition to the license status.
- 5-25 Enforcement by Citation-
 - (A) Violations under this article will now be subject to civil citations.
 - (B-1) Anyone alleging a violation may make a complaint with the Department of Housing and Community Development.
 - (B-2) That complaint must contain the specific of the violation and any information the Department of Housing and Community Development requires.
 - (B-3) The commissioner must make sure that an investigation and appropriate enforcement action happens within 30 days of the complaint being filed.
 - (D) – Each day a violation occurs is a separate offense.
- 5-27 – Data Collection:
 - (A) Requires the Commissioner, The City’s Chief Data Officer, and other employees to track priority dwellings and inspections.
 - (B) Authorizes the Department of Housing and Community Development to use existing resources to track and collect data at the Commissioner’s discretion.
- 5-28 – Establishes the Baltimore City Rental Licensing and Inspection Task Force
- 5-29 – Details the composition of the 10-member Baltimore City Rental Licensing and Inspection Task Force.
- 5-30 – Establishes the terms of the Baltimore City Rental Licensing and Inspection Task Force including:
 - Terms of service- 4-year term
 - Compensation: no compensation
 - Vacancies
 - Task Force Chair – elected by members.
 - Meetings and Quorum
- 5-31 Rental Licensing and Inspection Task Force Staff – requires the Department of Housing and Community Development to provide adequate staff to the Task Force
- 5-32 Rental Licensing and Inspection Task Force Duties - details the responsibilities of the Task Force including:

- Release the Annual Priority Dwelling list from the Department of Housing and Community Development.
- Review for accuracy and completeness the Annual Priority Dwelling list from the Department of Housing and Community Development.
- Review Publicly Available information and reports made available under this subtitle for accuracy and completeness.
- Establish metrics in collaboration with the Department of Housing and Community Development to:
 - Evaluate and assess the improvement of rental property conditions.
 - Any reduction in unlicensed rental dwellings in the City.
- Ensure that at least 30 Priority Rental Dwellings are inspected at least 2 times per inspection year.

Agency Reports

Housing Authority of Baltimore City

The Housing Authority of Baltimore City (HABC) is in favor of the Bill provided amendments are made to:

1. Address concerns about multifamily units where participants in the Housing Choice Voucher Program (HCVP) reside in that dwelling has its license revoked.
 - a. HABC recommends amending the bill so that DHCD informs HABC when it has actual knowledge when of a lack of license so that HABC can work with the landlord to make repairs or relocate HCVP participants.
2. Amend Section 5-1 to exempt HABC-owned properties from the definition of priority dwelling in reference to dwellings have a U.S. Department of Housing and Urban Development (HUD) Real Estate Assessment Center (REAC) inspection score equal to or less than 79.
3. Amend Section 5-10 to exempt HABC-owned properties from being subject to priority inspections, as these properties already undergo regular inspections and is required to repair any defects that threaten life, safety or health as regulated by HUD.

Department of Housing and Community Development

The Department of Housing and Community Development (DHCD) finds this bill to be problematic for several reasons:

- Cost
 - Additional costs include additional staff, the posting of notices – currently available on the DHCD website, and potential software enhancements.
 - Cost of licensing fees and rooming fees for qualifying operators of priority dwellings– which may be passed on to tenants.

- Human Capital
 - DHCD estimates that they would need to hire at least 11 additional staff members.
- Scope
 - DHCD estimates that there are over 450 properties that could qualify as priority dwellings. This would translate into hundreds of additional inspections per year for the
- Administrative issues
 - Some of the provisions in this bill are considered redundant by DHCD including the codification of license applications.
 - DHCD sees some of these provisions as unenforceable such as the requirement to distribute inspection reports.

Additional Information

Fiscal Note: The Department of Finance estimates the cost of this bill to be 975,000 per year. Finance estimates that the licensing fees could generate from 2.0 million to 4.1 million annually which would cover the cost and generate revenue for the City.

Classification	Staffing Cost
(1) Housing Inspector Senior	\$ 82,953
(4) Housing Inspectors	\$ 310,882
(1) Office Support Specialist III	\$ 62,845
(2) Secretary II	\$ 125,690
(2) Ombudsman	\$ 203,162
(1) Data Analyst	\$ 138,869
Total Staffing Costs	\$ 924,401
Total Material and Supply Costs	\$ 50,000
Total Estimated Cost	\$ 974,401

Information Source(s): Baltimore City Code, Reporting Agencies, Bill 23-0357

Analysis by: Tony Leva Direct Inquiries to: 410-396-1091

Analysis Date: March 21, 2024

**AMENDMENTS TO COUNCIL BILL 23-0357
(1st Reader Copy)**

By: Councilmember Cohen
{To be offered to the Economic and Community Development Committee}

Amendment No. 1

On page 3, in line 11, strike “OR”; and, on that same page, in line 12, after the semicolon, insert “OR”; and, after line 12, insert: “(K) WEATHERPROOFING;”; and, on that same page, in line 15, strike “OR”; and, on that same page, in line 16, after the semicolon, insert “OR”; and, on that same page, after line 16, insert: “(C) MOLD;”.

Amendment No. 2

On page 3, strike lines 17 through 24 in their entireties and substitute:

“(III) THE NUMBER OF RECORDED 311 CALLS RELATED TO HEALTH AND HABITABILITY FOR A RENTAL DWELLING , WHICH MAY NOT INCLUDE REQUESTS TO SUMMON LAW ENFORCEMENT OR EMERGENCY SERVICES AS PROHIBITED UNDER § 14-126 OF THE STATE REAL PROPERTY ARTICLE, DIVIDED BY THE TOTAL NUMBER OF DWELLING AND ROOMING UNITS IN THAT RENTAL DWELLING, EXCEEDS THE APPLICABLE MINIMUM VALUE IN THE TABLE BELOW;

<u>TOTAL NUMBER OF UNITS</u>	<u>MINIMUM VALUE</u>
<u>20 - 35</u>	<u>0.8</u>
<u>36 - 50</u>	<u>0.7</u>
<u>51 - 75</u>	<u>0.6</u>
<u>76 - 100</u>	<u>0.5</u>
<u>101 - 125</u>	<u>0.4</u>
<u>126 - 150</u>	<u>0.3</u>
<u>151+</u>	<u>0.2</u>

”.

Amendment No. 3

On page 4, before line 1, insert:

“(H) PRIORITY DWELLING: EXCLUSION.

“PRIORITY DWELLING” DOES NOT INCLUDE A BUILDING OWNED AND OPERATED BY THE HOUSING AUTHORITY OF BALTIMORE CITY;”;

and, on that same page, in lines 1, 9, 16, 19, and 22, strike “(H)”, “(I)”, “(J)”, “(K)”, and “(L)”, respectively, and substitute “(I)”, “(J)”, “(K)”, “(L)”, and “(M)”, respectively.

Amendment No. 4

On page 4, in line 5, strike “DEVELOPMENT; AND” insert “DEVELOPMENT, OR ANOTHER EMPLOYEE WITH EQUIVALENT CREDENTIALS; AND”.

Amendment No. 5

On page 5, strike lines 14 through 18 in their entirety and substitute:

“(1) WHEN THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT HAS NOTICE OR ACTUAL KNOWLEDGE THAT A RENTAL DWELLING IS RENTED WITHOUT AN EFFECTIVE LICENSE AS REQUIRED BY THIS SECTION, THE COMMISSIONER SHALL PROMPTLY:

(I) POST A NOTICE WITHIN THE RENTAL DWELLING IN A PLACE ACCESSIBLE AND EASILY VISIBLE TO ALL OCCUPANTS WITHIN THE RENTAL DWELLING; AND

(II) DELIVER A NOTICE TO THE HOUSING AUTHORITY OF BALTIMORE CITY.”.

Amendment No. 6

On page 11, after line 29, insert:

“(F) NOTICE OF TERM EXPIRATION.

THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL NOTIFY A LICENSE HOLDER OF THE EXPIRATION OF A LICENSE TERM:

- (1) 90 DAYS PRIOR TO EXPIRATION OF THE LICENSE TERM;
- (2) 30 DAYS PRIOR TO THE EXPIRATION OF THE LICENSE TERM; AND
- (3) THE DAY OF THE EXPIRATION OF THE LICENSE TERM.”.

Amendment No. 7

On page 11, in line 33, strike “INSPECTOR MUST” and insert “INSPECTOR, OR ANOTHER EMPLOYEE WITH EQUIVALENT CREDENTIALS, SHALL”.

Amendment No. 8

On page 12, after line 24, insert:

“(E) ADMINISTRATIVE REVIEW.

(1) IN GENERAL.

ANY PERSON AGGRIEVED BY A DECISION OF THE HOUSING COMMISSIONER UNDER THIS SECTION MAY APPEAL THAT DECISION OR RULING TO THE ENVIRONMENTAL CONTROL BOARD.

(2) HOW AND WHEN TAKEN.

THE APPEAL SHALL BE TAKEN IN WRITING WITHIN 15 DAYS FROM THE DATE OF NOTICE OF THE DECISION.

(3) HEARING AND DECISION.

THE ENVIRONMENTAL CONTROL BOARD:

(I) SHALL HOLD A HEARING ON THE APPEAL AS SOON AS PRACTICABLE; AND

(II) MAY AFFIRM, MODIFY, OR REVERSE THE ACTION FROM WHICH THE APPEAL WAS TAKEN.”;

and, on that same page, in lines 25 and 30, strike “(E)” and “(F)”, respectively, and substitute “(F)” and “(G)”, respectively; and, on page 13, in line 8, strike “(G)” and substitute “(H)” .

Amendment No. 9

On page 12, in line 32, strike “INSPECTOR MUST” and insert “INSPECTOR, OR ANOTHER EMPLOYEE WITH EQUIVALENT CREDENTIALS, SHALL”; and, on page 13, strike lines 3 through 7 in their entirety and substitute:

“

<u>TOTAL NUMBER OF UNITS</u>	<u>PERCENTAGE OF TOTAL UNITS THAT MUST BE INSPECTED</u>
<u>20 - 35</u>	<u>50%</u>
<u>36 - 50</u>	<u>45%</u>
<u>51 - 75</u>	<u>40%</u>
<u>76 - 100</u>	<u>35%</u>
<u>101 - 125</u>	<u>30%</u>
<u>126 - 150</u>	<u>25%</u>
<u>151+</u>	<u>20%</u>

”.

Amendment No. 10

On page 14, after line 17, insert:

“(D) EXCEPTIONS.

NOTWITHSTANDING ANYTHING CONTAINED IN THIS SECTION TO THE CONTRARY, THE RECORD OWNER AND MANAGING OPERATOR, IF ANY, OF A NEWLY CONSTRUCTED OR RENOVATED DWELLING UNIT THAT DOES NOT YET HAVE A LICENSE NUMBER SHALL INCLUDE THE FOLLOWING TEXT IN ANY LEASE AGREEMENT, ADVERTISING MATERIAL, OR OTHER PUBLICLY FACING DOCUMENT:

“THIS IS A NEWLY CONSTRUCTED OR RENOVATED DWELLING UNIT AND DOES NOT CURRENTLY HAVE A RENTAL LICENSE. AS SOON AS AVAILABLE, A RENTAL LICENSE WILL BE PROVIDED TO ALL INDIVIDUALS AS REQUIRED BY ARTICLE 13, SUBTITLE 5 {“LICENSING OF RENTAL DWELLINGS”} OF THE BALTIMORE CITY CODE.”.”.

Amendment No. 11

On page 20, in line 20, strike “10” and substitute “12”; and, on page 21, after line 3, insert:

“(5) 1 SHALL BE A LANDLORD WHO:

(I) HAS NOT VIOLATED ANY PROVISION OF THIS SUBTITLE;

(II) HAS NOT HAD ANY RENTAL DWELLINGS DESIGNATED AS A PRIORITY DWELLING;

(III) OWNS A RENTAL DWELLING IN THE CITY WITH FEWER THAN 20 DWELLING OR ROOMING UNITS; AND

(IV) MAINTAINS THE LANDLORD’S PRIMARY RESIDENCE IN THE CITY;

(6) 1 SHALL BE A REPRESENTATIVE FROM AN EMPLOYEE ORGANIZATION THAT REPRESENTS CITY HOUSING INSPECTORS;”;

and, on that same page, in lines 4, 7, 9, 12, and 15, strike “(5)”, “(6)”, “(7)”, “(8)”, and “(9)”, respectively, and substitute “(7)”, “(8)”, “(9)”, “(10)”, and “(11)”, respectively.

Amendment No. 12

On page 26, after line 16, insert:

“§ 5-11. POSTING LICENSE; LICENSE NUMBER \$250”.

Amendment No. 13

On page 27, in line 10, strike “2024” and substitute “2026”.

Amendment No. 14

On page 25, in line 1, strike “AND”; and, on that same page, after line 1, insert:

“(XII) WEATHERPROOFING; AND”;

and, on that same page, in line 2 strike “(XII)” and substitute “(XIII)”; and, on page 26, in line 1, strike “AND”; and, on that same page, after line 1, insert:

“(XII) WEATHERPROOFING; AND”;

and, on that same page, in line 2 strike “(XII)” and substitute “(XIII)”.

CITY OF BALTIMORE
COUNCIL BILL 23-0357
(First Reader)

Introduced by: Councilmembers Cohen, Torrence, Ramos, Burnett, Dorsey, Bullock, Glvoer

Introduced and read first time: February 27, 2023

Assigned to: Economic and Community Development Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Department of Housing and Community Development, Housing Authority of Baltimore City

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Strengthening Renters' Safety Act**

3 FOR the purpose of establishing a priority inspection; establishing criteria for priority dwellings
4 and priority inspections; requiring the Commissioner of the Department of Housing and
5 Community Development to post certain notices; amending certain rental dwelling license
6 application requirements; amending certain prerequisites for new and renewed rental
7 dwelling licenses; amending license fees; updating inspection requirements; requiring the
8 posting of license numbers; updating causes for denial, suspension, or revocation of a license;
9 bolstering public access to information; authorizing the initiation of enforcement of the
10 subtitle by complaint; providing for certain data collection; establishing the Baltimore City
11 Rental Licensing and Inspection Task Force; providing for the composition, terms, and
12 organization of the Task Force, establishing the duties of the Task Force, adding a civil
13 citation fine for violating of licensing requirements; requiring annual reporting; amending
14 certain definitions; providing a time period when the Task Force shall first convene; and
15 providing for a special effective date.

16 By repealing, and re-ordaining, with amendments
17 Article 1 - Mayor, City Council, and Municipal Agencies
18 Section 41-14
19 Baltimore City Code
20 (Edition 2000)

21 By renumbering current
22 Article 13 - Housing and Urban Renewal
23 Current Sections 5-1(g) through (i), respectively, to be New Sections 5-1(i) through (k),
24 respectively
25 Baltimore City Code
26 (Edition 2000)

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

Council Bill 23-0357

1 BY adding

2 Article 13 - Housing and Urban Renewal
3 New Sections 5-1(g), 5-1(h), and 5-1(l)
4 Baltimore City Code
5 (Edition 2000)

6 BY repealing, and re-ordaining, without amendments

7 Article 13 - Housing and Urban Renewal
8 Sections 5-2, 5-13, 5-16, 5-17, 5-19, 5-20, 5-24, and 5-26
9 Baltimore City Code
10 (Edition 2000)

11 BY repealing, and re-ordaining, with amendments

12 Article 13 - Housing and Urban Renewal
13 Sections 5-4, 5-5 through 5-9, 5-11, 5-12, 5-15, 5-20, 5-22, and 5-25
14 Baltimore City Code
15 (Edition 2000)

16 BY adding

17 Article 13 - Housing and Urban Renewal
18 Sections 5-10, 5-14, and 5-27 through 5-33
19 Baltimore City Code
20 (Edition 2000)

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

23 **Baltimore City Code**

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

25 **Subtitle 5. Licensing of Rental Dwellings**

26 **§ 5-1. Definitions.**

27 (G) *PRIORITY DWELLING.*

28 “PRIORITY DWELLING” MEANS A RENTAL DWELLING:

29 (1) WITH 20 OR MORE DWELLING UNITS OR ROOMING UNITS; AND

30 (2) TO WHICH 2 OR MORE OF THE FOLLOWING CRITERIA APPLIED IN THE PRECEDING
31 CALENDAR YEAR:

32 (I) THE RENTAL DWELLING WAS ISSUED A NOTICE, ORDER, OR CITATION THAT
33 REMAINED UNABATED FOR MORE THAN 60 DAYS UNDER THE CITY
34 BUILDING, FIRE, AND RELATED CODES ARTICLE OR TITLE 12, SUBTITLE 8

Council Bill 23-0357

1 {"ELEVATOR SAFETY"} OF THE MARYLAND PUBLIC SAFETY ARTICLE,
2 PERTAINING TO:

- 3 (A) HEATING;
- 4 (B) VENTILATION;
- 5 (C) FIRE PROTECTION;
- 6 (D) PLUMBING;
- 7 (E) ROOF LEAKS;
- 8 (F) ELECTRICAL SYSTEMS;
- 9 (G) WATER SUPPLY;
- 10 (H) STRUCTURAL DEFICIENCIES;
- 11 (I) BED BUGS; OR
- 12 (J) RODENTS;

13 (II) THE RENTAL DWELLING WAS ISSUED NOTICES OR ORDERS THAT REMAINED
14 UNABATED FOR MORE THAN 30 DAYS RELATING TO:

- 15 (A) PEELING, CHIPPING, OR FLAKING LEAD PAINT; OR
- 16 (B) ELEVATORS;

17 (III) THE NUMBER OF RECORDED 311 CALLS RELATED TO HEALTH AND
18 HABITABILITY FOR THE RENTAL DWELLING DIVIDED BY THE TOTAL
19 NUMBER OF DWELLING AND ROOMING UNITS IN THE RENTAL DWELLING
20 EXCEEDED THE MINIMUM VALUE DISPLAYED IN THE TABLE BELOW;

TOTAL NUMBER OF UNITS	MINIMUM VALUE
20 - 50	0.75
51 - 150	0.5
151+	0.25

25 (IV) THE RENTAL DWELLING IS OPERATED UNDER A 1 YEAR
26 RENEWAL TERM AS PROVIDED FOR AND DETAILED IN §§ 5-9(C)(3) AND
27 5-9(D)(3) OF THIS SUBTITLE; AND

28 (V) THE RENTAL DWELLING'S U.S. DEPARTMENT OF HOUSING AND URBAN
29 DEVELOPMENT (HUD) REAL ESTATE ASSESSMENT CENTER (REAC)
30 INSPECTION SCORE FOR EITHER OF THE 2 MOST RECENT REAC INSPECTIONS
31 WAS LESS THAN OR EQUAL TO 79.

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1 (H) *PRIORITY INSPECTION.*

2 “PRIORITY INSPECTION” MEANS:

3 (1) THE PHYSICAL INSPECTION OF A PRIORITY DWELLING CONDUCTED BY A
4 MULTI-FAMILY DWELLING CERTIFIED SENIOR INSPECTOR EMPLOYED BY THE
5 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; AND

6 (2) THE SENIOR INSPECTOR’S WRITTEN EVALUATION OF THE RENTAL DWELLING’S
7 COMPLIANCE WITH THE CITY’S HEALTH AND SAFETY STANDARDS SPECIFIED IN THE
8 RULES AND REGULATIONS ADOPTED BY THE COMMISSIONER UNDER THIS SUBTITLE.

9 (I) [(g)] *Rental dwelling.*

10 “Rental dwelling” means:

11 (1) any multiple-family dwelling;

12 (2) any rooming house; and

13 (3) any non-owner-occupied dwelling unit in a 1- or 2-family dwelling that is leased
14 or rented or offered or available for lease or rental in exchange for any form of
15 consideration.

16 (J) [(h)] *Rooming house.*

17 “Rooming house” has the meaning stated in § 202.2 of the Property Maintenance Code of
18 Baltimore City.

19 (K) [(I)] *Rooming unit.*

20 “Rooming unit” has the meaning stated in § 202.2 of the Property Maintenance Code of
21 Baltimore City.

22 (L) *TASK FORCE.*

23 “TASK FORCE” MEANS THE BALTIMORE CITY RENTAL LICENSING AND INSPECTION TASK
24 FORCE.

25 **§ 5-2. Rules and regulations.**

26 Subject to Title 4 {“Administrative Procedure Act – Regulations”} of the City General
27 Provisions Article, the Commissioner must adopt rules and regulations to carry out this
28 subtitle.

29 **§ 5-3. {Reserved}**

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1 **§ 5-4. License required.**

2 (a) *In general.*

3 Except as provided in subsection (b) of this section, no person may:

4 (1) rent or offer to rent to another all or any part of any rental dwelling without a
5 currently effective license to do so from the Housing Commissioner; or

6 (2) charge, accept, retain, or seek to collect any rental payment or other compensation
7 for providing to another the occupancy of all or any part of any rental dwelling
8 unless the person was licensed under this subtitle at both the time of offering to
9 provide and the time of providing this occupancy.

10 (b) *Exception.*

11 A license is not required under this subtitle for any rental dwelling that is owned and
12 operated by the Housing Authority of Baltimore City.

13 (c) *NOTICE TO ALL OCCUPANTS.*

14 (1) WHEN THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT HAS NOTICE
15 OR ACTUAL KNOWLEDGE THAT A RENTAL DWELLING IS RENTED WITHOUT A
16 CURRENTLY EFFECTIVE LICENSE AS REQUIRED IN THIS SECTION, THE COMMISSIONER
17 SHALL PROMPTLY POST A NOTICE IN THE RENTAL DWELLING IN AN AREA ACCESSIBLE
18 TO ALL OCCUPANTS.

19 (2) THE NOTICE REQUIRED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

20 (I) A DESCRIPTION OF THE DUTIES AND OBLIGATIONS OF THE RECORD OWNER AND
21 MANAGING OPERATOR OF THE RENTAL DWELLING REGARDING COMPLIANCE
22 WITH THIS SUBTITLE;

23 (II) THE CIVIL CITATIONS AND CRIMINAL PENALTIES THAT MAY ARISE UNDER
24 §§ 5-25 AND 5-26 OF THIS SUBTITLE;

25 (III) A STATEMENT THAT EACH DAY THE VIOLATION CONTINUES IS A SEPARATE
26 OFFENSE; AND

27 (IV) ANY ADDITIONAL INFORMATION THE COMMISSIONER DEEMS NECESSARY TO
28 INCLUDE.

29 (3) THE NOTICE MUST REMAIN POSTED FOR AT LEAST 90 DAYS OR UNTIL THE BUILDING IS
30 LICENSED, WHICHEVER IS LONGER.

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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 RECORD owner of the premises; and
- (2) the managing operator of the premises, if other than the RECORD owner.

(c) *Application period for renewal.*

To renew a license issued under this subtitle, an application for renewal must be submitted to the Commissioner no more than 120 days before the license expires.

(D) *LICENSE APPLICATION – FORM AND CONTENTS.*

EACH APPLICATION FOR A NEW OR RENEWED LICENSE, MUST CONTAIN THE FOLLOWING INFORMATION:

- (1) A DESCRIPTION OF THE PREMISES BY STREET NUMBER AND BY BLOCK-AND-LOT NUMBERS;
- (2) THE NAME, STREET ADDRESS, TELEPHONE NUMBER, AND EMAIL ADDRESS OF THE RENTAL DWELLING’S RECORD OWNER; AND
- (3) THE NAME, STREET ADDRESS, TELEPHONE NUMBER, AND EMAIL ADDRESS OF THE RENTAL DWELLING’S MANAGING OPERATOR, IF OTHER THAN THE RECORD OWNER.

§ 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 as required by Subtitle 4 {“Registration of Non-Owner-Occupied Dwellings, Rooming Houses, and Vacant Structures”} of this article;
- (2) all registration fees for these units and all related interest and late fees required by Subtitle 4 have been paid;
- (3) the premises have passed an inspection, as required by § 5-7 {“Prerequisites ... – Inspection”} OR § 5-10 {“PRIORITY INSPECTIONS”} of this subtitle;
- (4) the premises are in compliance with all Federal, State, and City laws and regulations governing lead paint;

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1 (5) for premises that include a hotel or motel subject to City Code Article 15 {"Licensing
2 and Regulation"}, Subtitle 10 {"Hotels"}, the hotel or motel is in compliance with the
3 training, certification, and posting requirements of that subtitle; and

4 (6) the premises are not subject to any violation notice or order that:

5 (i) has been issued under the Baltimore City Building, Fire, and Related
6 Codes Article; and

7 (ii) notwithstanding the passage of more than 90 days since its issuance,
8 has not been abated before the license issuance or renewal.

9 **§ 5-7. Prerequisites for new or renewal license – Inspection.**

10 (a) *In general.*

11 The inspection required by § 5-6 {"Prerequisites ... – In general"} of this subtitle must
12 comply with either:

13 (1) subsection (b) {"Third-party home inspections"} of this section; [or]

14 (2) subsection (c) {"Governmental agency inspections"} of this section[.]; OR

15 (3) § 5-10 {"PRIORITY INSPECTIONS"} OF THIS SUBTITLE.

16 (b) *Third-party home inspections.*

17 (1) *Definitions.*

18 (i) *In general.*

19 In this subsection, the following terms have the meanings indicated.

20 (ii) *Home inspection.*

21 "Home inspection" means a home inspector's written evaluation of a rental
22 dwelling's compliance with the City's health and safety standards specified in the
23 Housing Commissioner's rules and regulations adopted under this subtitle.

24 (iii) *Home inspector.*

25 "Home inspector" means an individual:

26 (A) who is licensed as a home inspector under Title 16, Subtitle 3A of the
27 State Business Occupation and Professions Article; and

28 (B) who, as required by the rules and regulations adopted under this subtitle:

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1. has registered with the Housing Commissioner as generally available to inspect and certify rental dwellings under this subsection;
2. has, as specified by the rules and regulations adopted under this subtitle, submitted to the Commissioner a conflict-of-interest statement; and
3. 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 RECORD owner or operator of that rental dwelling; or
 - c. any owner, partner, director, officer, employee, or agent of the rental dwelling's RECORD 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 as follows:

(A) for a multiple-family dwelling, not more than 90 days before a completed application for a license or renewal license is submitted to the Housing Commissioner; 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.

(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 reports and certification.*

(i) After the home inspection, the home inspector must issue to the applicant:

(A) a written report of every inspection conducted under this section; and

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1 (B) if the rental dwelling meets the City’s health and safety standards
2 specified in the rules and regulations adopted under this subtitle,
3 a certificate of satisfactory compliance with those standards.

4 (ii) The reports and the certification must be:

5 (A) in the form required by the Commissioner; and

6 (B) signed by the home inspector, under oath and under the home inspector’s
7 seal.

8 (c) *Governmental agency inspections.*

9 (1) *Scope of subsection.*

10 This subsection applies to any rental dwelling unit that is required to undergo periodic
11 inspections conducted by a governmental agency in accordance with Federal or State
12 inspection standards.

13 (2) *Required evidence of compliance with most recent inspection.*

14 For a rental dwelling unit described in paragraph (1) of this subsection, the applicant
15 for a license or renewal license may, in lieu of the requirements of subsection (b)
16 {“Third-party home inspections”} of this section, submit evidence satisfactory to the
17 Housing Commissioner that the unit has passed [the most recent periodic] AN
18 inspection by the applicable governmental agency WITHIN THE PAST 6 MONTHS.

19 (d) *Commissioner to audit inspections.*

20 As prescribed by the rules and regulations adopted under this subtitle, the Housing
21 Commissioner must conduct an annual audit of inspections conducted under this section.

22 (e) *Commissioner’s inspection authority not affected.*

23 This section does not in any way prevent or limit the authority of the Housing
24 Commissioner to conduct routine, spot, quality-control, or other inspections of rental
25 dwellings under the City Building, Fire, and Related Codes Article.

26 (F) *INSPECTION REPORTS – DISTRIBUTION.*

27 INSPECTION REPORTS USED TO SATISFY § 5-6 {“PREREQUISITES . . . – IN GENERAL”} OF
28 THIS SUBTITLE MUST BE DISTRIBUTED TO EACH RESIDENT OF THE RENTAL DWELLING FOR
29 WHICH A PERSON IS APPLYING FOR A NEW OR RENEWED RENTAL LICENSE AT THE TIME THE
30 APPLICATION FOR A NEW OR RENEWED LICENSE IS SUBMITTED.

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§ 5-8. License fees.

(A) *IN GENERAL.*

[No] EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, NO fee is imposed for a rental dwelling license issued under this subtitle.

(B) *EXCEPTIONS.*

FOR ALL PRIORITY DWELLINGS A LICENSE FEE MUST BE PAID AT THE RATE OF \$100 PER DWELLING UNIT AND \$75 PER ROOMING UNIT.

(C) *WHEN PAYABLE.*

THE FEES ESTABLISHED BY SUBSECTION (B) MUST BE PAID EACH YEAR, AT THE TIME A RENTAL DWELLING IS DESIGNATED AS A PRIORITY DWELLING.

§ 5-9. Tiered license terms.

(a) *In general.*

Unless timely renewed, each rental dwelling license issued under this subtitle expires on the [1st, 2nd, or 3rd] anniversary of its issuance, as provided in this section.

(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) *1st renewal of initial license.*

Subject to compliance with § 5-6 {“Prerequisites for ... renewal license – In general”} of this subtitle, the 1st renewal of an initial 2-year license will be for a 3-, 2-, or 1-year renewal term:

(1) *3-Year RENEWAL Term:* The renewal license will be for a 3-year RENEWAL 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 RENEWAL Term:* The renewal license will be for a 2-year RENEWAL 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 RENEWAL Term:* The renewal license will be for a 1-year RENEWAL term if the rental dwelling does not qualify under this subsection for a 2- or 3-year renewal TERM.

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1 (d) *Subsequent renewals.*

2 Subject to compliance with § 5-6 {“Prerequisites for ... renewal license – In general”} of
3 this subtitle, all subsequent renewal terms will be based on the following risk factors:

4 (1) *3-Year RENEWAL Term:* The renewal license will be for a 3-year RENEWAL term if,
5 during the 36 months immediately preceding submission of a completed renewal
6 application, all violation notices or orders issued during those months under the
7 City Building, Fire, and Related Codes Article have been abated within 60 days of
8 their issuance.

9 (2) *2-Year RENEWAL Term:* The renewal license will be for a 2-year RENEWAL term if,
10 during the 24 months immediately preceding submission of a completed renewal
11 application, all violation notices or orders issued during those months under the
12 City Building, Fire, and Related Codes Article have been abated within 90 days of
13 their issuance.

14 (3) *1-Year RENEWAL Term:* The renewal license will be for a 1-year RENEWAL term if
15 the rental dwelling does not qualify under this subsection for a 2- or 3-year
16 renewal TERM.

17 (E) *1-YEAR RENEWAL TERM: ABATEMENT; FAILURE TO ABATE.*

18 (1) *ABATEMENT REQUIRED*

19 ANY ACTIVE VIOLATION OR NOTICE ISSUED DURING A 1-YEAR RENEWAL TERM MUST
20 BE ABATED BY THE DATE THE 1-YEAR RENEWAL LICENSE EXPIRES.

21 (2) *REPORT ABATEMENT.*

22 EACH VIOLATION NOTICE OR ORDER ABATED MUST BE REPORTED TO THE
23 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITH ACCOMPANYING
24 WRITTEN AND PHOTOGRAPHIC EVIDENCE THAT SATISFIES REQUIREMENTS AS MAY BE
25 ESTABLISHED BY THE DEPARTMENT.

26 (3) *FAILURE TO ABATE – LICENSE REVOCATION.*

27 IF ANY VIOLATION OR NOTICE REMAINS UNABATED AT THE TIME THE 1-YEAR RENEWAL
28 LICENSE EXPIRES THE RENTAL DWELLING IS NOT ELIGIBLE FOR ANY RENEWAL LICENSES
29 UNDER THIS SUBTITLE.

30 **§ 5-10. PRIORITY INSPECTIONS.**

31 (A) *IN GENERAL.*

32 A DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT MULTI-FAMILY DWELLING
33 CERTIFIED SENIOR INSPECTOR MUST CONDUCT PRIORITY INSPECTIONS OF AT LEAST 30
34 PRIORITY DWELLINGS EACH INSPECTION YEAR.

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1 (B) *DEFINITION - INSPECTION YEAR.*

2 IN THIS SUBSECTION, THE TERM “INSPECTION YEAR” MEANS THE CALENDAR YEAR.

3 (C) *IDENTIFICATION OF PRIORITY DWELLINGS.*

4 BASED ON DATA FROM THE PREVIOUS INSPECTION YEAR, THE DEPARTMENT OF HOUSING
5 AND COMMUNITY DEVELOPMENT SHALL IDENTIFY ALL PRIORITY DWELLINGS IN THE CITY
6 BY JANUARY 31ST OF EACH INSPECTION YEAR.

7 (D) *NOTIFICATION OF PRIORITY DWELLING STATUS.*

8 UPON IDENTIFYING A PRIORITY DWELLING, THE DEPARTMENT OF HOUSING AND
9 COMMUNITY DEVELOPMENT MUST NOTIFY THE RECORD OWNER AND, IF ONE EXISTS, THE
10 MANAGING OPERATOR, OF THE FOLLOWING:

11 (I) THE FACTORS THAT JUSTIFY THE RENTAL DWELLING’S IDENTIFICATION AS A
12 PRIORITY DWELLING;

13 (II) THE LICENSE FEE THAT MUST BE PAID BY A PRIORITY DWELLING IN ACCORDANCE
14 WITH § 5-8 OF THIS SUBTITLE;

15 (III) WHETHER THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT HAS
16 SELECTED THE PRIORITY DWELLING FOR INSPECTION; AND

17 (IV) IF THE PRIORITY DWELLING HAS BEEN SELECTED FOR INSPECTION:

18 (A) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT’S
19 OBLIGATION TO INSPECT THE PRIORITY DWELLING AT LEAST 2 TIMES
20 DURING THE CALENDAR YEAR;

21 (B) THE NUMBER OF DWELLING UNITS AND ROOMING UNITS THAT WILL BE
22 INSPECTED DURING EACH INSPECTION; AND

23 (C) THE CAUSES THAT MAY LEAD TO THE DENIAL, SUSPENSION, OR
24 REVOCATION OF A RENTAL DWELLING LICENSE.

25 (E) *NUMBER AND FREQUENCY OF INSPECTIONS.*

26 DURING EACH INSPECTION YEAR, AT LEAST 2 PRIORITY INSPECTIONS MUST BE
27 CONDUCTED:

28 (1) AT LEAST 4 MONTHS APART; AND

29 (2) BETWEEN THE MONTHS OF FEBRUARY AND NOVEMBER.

30 (F) *NUMBER OF UNITS TO BE INSPECTED.*

31 THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT MULTI-FAMILY
32 DWELLING CERTIFIED SENIOR INSPECTOR MUST INSPECT A CERTAIN PERCENTAGE OF THE

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1 TOTAL DWELLING AND ROOMING UNITS IN THE PRIORITY DWELLING, AS PROVIDED FOR IN
2 THE TABLE BELOW.

TOTAL NUMBER OF UNITS	PERCENTAGE OF TOTAL UNITS THAT MUST BE INSPECTED
20 - 50	50%
51 - 150	30%
151+	20%

8 (G) *NOTICE OF PRIORITY INSPECTION.*

9 (1) *IN GENERAL.*

10 THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT MUST NOTIFY THE
11 RECORD OWNER, THE MANAGING OPERATOR, IF ONE EXISTS, AND ALL TENANTS OF A
12 PRIORITY DWELLING OF A SCHEDULED PRIORITY INSPECTION NO FEWER THAN 30 DAYS
13 PRIOR TO THE DATE OF THE INSPECTION.

14 (2) *MANDATORY INFORMATION.*

15 THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION MUST INCLUDE:

- 16 (I) THE DATE AND TIME OF THE SCHEDULED INSPECTION;
- 17 (II) THE INSPECTION OFFICE'S EMAIL ADDRESS AND TELEPHONE NUMBER; AND
- 18 (III) INSTRUCTIONS ON HOW A RESIDENT MAY ANONYMOUSLY REQUEST THAT
19 THE DEPARTMENT INSPECT THE RESIDENT'S DWELLING UNIT AS PART OF
20 THE PRIORITY INSPECTION.

21 **§ 5-11. Posting license; LICENSE NUMBER.**

22 (A) *DWELLINGS.*

23 The license issued under this subtitle must be prominently [displayed] POSTED:

- 24 (1) for a multiple-family dwelling or rooming house, in the vestibule, lobby, or other
25 public place on the premises; and
- 26 (2) for a 1- or 2-family dwelling, in an area of each dwelling unit that is accessible to
27 that unit's occupants and to housing inspectors.

28 (B) *LEASE AGREEMENTS.*

29 A LICENSE ISSUED UNDER THIS SUBTITLE MUST BE PROVIDED TO:

- 30 (1) ANY PROSPECTIVE TENANT WHO REQUESTS AN APPLICATION; AND

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1 (2) ALL EXISTING OR FUTURE TENANTS AT THE TIME A RENTAL DWELLING LEASE
2 AGREEMENT OR RENEWAL LEASE AGREEMENT IS:

3 (I) OFFERED;

4 (II) EXECUTED; OR

5 (III) RENEWED.

6 (C) *ADVERTISING MATERIALS.*

7 (1) *IN GENERAL.*

8 ANY MATERIAL ADVERTISING A RENTAL DWELLING FOR RENT COVERED BY THIS
9 SUBTITLE MUST INCLUDE THE RENTAL LICENSE NUMBER FOR THE ADVERTISED
10 RENTAL DWELLING.

11 (2) *PROHIBITIONS.*

12 ANY MATERIAL ADVERTISING A RENTAL DWELLING FOR RENT THAT IS COVERED BY
13 THIS SUBTITLE MAY NOT INCLUDE A RENTAL LICENSE NUMBER THAT IS, PURSUANT
14 TO THIS SUBTITLE:

15 (I) EXPIRED;

16 (II) SUSPENDED; OR

17 (III) REVOKED.

18 **§ 5-12. Transfer of license.**

19 (a) *In general.*

20 Any person who assumes [the] RECORD ownership or THE operation of a licensed rental
21 dwelling must[,]:

22 (1) COMPLY WITH § 5-6 {"PREREQUISITES FOR . . . IN GENERAL"} OF THIS SUBTITLE;
23 AND

24 (2) within 15 days of assuming RECORD ownership or operation, apply to the Housing
25 Commissioner for transfer of the license.

26 (b) *Fee.*

27 The fee for a transfer is \$25.

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§ 5-13. Discontinuance of multiple-family or rooming-house operations.

Notwithstanding any discontinuance, in whole or in part, of a multiple-family dwelling's or a rooming house's operations, a license issued under this subtitle is still required unless the Housing Commissioner has issued a permit reflecting a change of use for the property.

§ 5-14. {Reserved}

§ 5-15. Denial, suspension, or revocation of license – In general.

(a) *“Nuisance property” defined.*

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] A RECORD owner or operator of a rental dwelling to allow the Commissioner to conduct a routine, spot, quality-control, PROACTIVE, or other inspection of the rental dwelling as authorized by THIS SUBTITLE OR 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;

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1 (7) FAILING TO ABATE ANY VIOLATION NOTICE, ORDER, OR CITATION ISSUED DURING A
2 PRIORITY INSPECTION WITHIN THE TIME REQUIRED;

3 (8) [(7)] failing to comply with any provision of this subtitle or of any rule or
4 regulation adopted under this subtitle; or

5 (9) [(8)] if the Housing Commissioner finds, or if the Fire Chief, Health
6 Commissioner, or Police Commissioner certify to the Housing
7 Commissioner, that:

8 (i) the RECORD owner, OPERATOR, or lessee of a rental dwelling has failed to
9 comply with any lawful notice, order, or citation to correct a violation that
10 affects the health, safety, morals, or general welfare of the occupants of the
11 property or of the general public; or

12 (ii) the RECORD owner, OPERATOR, or lessee of a rental dwelling, or any agent
13 of the RECORD owner, OPERATOR, or lessee:

14 (A) has allowed the premises to be used as a nuisance property; or

15 (B) knew or should have known that the premises were being used as
16 a nuisance property and failed to prevent them from being so
17 used.

18 **§ 5-16. Denial, suspension, or revocation of license – Notice and hearing.**

19 (a) *In general.*

20 No license may be denied, suspended, or revoked unless the Housing Commissioner first
21 gives the RECORD owner, the managing operator, and the lessees of any dwelling or
22 rooming unit to which the license applies:

23 (1) not less than 10 days notice in writing of the Commissioner's intent to deny,
24 suspend, or revoke the license; and

25 (2) an opportunity to be heard as to why the license should not be denied, suspended,
26 or revoked.
27

28 (b) *Exception.*

29 The Commissioner may deny, suspend, or revoke a license without prior notice and
30 opportunity to be heard if, in the opinion of the Commissioner or the Fire Chief, Health
31 Commissioner, or Police Commissioner, the health, safety, or welfare of the occupants or
32 of the general public are in imminent danger.

33 **§ 5-17. Vacating premises.**

34 The Commissioner may require a rental dwelling to be vacated within 24 hours if:

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

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

§ 5-18. {Reserved}

§ 5-19. 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 rental dwelling, nor any action or inaction of the governing body or management of a 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 RECORD 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. {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 NUMBER AND license status of any rental dwelling subject to this subtitle;
[and]

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1 (2) the following records relating to that rental dwelling:

2 (i) violation notices, orders, or citations issued by the Department OF HOUSING
3 AND COMMUNITY DEVELOPMENT under this article or the City Building, Fire,
4 and Related Codes Article;

5 (II) THE RENTAL DWELLING’S STATUS AS A PRIORITY DWELLING FOR AT LEAST THE
6 PAST 5 YEARS; AND

7 (III) [(ii)] notices of any denial, suspension, or revocation of the rental
8 dwelling’s license[.]; AND

9 (3) THE FOLLOWING INFORMATION:

10 (I) THE ADDRESS OF THE RENTAL DWELLING;

11 (II) THE NAME OF THE RECORD OWNER OF THE RENTAL DWELLING;

12 (III) THE NAME OF THE MANAGING OPERATOR OF THE RENTAL DWELLING;

13 (IV) PHONE NUMBERS FOR BOTH THE RECORD OWNER AND THE MANAGING
14 OPERATOR OF THE RENTAL DWELLING; AND

15 (V) EMAIL ADDRESSES FOR BOTH THE RECORD OWNER AND THE MANAGING
16 OPERATOR OF THE RENTAL DWELLING.

17 **§ 5-23. {Reserved}**

18 **§ 5-24. Judicial and appellate review.**

19 (a) *Judicial review.*

20 A person aggrieved by a decision of the Housing Commissioner under this subtitle may
21 seek judicial review of that decision by petition to the Circuit Court for Baltimore City in
22 accordance with the Maryland Rules of Procedure.

23 (b) *Stays.*

24 (1) The filing of a petition for judicial review does not stay the decision of the
25 Commissioner.

26 (2) However, on motion and after hearing, the Court may grant a stay as provided in the
27 Maryland Rules of Procedure.

28 (c) *Appellate review.*

29 A party to the judicial review may appeal the court’s final judgment to the Court of
30 Special Appeals in accordance with the Maryland Rules of Procedure.

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§ 5-25. 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"} OR A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

(B) *INITIATE BY COMPLAINT.*

(1) ANY PERSON ALLEGING A VIOLATION OF THIS SUBTITLE MAY MAKE, SIGN, AND FILE A COMPLAINT WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT IN WRITING AND UNDER OATH TO INITIATE AN ENFORCEMENT ACTION AS SET FORTH IN SUBSECTION (A) OF THIS SECTION.

(2) THE COMPLAINT SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL STATE THE PARTICULARS OF THE PERSON'S ALLEGATIONS AND CONTAIN SUCH OTHER INFORMATION AS MAY BE REQUIRED BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

(3) THE COMMISSIONER SHALL ENSURE THAT THE INVESTIGATION AND, IF APPROPRIATE, ANY ENFORCEMENT ACTION ARE BEGUN WITHIN 30 DAYS AFTER FILING A COMPLAINT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

(C) [(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.

(D) *SEPARATE OFFENSES.*

EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

§ 5-26. Penalties.

(a) *In general.*

Any person who violates 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 a fine of not more than \$1,000 for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

Council Bill 23-0357

§ 5-27. DATA COLLECTION.

(A) IN GENERAL.

THE COMMISSIONER, THE CITY'S CHIEF DATA OFFICER, AND ANY OTHER CITY EMPLOYEE WHO MAINTAINS DATA PERTAINING TO PRIORITY DWELLINGS OR PRIORITY INSPECTIONS MUST COLLABORATE TO DEVELOP A SYSTEM TO TRACK AND ANALYZE PRIORITY DWELLINGS AND PRIORITY INSPECTIONS.

(B) DISCRETION OF COMMISSIONER.

THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT MAY USE EXISTING RESOURCES TO TRACK AND ANALYZE PRIORITY DWELLINGS AT THE DISCRETION OF THE COMMISSIONER.

§ 5-28. RENTAL LICENSING AND INSPECTION TASK FORCE - ESTABLISHED.

THERE IS A BALTIMORE CITY RENTAL LICENSING AND INSPECTION TASK FORCE.

§ 5-29. RENTAL LICENSING AND INSPECTION TASK FORCE - COMPOSITION.

(A) IN GENERAL.

THE TASK FORCE COMPRISES 13 MEMBERS, 10 OF WHOM ARE APPOINTED BY THE MAYOR UNDER ARTICLE IV, § 6 OF THE CITY CHARTER, AND 3 OF WHOM ARE EX-OFFICIO MEMBERS.

(B) APPOINTED MEMBERS.

OF THE 10 MEMBERS APPOINTED BY THE MAYOR:

(1) 2 SHALL BE TENANTS LIVING WITHIN THE CITY WHO EITHER CURRENTLY OR IN THE PAST HAVE RESIDED IN A PRIORITY DWELLING;

(2) 1 SHALL BE A TENANT OF A RENTAL DWELLING WITHIN THE CITY OF AT LEAST 65 YEARS OF AGE AND WITH AN ANNUAL INCOME BELOW THE AREA MEDIAN INCOME FOR THE METROPOLITAN REGION THAT ENCOMPASSES BALTIMORE CITY, AS PUBLISHED AND ANNUALLY UPDATED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT;

(3) 1 SHALL BE A TENANT WITH A DISABILITY LIVING WITHIN THE CITY;

(4) 1 SHALL BE A LANDLORD WHO:

(I) HAS NEITHER:

(A) VIOLATED ANY PROVISION OF THIS SUBTITLE; NOR

(B) HAD ANY RENTAL DWELLINGS DESIGNATED AS A PRIORITY DWELLING;

Council Bill 23-0357

1 (II) OWNS A RENTAL DWELLING IN THE CITY WITH AT LEAST 20 DWELLING OR
2 ROOMING UNITS; AND

3 (III) MAINTAINS THE LANDLORD’S PRIMARY RESIDENCE IN THE CITY.

4 (5) I SHALL BE A REPRESENTATIVE FROM A CITY-BASED ORGANIZATION FOCUSING ON
5 EQUITY AND THE COLLECTION AND PRESENTATION OF DATA ON CITY
6 NEIGHBORHOODS; AND

7 (6) I SHALL BE A GRADUATE STUDENT IN THE FIELD OF PUBLIC HEALTH, SOCIAL WORK,
8 DATA ANALYSIS, OR A RELATED FIELD;

9 (7) I SHALL BE A REPRESENTATIVE OF A CITY-BASED ORGANIZATION WITH AN
10 EXPLICIT FOCUS ON TENANT ADVOCACY IN ITS ORGANIZATIONAL MISSION
11 STATEMENT;

12 (8) I SHALL BE A REPRESENTATIVE OF A CITY-BASED ORGANIZATION WITH AN
13 EXPLICIT FOCUS ON CIVIL RIGHTS FOR PEOPLE WITH DISABILITIES IN ITS
14 ORGANIZATIONAL MISSION STATEMENT; AND

15 (9) I SHALL BE A REPRESENTATIVE OF A MARYLAND-BASED ORGANIZATION WITH AN
16 EXPLICIT FOCUS ON AFFORDABLE RENTAL HOUSING IN ITS ORGANIZATIONAL
17 MISSION STATEMENT.

18 (C) *EX-OFFICIO MEMBERS.*

19 THE EX-OFFICIO MEMBERS OF THE TASK FORCE ARE:

20 (1) THE COMMISSIONER OF THE DEPARTMENT OF HOUSING AND COMMUNITY
21 DEVELOPMENT, OR THE COMMISSIONER’S DESIGNEE;

22 (2) THE COMMISSIONER OF THE BALTIMORE CITY HEALTH DEPARTMENT, OR THE
23 COMMISSIONER’S DESIGNEE; AND

24 (3) THE DIRECTOR OF THE BALTIMORE CITY OFFICE OF AGING, OR THE DIRECTOR’S
25 DESIGNEE.

26 **§ 5-30. RENTAL LICENSING AND INSPECTION TASK FORCE - TERMS, ORGANIZATION, ETC.**

27 (A) *TERMS.*

28 APPOINTED MEMBERS SERVE FOR A TERM OF 4 YEARS CONCURRENT WITH THE MAYOR’S
29 TERM OF OFFICE.

30 (B) *COMPENSATION.*

31 MEMBERS SERVE ON THE TASK FORCE WITHOUT COMPENSATION.

Council Bill 23-0357

1 (C) *VACANCIES.*

2 (1) AT THE END OF A TERM, AN APPOINTED MEMBER SERVES UNTIL A SUCCESSOR IS
3 APPOINTED AND QUALIFIES.

4 (2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES OUT THE REST OF
5 THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

6 (D) *TASK FORCE CHAIR.*

7 THE TASK FORCE SHALL ELECT A MEMBER TO SERVE AS THE TASK FORCE'S CHAIR.

8 (E) *MEETINGS; QUORUM.*

9 (1) THE TASK FORCE SHALL MEET ON THE CALL OF THE TASK FORCE CHAIR AS
10 FREQUENTLY AS REQUIRED TO PERFORM ITS DUTIES, BUT NOT LESS THAN 4 TIMES A
11 YEAR.

12 (2) A MAJORITY OF THE MEMBERS OF THE TASK FORCE CONSTITUTES A QUORUM FOR THE
13 TRANSACTION OF BUSINESS.

14 (3) AN AFFIRMATIVE VOTE BY THE MAJORITY OF A QUORUM IS SUFFICIENT FOR ANY
15 OFFICIAL ACTION.

16 **§ 5-31. RENTAL LICENSING AND INSPECTION TASK FORCE - STAFF.**

17 THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL PROVIDE ADEQUATE
18 STAFF FOR THE TASK FORCE TO CARRY OUT ITS DUTIES.

19 **§ 5-32. RENTAL LICENSING AND INSPECTION TASK FORCE - DUTIES.**

20 THE TASK FORCE SHALL:

21 (1) ENSURE THE TIMELY RELEASE OF THE ANNUAL PRIORITY DWELLING LIST BY THE
22 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT;

23 (2) REVIEW THE ANNUAL PRIORITY DWELLING LIST AND ALL DATA USED BY THE
24 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT TO IDENTIFY PRIORITY
25 DWELLINGS FOR COMPLETENESS AND ACCURACY;

26 (3) REVIEW PUBLICLY AVAILABLE INFORMATION AND THE ANNUAL REPORT MADE
27 AVAILABLE UNDER THIS SUBTITLE FOR COMPLETENESS AND ACCURACY;

28 (4) ESTABLISH METRICS, IN COLLABORATION WITH THE DEPARTMENT OF HOUSING AND
29 COMMUNITY DEVELOPMENT, TO EVALUATE AND ASSESS THE IMPROVEMENT OF
30 RENTAL PROPERTY CONDITIONS AND ANY REDUCTION IN UNLICENSED RENTAL
31 DWELLINGS IN THE CITY;

32 (5) ENSURE THAT A MINIMUM OF 30 PRIORITY DWELLINGS ARE EACH INSPECTED AT LEAST
33 2 TIMES PER INSPECTION YEAR;

Council Bill 23-0357

1 (6) ENSURE THAT INSPECTIONS OF RENTAL DWELLINGS PERFORMED BY DEPARTMENT OF
2 HOUSING AND COMMUNITY DEVELOPMENT EMPLOYEES ARE CONDUCTED AND THAT
3 APPROPRIATE ENFORCEMENT ACTIONS ARE TAKEN IF ANY DEFICIENCIES ARE
4 DISCOVERED DURING THE COURSE OF AN INSPECTION;

5 (7) CREATE AN ANNUAL REPORT ON THE PROGRESS OF THE PRIORITY DWELLING
6 INSPECTION PROCESS FOR REVIEW DURING THE DEPARTMENT OF HOUSING AND
7 COMMUNITY DEVELOPMENT'S ANNUAL FISCAL BUDGET HEARING WITH EITHER THE
8 CITY COUNCIL OR ONE OF ITS COMMITTEES;

9 (8) ADVISE AND ASSIST THE MAYOR AND CITY COUNCIL IN PROVIDING OVERSIGHT AND
10 ACCOUNTABILITY IN IMPLEMENTING THE REQUIREMENTS OF THIS SUBTITLE; AND

11 (9) PERFORM ANY OTHER DUTIES AS REQUIRED BY THE MAYOR.

12 **§ 5-33. ANNUAL REPORT.**

13 (A) *IN GENERAL.*

14 NOT LATER THAN MAY 1 OF EACH YEAR, THE DEPARTMENT OF HOUSING AND
15 COMMUNITY DEVELOPMENT MUST SUBMIT AN ANNUAL REPORT FOR THE PREVIOUS
16 CALENDAR YEAR TO THE MAYOR, THE CITY COUNCIL, AND THE TASK FORCE DETAILING:

17 (1) THE NUMBER OF PRIORITY DWELLINGS;

18
19 (2) THE NUMBER OF PRIORITY DWELLINGS FOR WHICH THE DEPARTMENT OF HOUSING
20 AND COMMUNITY DEVELOPMENT CONDUCTED 2 PRIORITY INSPECTIONS;

21 (3) THE NUMBER OF PRIORITY DWELLINGS WHERE AT LEAST 1 VIOLATION NOTICE WAS
22 ISSUED DURING A PRIORITY INSPECTION THAT WAS NOT ABATED WITHIN THE
23 ALLOWABLE TIME;

24 (4) THE NUMBER OF PRIORITY DWELLINGS WHERE AT LEAST 1 CITATION WAS ISSUED
25 DURING A PRIORITY INSPECTION;

26 (5) THE NUMBER OF 1-YEAR RENTAL LICENSES ISSUED;

27 (6) THE NUMBER OF RENTAL LICENSES REVOKED UNDER § 5-15(B)(6) OF THIS
28 SUBTITLE;

29 (7) THE NUMBER OF RENTAL LICENSES REVOKED UNDER § 5-15(B)(7) OF THIS
30 SUBTITLE;

31 (8) THE TOTAL NUMBER OF RENTAL LICENSES REVOKED;

32 (9) THE TOTAL NUMBER OF COMPLAINTS INITIATED UNDER § 5-25(B) OF THIS
33 SUBTITLE;

34 (10) THE TOTAL NUMBER OF COMPLAINTS INITIATED UNDER § 5-25(B) OF THIS
35 SUBTITLE THAT RESULTED IN AN ENFORCEMENT ACTION; AND

Council Bill 23-0357

1 (11) ANY OTHER INFORMATION REQUESTED BY THE MAYOR OR BY A RESOLUTION OF
2 THE CITY COUNCIL.

3 (B) *INCLUSIONS - ALL LICENSED RENTAL DWELLINGS.*

4 (1) *TOTALS.*

5 THE ANNUAL REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION MUST
6 INCLUDE A MATRIX IDENTIFYING THE FOLLOWING IN AGGREGATE FOR ALL
7 LICENSED RENTAL DWELLINGS:

8 (I) THE TOTAL NUMBER OF 3-1-1 COMPLAINTS;

9 (II) THE TOTAL NUMBER OF NOTICES ISSUED BY THE DEPARTMENT OF HOUSING
10 AND COMMUNITY DEVELOPMENT;

11 (III) THE TOTAL NUMBER OF NOTICES ABATED WITHIN THE ALLOWABLE TIME
12 PERIOD;

13 (IV) THE NUMBER OF NOTICES FOR WHICH THE DEPARTMENT OF HOUSING AND
14 COMMUNITY DEVELOPMENT PURSUED LEGAL ACTION; AND

15 (V) THE TOTAL NUMBER OF CITATIONS ISSUED.

16 (2) *SPECIFIC CATEGORIES.*

17 THE ANNUAL REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION MUST
18 INCLUDE A MATRIX IDENTIFYING THE DATA REQUIRED UNDER SUBSECTION (B)(1)
19 OF THIS SECTION FOR ALL LICENSED RENTAL DWELLINGS IN AGGREGATE, FOR EACH
20 OF THE FOLLOWING CATEGORIES:

21 (I) HEATING;

22 (II) VENTILATION;

23 (III) PLUMBING;

24 (IV) ROOF LEAKS;

25 (V) RODENTS;

26 (VI) LEAD PAINT;

27 (VII) FIRE PROTECTION;

28 (VIII) ELECTRICAL SYSTEMS;

29 (IX) WATER SUPPLY;

30 (X) STRUCTURAL DEFICIENCIES;

Council Bill 23-0357

1 (XI) BED BUGS; AND

2 (XII) ELEVATORS.

3 (C) *INCLUSIONS - PRIORITY DWELLINGS.*

4 (1) *TOTALS.*

5 THE ANNUAL REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION MUST
6 INCLUDE A MATRIX IDENTIFYING THE FOLLOWING FOR ALL PRIORITY DWELLINGS:

7 (I) THE TOTAL NUMBER OF 3-1-1 COMPLAINTS;

8 (II) THE TOTAL NUMBER OF NOTICES ISSUED BY THE DEPARTMENT OF HOUSING
9 AND COMMUNITY DEVELOPMENT;

10 (III) THE TOTAL NUMBER OF NOTICES ABATED WITHIN THE ALLOWABLE TIME
11 PERIOD; AND

12 (IV) THE NUMBER OF NOTICES FOR WHICH THE DEPARTMENT OF HOUSING AND
13 COMMUNITY DEVELOPMENT PURSUED LEGAL ACTION; AND

14 (V) THE TOTAL NUMBER OF CITATIONS ISSUED.

15 (2) *SPECIFIC CATEGORIES.*

16 THE ANNUAL REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION MUST,
17 FOR ALL PRIORITY DWELLINGS, INCLUDE A MATRIX IDENTIFYING THE DATA
18 REQUIRED UNDER SUBSECTION (B)(1) OF THIS SECTION FOR EACH OF THE
19 FOLLOWING CATEGORIES:

20 (I) HEATING;

21 (II) VENTILATION;

22 (III) PLUMBING;

23 (IV) ROOF LEAKS;

24 (V) RODENTS;

25 (VI) LEAD PAINT;

26 (VII) FIRE PROTECTION;

27 (VIII) ELECTRICAL SYSTEMS;

28 (IX) WATER SUPPLY;

29 (X) STRUCTURAL DEFICIENCIES;

Council Bill 23-0357

(XI) BED BUGS; AND

(XII) ELEVATORS.

Article 1. Mayor, City council, and Municipal Agencies

Subtitle 41. Civil Citations

§ 41-14. Offenses to which subtitle applies - Listing.

(1) [(25)] *Article 1. Mayor, City Council, and Municipal Agencies*

...

(2) [(5)] *Article 2. Consumer Protections*

...

(3) [(5a)] *Article 5. Finance, Property, and Procurement*

...

(4) [(5b)] *Article 7. Natural Resources*

...

(5) *ARTICLE 13. HOUSING AND URBAN RENEWAL*

§ 5-4. LICENSE REQUIRED

\$1,000

(6) [(1)] *Article 15. Licensing and Regulation*

...

(7) [(2)] *Article 19. Police Ordinances*

...

(8) [(3)] *Article 24. Water*

...

(9) [(3a)] *Article 26. Surveys, Streets, and Highways*

...

(10) [(4)] *Article 31. Transit and Traffic*

...

(11) [(4a)] *Article 32. Zoning*

...

(12) [(5)] *Building, Fire, and Related Codes Article –
Fire Code*

...

Council Bill 23-0357

1 (13) [(5a)] *Building, Fire, and Related Codes Article –*
2 *Property Maintenance Code*
3 . . .

4 (14) [(6)] *Health Code*
5 . . .

6 **SECTION 3. AND BE IT FURTHER ORDAINED**, That the Baltimore City Rental Licensing and
7 Inspection Task Force shall first convene on or after January 1, 2025, but no later than June 30,
8 2025.

9 **SECTION 2. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on
10 January 1, 2024.

Economic and Community Development Committee

23-0357

Strengthening Renter's Safety Act

Agency Reports

CITY OF BALTIMORE

BRANDON M. SCOTT,
Mayor



DEPARTMENT OF LAW
EBONY M. THOMPSON,
ACTING CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

March 2, 2023

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 23-0357 – Strengthening Renter’s Safety Act

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 23-0357 for form and legal sufficiency. The bill would amend several sections of the City Code in Article 1 and 13 concerning residential rental properties. The bill defines “Priority Dwellings” as those with more than 20 dwelling units that have unabated code violations, excessive 311 calls and other characteristics. The bill requires Priority Dwellings to be inspected by a senior inspector of the Department of Housing and Community Development (“HCD”) at certain intervals in a certain manner. It also allows the public to alert HCD to a building that may be in violation of applicable requirements and provides a timeframe for HCD’s investigation of that complaint.

The bill tasks HCD with posting information about rental licensing in unlicensed buildings, requires building owners to provide certain information when seeking a license, and requires that tenants receive a copy of the building license when applying to rent, and a building inspection report when the building applies for a rental license or renews one. License renewals would be more frequent and cost more for problem buildings requiring enhanced inspection. The bill requires that advertising of rental properties contain a current rental license number.

The bill also requires the collection of certain statistics about residential rentals and tasks HCD with publishing that information and generating an annual report. Finally, the bill also creates a Rental Licensing and Inspection Task Force that provides advice on HCD’s inspection and licensing tasks, reviews data and makes recommendations.

The General Assembly has given the Mayor and City Council broad powers by the to legislate concerning the use and operation of buildings, to authorize a government official to enter property in furtherance of government duties, to license and regulate businesses, and to exercise the police and general welfare powers. City Charter, Art. II, §§ (1), (5) (17), (27). This bill is consistent with these powers. The Law Department approves the bill for form and legal sufficiency.

Very truly yours,



Hilary Ruley
Chief Solicitor

cc: Ebony Thompson, Acting City Solicitor
Nina Themelis, Mayor's Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Jeff Hochstetler, Chief Solicitor
Ashlea Brown, Chief Solicitor
D'ereka Bolden, Assistant Solicitor
Michelle Toth, Assistant Solicitor
Teresa Cummings, Assistant Solicitor

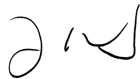
Robin Carter
Chairperson, Board of Commissioners

Janet Abrahams
President | Chief Executive Officer



Memorandum

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

From: Janet Abrahams, Chief Executive Officer 

Date: July 11, 2023

Subject: City Council Bill 23-0357 – Strengthening Renters Safety Act

The Housing Authority of Baltimore City (HABC) has received the referral for comment on City Council Bill 23-0357, a bill that establishes a priority inspection; criteria for priority dwellings and priority inspections; requiring the Commissioner of the Department of Housing and Community Development to post certain notices; amending certain rental dwelling license application requirements; amending certain prerequisites for new and renewed rental dwelling licenses; amending license fees; updating inspection requirements; requiring the posting of license numbers; updating causes for denial, suspension, or revocation of a license; bolstering public access to information; authorizing the initiation of enforcement of the subtitle by complaint; providing for certain data collection; establishing the Baltimore City Rental Licensing and Inspection Task Force; providing for the composition, terms, and organization of the Task Force, establishing the duties of the Task Force, adding a civil citation fine for violating of licensing requirements; requiring annual reporting; amending certain definitions; providing a time period when the Task Force shall first convene; and providing for a special effective date.

HABC is Baltimore’s largest provider of affordable housing opportunities and rental assistance, serving over 19,000 low-income households through our Public Housing and Housing Choice Voucher programs. HABC recognizes the importance of providing affordable homes that are safe sanitary, and in good repair.

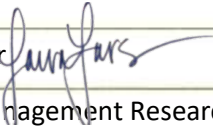

In general HABC agrees with the intent of the proposed relief of the bill. However, we request amendments for the following:

There is concern about multi-family units in which Housing Choice Voucher Program (HCVP) participants reside and the impact this would have on them if the building had its license revoked. As a remedy, HABC recommends adding a provision that requires DHCD to inform HABC when it has “actual knowledge” of lack of license so that we can work with the landlord to make the necessary repairs or relocate any households residing in the property that receive assistance through HCVP.

Amend Section 5-1 of the bill to exempt HABC-owned properties from the definition of priority dwelling in reference to dwellings have a U.S. Department of Housing and Urban Development (HUD) Real Estate Assessment Center (REAC) inspection score equal to or less than 79. Amend Section 5-10 of the bill to exempt HABC-owned properties from being subject to priority inspections, as these properties already undergo regular inspections and is required to repair any defects that threaten life, safety or health as regulated by HUD. These amendments are consistent with the license requirements of Section 5-4 of the bill which states that a license is not required for any rental dwelling owned and operated by HABC.

Housing Authority of Baltimore City | 417 East Fayette Street, Baltimore, MD 21202

 410.396.3232  www.HABC.org    @BmoreHabc 

FROM	NAME & TITLE	Laura Larsen, Budget Director 	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 469, City Hall		
	SUBJECT	City Council Bill 23-0357 – Strengthening Renters’ Safety Act		

DATE:

TO

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

November 27, 2023

Position: Defer to DHCD

The Department of Finance is herein reporting on City Council Bill 23-0357 – Strengthening Renters’ Safety Act, the purpose of which is to establish criteria for priority dwellings and priority inspections of multi-family rental dwellings based on the number of units and the number of 311 complaints registered against a particular property.

Background

Council Bill 23-0357, the Strengthening Renters’ Safety Act, would define priority dwellings and develop a new inspection process for these dwellings. The legislation also seeks to update licensing fees and create the Baltimore City Rental Licensing and Inspection Task Force.

On August 1st, 2018, City Council Bill 18-0185, Non-Owner-Occupied Dwelling Units, Rooming Houses, and Vacant Structures – Rental Dwellings – Registration and Licensing, went into effect. In addition to inspections for multi-family dwellings, this legislation added licensing requirements for non-owner-occupied 1- and 2-family dwellings.

As part of the 2023 Maryland General Assembly session this year, the legislature passed HB0036, Real Property- Actions to Repossess- Proof of Licensure, that would require landlords to submit evidence of compliance with local rental property licensure requirements when filing a written complaint to repossess the property from the tenants. This bill, approved by Governor Moore in May, will go into effect on October 1, 2023, and will be another step to ensuring that landlords comply with local licensing laws.

Another bill introduced in the 2023 General Assembly, HB0691, Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act), would have further established requirements that a dwelling for rent is deemed fit for human habitation, adding the existence of mold as a serious and substantial threat to the health of the occupants. It would also have established court-held escrow accounts for any tenants who file a request against a landlord for mold-related issues in a leased dwelling. The bill did not make it out of committee during this year’s session.

Fiscal Impact

The Department of Finance anticipates the cost of implementing the proposed legislation is approximately \$975,000 annually. The Department of Housing and Community Development (HCD) anticipates needing 11 new positions to provide adequate staffing to support this legislation. This includes a team of 5 Housing Inspectors (a Senior Housing Inspector and 4 Housing Inspectors) to oversee and implement the inspection

process. Three office support positions would be needed to assist with the administrative tasks including coordination and scheduling, along with a Data Analyst to comply with the requirements of this proposal. Additionally, two Ombudsman positions would support with investigations and community outreach efforts to support impacted tenants. The total annual cost of these positions is \$924,401 (based on Fiscal 2024 salary and benefit costs). Supply and material costs for these positions will be approximately \$50,000 annually. HCD also anticipates costs may increase based on software enhancements needed for the City’s permitting system to accommodate the legislation change.

Classification	Staffing Costs
(1) Housing Inspector Senior	\$ 82,953
(4) Housing Inspectors	\$ 310,882
(1) Office Support Specialist III	\$ 62,845
(2) Secretary II	\$ 125,690
(2) Ombudsman	\$ 203,162
(1) Data Analyst	\$ 138,869
Total Staffing Costs	\$ 924,401
Total Material and Supply Costs	\$ 50,000
Total Estimated Cost	\$ 974,401

The Department of Finance estimates the new licensing fees from the program could generate between \$2.0 million to \$4.1 million annually. Based on these revenue estimates, the potential net impact of the legislation ranges from approximately \$1.0 million to \$3.1 million in new revenue.

Other Considerations

This legislation proposes utilizing 311 calls as a criterion for defining a priority dwelling. As proposed, a formula would be derived taking the number of recorded 311 calls related to the health and the habitability for the rental unit dwelling and dividing that by the total number of dwelling and rooming units in the rental dwelling. If that number exceeds the minimum value in the table below, the rental dwelling could be considered a priority dwelling.

Total Number of Units	Minimum Value	Number of Calls Required
20 - 50	0.75	15-37.5 calls
51 - 150	0.5	25.5 - 75 calls
151+	0.25	37.75 calls+

Based on the proposed formula, a rental dwelling with 50 units would require at least 37.5 calls to 311, while a rental dwelling with one additional unit (51) would only require 25.5 calls to 311 to be considered a priority dwelling. Likewise, a rental dwelling with 150 units would require 75 calls to 311, while a rental

dwelling with one additional unit (151) would only require 37.75 calls to 311. Because the minimum value shifts depending on the number of units, this could lead to an unintended and inequitable outcome for Baltimore City residents depending on the number of units within a rental dwelling.

Conclusion

The Department of Finance ultimately understands the intent of the legislation. While the costs related to this legislation could be recovered through additional licensing fees, it is likely those fees could be passed on to tenants. DHCD has identified numerous concerns with the legislation which would be problematic or cause duplicative work.

For the reasons stated above, the Department of Finance defers to DHCD on City Council Bill 23-0357.

cc: Michael Moiseyev
Nina Themelis



MEMORANDUM

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

From: Alice Kennedy, Housing Commissioner

Date: March 26, 2024

Re: City Council Bill 23-0357 - Strengthening Renters' Safety Act

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 23-0357 for the purpose of establishing a priority inspection; establishing criteria for priority dwellings and priority inspections; requiring the Commissioner of the Department of Housing and Community Development to post certain notices; amending certain rental dwelling license application requirements; amending certain prerequisites for new and renewed rental dwelling licenses; amending license fees; updating inspection requirements; requiring the posting of license numbers; updating causes for denial, suspension, or revocation of a license; bolstering public access to information; authorizing the initiation of enforcement of the subtitle by complaint; providing for certain data collection; establishing the Baltimore City Rental Licensing and Inspection Task Force; providing for the composition, terms, and organization of the Task Force, establishing the duties of the Task Force, adding a civil citation fine for violating of licensing requirements; requiring annual reporting; amending certain definitions; providing a time period when the Task Force shall first convene; and providing for a special effective date.

Background

DHCD is committed to enforcing the appropriate inspection, licensing and registration requirements for all applicable rental properties in order to promote the health and safety of every tenant throughout the City of Baltimore. DHCD does not presently give priority treatment to a specific subset of multi-family dwellings. Responses related to unsatisfactory living conditions are driven by the frequency and nature of complaints received through the 311 system. Code Enforcement conducts over 200,000 Property Maintenance Code Enforcement inspections annually and responds to over 60,000 Code Enforcement Service Requests. In FY23 92% of those SRs were completed on time and the majority of complaints were responded to in under 4 days. Inspectors' issue notices and citations, as appropriate, to property owners to address any health and safety issues and conduct re-inspections of open notices to determine if the issues were abated.

These requests can be made anonymously at any time through the 311 system. Additionally, resources are available for renters from a number of organizations that provide free legal advice, and, in some cases, representation to renters facing eviction and other landlord-tenant issues including but not limited to unlicensed landlords and landlords refusing to fix major problems with the unit.

All residential rental units in Baltimore City are already required to be registered, inspected, and licensed at specific intervals to ensure that they meet basic safety and maintenance requirements. Home inspections to meet licensing requirements are not conducted by City Inspectors, they are selected by the property owner, and they set their own market-rate fees for these inspections. Because of the high number of rental properties in the City of Baltimore the use of third-party inspectors is an essential part of DHCD's licensing and registration program. Presently all initial licenses are issued for a two-year period. When it is time for renewal, registrants may be able to obtain a three-year license or be limited to a two- or one-year license based on the maintenance record and violation history.

DHCD Analysis

City Council Bill 23-0357 is intended to target large scale multi-family dwelling properties perceived to be the “worst offenders” by targeting “Priority Dwellings” for additional City-led inspection and enforcement actions. The intent of the legislation is to hold property owners accountable for timely repairs by increasing the number of inspections and possibly denying, suspending, or revoking a license for failure to abate open notices or citations at the time of relicensure.

This bill would require DHCD “Multi Family Dwelling Certified Senior Inspectors” to conduct priority inspections of at least 30 priority dwellings 2 times each inspection year. The number of inspections would depend on the number of units in each priority dwelling and would require at least 11 additional staff. Based on initial analysis, there are roughly 453 properties that could qualify as priority dwellings, if DHCD were required to conduct priority inspections of at least 30 priority dwellings, as required by this Bill, the agency would need at least 1 dedicated fulltime Senior Housing Inspector and 4 fulltime Housing Inspectors to do 810 inspections, 1 Office Support Specialist III, 2 Secretary Support Staff II to coordinate inspections and 1 Data Analyst to determine which properties to inspect and to track the program. DHCD would also require 2 additional Emergency Operations Ombudsman in our Code Enforcement Division to serve in a coordinating and mediating role between landlords and tenants and assist with relocation should a building become uninhabitable.

The Department of Finance anticipates total annual cost of these positions to be \$924,401 (based on Fiscal 2024 salary and benefit costs) with supplies and materials adding \$50,000 annually, for a total figure of approximately \$975,000. We also anticipate that costs may increase based on software enhancements needed for the City's permitting system to accommodate the legislation change. This Bill would be difficult to operationalize and DHCD does not presently have the staff capacity to perform these inspections in addition to their current Housing & Code enforcement duties.

This Bill is problematic for a number of reasons

1. The Bill requires the Commissioner of DHCD to post a notice in an accessible area to all occupants when the rental dwelling is rented without a currently effective license.

This information is already publicly available through DHCD's website. The additional printing, posting and enforcement costs would add additional operational and fiscal burden on DHCD Inspector's. It would be difficult to ensure that the notice was posted for 90 consecutive days or until the building was licensed, as required by the bill and would require additional random follow up inspections.

2. The Bill would codify the license application form and contents.

This is unnecessary and redundant, DHCD already has the appropriate forms and requires the information suggested by the Bill and more. That information is publicly available.

3. The Bill requires the distribution of inspection reports by building owners to each resident of the residential dwelling for which a person is applying for a new or renewed rental license at the time the application is submitted.

This provision is unenforceable by DHCD. The Bill requires landlords to provide notices to current and perspective tenants, weather that notice occurs would be up to the landlord or tenant to prove or disprove, we would have no way of knowing if this took place.

4. The Bill adds a requirement for a licensing fee for priority dwellings at the rate of \$100 per "dwelling" units and \$75 per "rooming" unit.

These costs may have a substantial impact on those operating qualifying priority dwellings, this cost may be passed on to tenants. We do not presently have the IT infrastructure required to put such a system in place. The additional fees will require the software currently in place to be upgraded, it is not currently programmed for different fees. We would either need to get the company to change their program, which may not be possible, or put such a system in place.

5. The Bill retains the tiered licensing system currently in place for some multi-family units and creates a 1-year renewal term for those priority properties that fail to abate an open notice.

DHCD already requires open notices and citations to be abated at the time of initial or re-licensure.

6. *Section 5-10* of the Bill “Priority Inspections” establishes a complicated and convoluted system in which DHCD must annually identify all priority dwellings, notify the owners of record of why they have been identified for priority dwelling status, notify the owners of the license fee that must be paid, and DHCD’s obligation to inspect at least two times per year and the number and frequency of inspections.

This will create a tremendous administrative burden on the agency to operationalize.

7. The Bill requires DHCD to provide notice to all tenants of a priority dwelling of a scheduled priority inspection no fewer than 30 days prior to the date of inspection.

It would be extremely complicated to coordinate with not only the owners of the properties but the tenants that reside within to gain interior access to units that were both anonymously identified and randomly selected for inspection. This requirement may inconvenience tenants who may need to take off of work or make other arrangements to have their unit inspected.

8. The Bill provides for public access to information that is already publicly available through DHCD’s website.

You can look up registration, license number and status here.
https://cels.baltimorehousing.org/reg/Reg_MFD_Search.aspx

9. The Bill also creates a Rental Licensing and Inspection Task Force that provides advice on HCD’s inspection and licensing tasks, reviews data and makes recommendations.

This is unnecessary, time consuming and redundant. DHCD completes most inspections in under 4 days. A Task Force would create more bureaucracy for a system that is already working in most cases. Presently, properties identified by community members, elected officials or the administration can receive increased inspections at any time provided the request is communicated to DHCD through the 311 system or direct outreach to DHCD staff.

10. The Bill provides a mechanism for anonymously reporting issues.

This system is already in place through the 311 system. However, if you are requesting an interior inspection you will need to provide your contact information so the time/place and access can be arranged for the inspector.

11. The Bill provides for license revocation for priority dwellings that fail to abate open violation notices.

This is contradictory to the goals of the registration and licensing program which seeks to enforce the requirements equally to promote the health and safety of all our communities throughout the City of Baltimore. Revocation of a building's license could lead to housing insecurity for building tenants.

Conclusion

This Bill is problematic for several reasons, it is overly complicated and redundant to the work that DHCD already does, it would add a tremendous fiscal and operational burden on the agency and does not address the problem it is seeking to address which is keeping renters safe.

DHCD has found that it is not typically the larger multi-family buildings that fail to address safety and sanitary issues in a timely manner. These buildings often have on-site or on-call maintenance staff and more resources to fix larger problems when they arise. It is generally the “mom and pop” landlords of smaller multi-family units that are the worst offenders. Sometimes due to being new to property management, sometimes due to not having the resources to make the necessary repairs, sometimes due to ignorance of the situation at hand or sometimes due to willful neglect.

Our goal is to work with all property owners of multi-family dwellings to make sure that their properties are in compliance and meet health and human safety needs while providing equal protections for tenants across the City of Baltimore. Our inspectors are always looking for life, health, and safety items to insure a property is up to code and safe for the occupants and neighboring residents. We look forward to continuing the conversation with the sponsor as to how to best address the intent of the bill.

We respectfully request an **unfavorable** report on Council Bill 23-0357.

AK/sm

cc: Ms. Nina Themelis, Mayor's Office of Government Relations

Ms. Natawna Austin, Executive Secretary of the City Council

The Honorable President and Members of the Baltimore City Council
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 23-0357 – Strengthening Renters’ Safety Act

SUMMARY

City Council Bill 23-0357 – Strengthening Renters’ Safety Act seeks to improve the living conditions and the safety of Baltimore renters through the implementation of a criteria for priority dwellings and inspections, updates to regulations pertaining to new rental dwelling license applications and renewals, and the establishment of the Rental Licensing and Inspection Task Force.

The Mayor’s Office of Homeless Services (MOHS) has reviewed Council Bill 23-0357 and determined that persons at risk of or experiencing homelessness can benefit from the proposed legislation. The Bill prohibits individuals from renting or offering to rent any part of a rental dwelling without a valid license provided by the Department of Housing and Community Development (DHCD) Housing Commissioner. The Bill also prohibits any individuals from charging or collecting rent for a rental dwelling without being licensed at the time of the offer and when occupancy was provided. Once notified of individuals in violation of these requirements, DHCD will intervene and notify occupants by detailing the responsibilities of the owners and penalties associated with noncompliance.

Upon review, MOHS has determined we support the proposed regulations, however, we acknowledge that it presents both benefits and challenges for people at risk of or experiencing homelessness.

Those in crisis can be susceptible to housing and financial scams that can exacerbate strained situations specifically in preventing homelessness, but the licensing requirements outlined in this Bill would decrease the threat of a scam and protect those individuals. The challenge that these regulations present pertain to the City’s limited housing inventory, and potentially placing residents currently occupying unlicensed rental dwellings in jeopardy of losing their housing once property owners become licensed. Fees and other costs associated with obtaining and maintaining a license can act as deterrents for unlicensed individual and private property owners, and the Housing Commissioner may also deny, suspend, or revoke a property owner’s rental dwelling license which would then prohibit them from operating the rental dwelling altogether.

Economic and Community Development Committee

23-0357

Strengthening Renter's Safety Act

Public Testimony



Committee: Economic and Community Development Committee
Baltimore City Council

Date: March 26, 2024

Bill: 23-0357 Strengthening Renter’s Safety Act

These comments are offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose membership consists of owners and managers of more than 210,000 rental housing homes statewide. In Baltimore City alone, MMHA represents 68 companies with 227 apartment communities and 38,120 dwelling units. Our members house over 667,000 residents of the State of Maryland. MMHA membership also includes more than 207 associate members that supply goods and services to the multi-housing industry. More information is available at <https://www.mmhaonline.org/>.

Council Bill 23-0357, the Strengthening Renter’s Safety Act, creates a new rental licensing and inspection program for housing providers which maintain “priority dwellings.” “Priority dwellings” are defined as more than 20 dwelling units that have unabated code violations, excessive 311 calls and other characteristics. Additionally, the bill amends rental license requirements, fees, and inspection requirement. Lastly, it establishes a task force that is mandated to submit an annual report. MMHA appreciates the intent of the legislation which is to target housing providers who have failed to remedy longstanding health and habitability concerns and provide the Department of Housing and Community Development (DHCD) with increased tools in enforcing the rental license law.

Priority Dwellings: A priority dwelling could include those that have a certain number of 311 calls relating to health and habitability. Depending on the nature of the calls, it is possible that a recent statewide law would prohibit the City Council from considering these communications as a penalizing factor. Chapter 769/House Bill 215 of 2023 and Section 14-126 of the Real Property Article makes clear that the Governing Body of a County or a Municipality is precluded from enacting an ordinance that penalizes a housing provider for the summoning (by the owner or the resident) law enforcement or emergency services to a residential property.

Resident Damages: This bill fails to address damages caused by residents without the explicit knowledge of the housing provider. Properties endure regular wear-and-tear through the life cycle of a lease. Often times, however, residents cause new damage or exacerbate existing damage. As the bill reads, there is no way for a housing provider to report damages that were caused exclusively by the resident, nor is there an extension of time allowed to remedy such

damage. The bill also allows residents to request an anonymous inspection. With such a system in place, the resident has the ability to purposefully cause damage without the housing provider's knowledge. This creates barriers to resolving legitimate issues that may be present in the unit. While damage caused by a resident will remain the responsibility of the housing provider, MMHA recommends that the legislation specifically ensure that an owner or operator have "actual knowledge" of the unabated code violations before it is deemed a "priority dwelling".

Priority Inspection Requirements: An additional inspection process is a resource-intensive process. MMHA is concerned that the City's existing administrative capabilities will not be able to support this influx of additional inspections. Baltimore City has a finite number of inspectors, and expanding the residential inspection scheme will only lead to further delays in the process. Although there is an option for a third-party inspection, housing providers will incur additional costs on inspections. The City may not have the capacity to add another inspection process without overburdening its already strained resources and potentially impeding the overall functionality of the current residential licensing process.

License Fee: Simply put, the fee prescribed for this bill is exorbitant and assumes that the revenue will be allocated for increased inspections by DHCD. At \$100 per dwelling unit and \$75 per rooming unit, the fee is substantially higher than the regular fee of \$35 for dwelling units. By raising this fee, housing providers are compelled to pass the cost on to residents- dramatically increasing rent. These fees will have a burdensome ripple effect in a state that already has a shortage of affordable units.

Lack of Housing Provider Input: The Rental Licensing and Inspection Task Force (Task Force) is comprised of 10 members. Of those 10 members, 5 of them are either tenants or tenant representatives. Only one is a housing provider, with various restrictions on who can serve on the board, MMHA is deeply concerned about the lack of adequate representation within the current work group. Effective representation is essential for ensuring that the diverse needs, perspectives, and concerns of housing providers are properly addressed. A lack of housing providers on the task force will not accurately reflect the challenges faced by our members. The Council should reconsider the make-up of the work group to ensure the report produced by the work group are comprehensive and well informed.

MMHA is proud of the housing options MMHA members offer in Baltimore City. We recognize that not all housing providers are professionals and recognize the importance of quickly addressing health and hazards while communicating with residents. Council Bill 23-0357 is a laudable attempt to target housing providers who are failing to provide the habitability their residents deserve and expect.

In the Council's deliberations on the legislation, MMHA requests that it consider the following:

- The 311 call issue and whether Chapter 769 of 2023 impacts this measure.

- DHCD must ensure that housing providers have actual knowledge of the hazard or habitability issue prior to being deemed a “priority dwelling.”
- DHCD must commit to timely handling inspections of “priority dwellings” or allow the housing provider to engage a third party
- The per unit fees must be reduced and MMHA requests assurance that the revenue from the increased fees are directly allocated to hiring additional DHCD inspectors. And, if a housing provider is required to hire a third party inspector, the per unit fee should be reduced.
- The Task Force must have balance. If there are 5 tenant representatives, then there should be 5 housing provider representatives. Any imbalance will hinder the effectiveness of this ordinance.

FW: Strengthening Renters' Safety Act Testimony - NEXT TUESDAY March 26th @ 2pm

Hasiuk, Ethan (City Council) <Ethan.Hasiuk@baltimorecity.gov>

Mon 3/25/2024 10:37 AM

To: Leva, Anthony F (City Council) <anthony.leva@baltimorecity.gov>

Anthony, please add to bill report, thanks!

From: Richard Reis <rich.reis1@gmail.com>

Sent: Friday, March 22, 2024 6:14 PM

To: Hasiuk, Ethan (City Council) <Ethan.Hasiuk@baltimorecity.gov>

Subject: Re: Strengthening Renters' Safety Act Testimony - NEXT TUESDAY March 26th @ 2pm

CAUTION: This email originated from outside of Baltimore City IT Network Systems.

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Hi Ethan,

This is my testimony:

As a Baltimore City resident and as a landlord with a total of 7 apartments, I support the city legislation. It protects vulnerable tenants and insists that buildings and apartments be properly maintained.

In some cases, tenants or others can damage properties making these properties difficult to maintain in a good state of repair. In my many years of being a landlord, this has been very unusual. I trust the city authorities will work with all landlords to address these problems whatever the cause.

March 26, 2024
Briana Ciccarino
Baltimore, MD 21202

TESTIMONY ON 23-0357
Strengthening Renter Safety Act

TO: Vice President Middleton and members of the Economic and Community Development Committee

FROM: Briana Ciccarino

My name is Briana Ciccarino and I am a resident of District 12. I am submitting this testimony on 23-0357: The Strengthening Renter Safety Act.

I proudly work, live, volunteer, attend church, and advocate in Baltimore City. I am a licensed social worker having obtained both my undergraduate and graduate degrees from institutions in Baltimore City. I currently work with city residents to prevent evictions and utility shut offs. My social work and Catholic values move me to also advocate for social justice issues I care about including renters' safety.

In interactions with clients, neighbors, and referrals in the community, I hear many stories of families living in terrible living conditions. One family I met has a higher than normal monthly BGE bill because their landlord will not fix multiple issues. They live with little insulation in their walls, uneven door frames that let air in and out, and worst of all, they have had to kill rats in the home due to the landlord's non responsiveness to the issue. Their living conditions are unsafe, unhealthy and are unacceptable. The Strengthening Renter Safety Act will help people like this family by creating a formal complaint process for Baltimore City renters when the landlord has a faulty or fraudulent rental license, a process that does not exist yet. The SRSA will also ensure current and prospective tenants understand their rights by notifying them if a building is unlicensed and requiring that landlords actually distribute the results of inspection reports to the tenants.

Our neighbors who rent in Baltimore City deserve better than a system under which landlords can take advantage of an overworked Baltimore City Department of Housing and Community which needs more resources to manage 311 reports and the licensing program. The Strengthening Renter Safety Act is a much needed and long awaited step toward remedying some of the inequities renters in our City experience every day and I ask for your favorable report.

Briana Ciccarino
Mt. Vernon, Baltimore City Resident



METROPOLITAN BALTIMORE COUNCIL AFL-CIO Unions

COUNCIL BILL 23-0357 –Strengthening Renters’ Safety Act
Economic and Community Development Committee, March 26, 2024

Position: Support with amendment.

The Metropolitan Baltimore Council AFL-CIO Unions requests that the Economic and Community Development Committee move favorably with amendment on CB 23-0357 - Strengthening Renters' Safety Act.

The Metropolitan Baltimore Council AFL-CIO Unions is a coalition of labor unions made up of over 100 affiliated unions representing nearly 80,000 working people in the greater Baltimore Metropolitan area.

The Strengthening Renters’ Safety Act ensures that the working families of Baltimore have the right to safe living conditions inside of their homes. Safe housing is a public health issue.. It is traumatic and sometimes even deadly to live in dangerous and unhealthy conditions. This is a matter of equity and justice. An analysis of 311 data revealed that between 2019-2023, zero (0) citations had been given for interior issues in 20+ unit buildings without a violation notice first. It is unconscionable that low-income, working class homeowners are being fined for not being able to maintain their homes, while landlords in large buildings receive warnings and are rarely fined for putting residents in danger.

This bill empowers tenants by educating them on their rights — providing notifications about unlicensed buildings to end the exploitation of our most vulnerable communities. The act also enables accountability through the creation of the Rental Licensing & Inspection Task Force that provides oversight for rental inspections and the licensing process– allowing tenants to lead on issues that directly impact them.

The Strengthening Renters’ Safety Act also ensures that accountability and oversight is centered in the enforcement of safe and healthy housing. We know private inspections cannot be trusted to ensure safe, healthy, and habitable conditions – we need oversight from DHCD inspectors focused on starting with a substantial number of units in each building that are the worst in the City. The Metropolitan Baltimore Council AFL-CIO Unions also encourages the adoption of an amendment to § 5-29. RENTAL LICENSING AND INSPECTION TASK FORCE - COMPOSITION that appoints a member on the taskforce to represent the bargaining unit employees in DCHD who are responsible for housing inspections.

Faced with severe staffing shortages, this bill delivers a win for Baltimore City by providing DCHD with the resources needed to carry out its duties, all while ensuring the working families of Baltimore are not unduly burdened by the risks of unsafe and unhealthy housing. These resources would be gathered from buildings designated as priority dwellings

METROPOLITAN BALTIMORE COUNCIL AFL-CIO Unions



paying a fee of \$100 per dwelling unit and \$75 per rooming unit for each year that the building is designated as a priority dwelling to cover the cost of DHCD inspections.

The Metropolitan Baltimore Council AFL-CIO Unions prioritizes access to safe, affordable, and adequate housing for the backbone of Baltimore City, its working families. Working families should not be exploited by landlords who are allowed to circumvent their responsibility to provide safe housing to tenants. When workers return home after their shift, they should enter a safe and healthy environment after an honest day's work.

Baltimore City has shown its dedication to housing by passing the Inclusionary Housing Act, now is the time to continue the work to not only ensure housing is affordable, but that it is also healthy and safe.

Please issue a FAVORABLE with amendment COMMITTEE REPORT on COUNCIL BILL 23-0357 –Strengthening Renters' Safety Act. If you have any questions, please contact Courtney Jenkins at cjenkins@mbalfcio.org or 410-242-1300.

Respectfully submitted,

Courtney L. Jenkins, President

March 25, 2024

Eric Lewitus

Ednor Gardens, Baltimore City

TESTIMONY ON 23-0357- Position: Favorable
Baltimore City - Strengthening Renters' Safety Act

TO: Chair Sharon Green Middleton, Vice Chair John Bullock, and the Economic and Community Development Committee

FROM: Eric Lewitus

My name is Eric Lewitus and I am a resident of District 14. I am submitting this testimony in support of 23-0357 - Baltimore City - Strengthening Renters' Safety Act on behalf of Jews United for Justice, which organizes more than 1,600 people in Baltimore City to support social, racial, and economic justice campaigns

I am a Senior Scientist in infectious disease research at a government institute, and so I understand well how the effects of our environment affect public and personal health outcomes. I am testifying in support of this bill, which will define the powers of the Department of Housing and Community Development (DHCD) towards codifying landlords' responsibilities and ensuring rented properties are safe for renters. The rights accorded renters in this bill – including knowledge of landlord licensure – are embarrassingly and dangerously lacking for current Baltimore renters.

Living in safe housing is a necessary condition for the health of Baltimore residents. Housing instability is associated with respiratory problems, hypertension, arthritis, depression, and adverse mental health outcomes. Effects on children are particularly grievous. Housing insecurity negatively affects physical development and exacerbates behavioral problems, both of which are often reversed with government oversight of rented properties. Rental property oversight is a public health and safety issue with evidence to endorse its implementation.

As a tenant for nearly two decades, I directly experienced the failure of a city to assure my safety as a renter. I have been forced to pay for the decaying infrastructure a landlord declined to fix, forced to share a bathroom with slugs a landlord declined to treat, and forced to live without heat for two years that a landlord declined to provide. I say forced because the options available to renters are limited; and without government oversight of rental properties, the only recourse renters are left with is to live in an unsafe, inhospitable environment.

The most heartening benefit of renters' safety undoubtedly comes in the form of children and adults having the opportunity to live with dignity. But taken together, rental property oversight is a budget savings coup: physical and mental health directly and indirectly take a toll on public services and the local economy. Investment in renters' safety unburdens hospitals, schools, and policing, while giving more people access to stable employment. According to available DHCD data, service requests have increased 10% every year since 2019; and 25% (up to 40% in district 9) of violation notices or work orders are routinely left outstanding. By protecting renters' safety, the DHCD could avoid the costs of multiplying service requests necessitated through unsafe housing and delinquent oversight.

We do want to ensure that tenants are protected from warrantless search and seizure and urge the committee to examine §5-10 PRIORITY INSPECTIONS to ensure inspections must only be concerned with the condition of the dwelling and not how the renter is occupying the rented space.

On behalf of JUFJ, I implore the Economic and Community Development Committee to pass the Strengthening Renters' Safety Act and engage in further conversation with advocates to ensure tenants are protected from unreasonable search and seizure.



Samantha Gowing
Attorney
Public Justice Center
201 North Charles Street, Suite 1200
Baltimore, Maryland 21201
410-625-9409, ext. 273
gowings@publicjustice.org

**Presented to the Baltimore City Council, March 26, 2024
Hearing — Strengthening Renters' Safety Act**

The Public Justice Center is non-profit organization that provides legal representation to tenants to assert their rights to safe, habitable, affordable, and non-discriminatory housing. I urge the City Council to vote in favor of the Strengthening Renters' Safety Act.

Through my work, I meet new tenants every week who are living amid horrible conditions of disrepair. Rainwater flooding into their home up to their ankles. Ceilings caving in. Rats scurrying through the kitchen. Mold growth exacerbating a child's asthma. These are just a few of the numerous issues the tenants I represent are constantly dealing with in their homes.

The purpose of the Baltimore City licensing law, Baltimore City Code Article 13 § 5, is to hold landlords to a basic regulatory standard, to ensure that all tenants in Baltimore City have safe housing that does not threaten their life, health, and safety. However, various obstacles are preventing this goal from being achieved, which the Strengthening Renters' Safety Act helps to address.

First, DHCD is issuing licenses despite clear non-compliance with the licensing law. In my work as a tenant attorney, I have encountered licenses issued for properties where there are active vacant building notices at the time the inspection occurred and the license was issued. I have seen a license issued when a blank piece of paper was submitted as an inspection report, and where a lead certificate was not uploaded at all. DHCD has backdated licenses to months or even years prior to the date of the inspection, which is expressly prohibited by the licensing law. The Public Justice Center has documented eighteen instances of clearly improper licenses being issued, largely due to oversight errors and errors with DHCD's computer system. For every instance we have identified, there could be dozens more that go unaddressed, leaving tenants to live in terrible conditions without the protections they need.

Second, even when the license application is not clearly deficient, the third party inspector system as it currently stands has proven unreliable. This is because there is an inherent conflict of interest when landlords can choose their own inspectors. Inspectors want to maintain a business relationship with the landlord who hired them, so they pass properties that should not be passed. I have seen properties that passed a third party inspection where the tenants were dealing with serious conditions issues at the time it passed. I have also seen properties that passed the third party inspection, but a city inspector issued code violations less than a month later, with no change in the conditions during that time. DHCD under-utilizes its power to audit third party inspections, and it has no formal complaint process when the tenant believes the third party inspector fraudulently passed the property.

The SRSA would help address these issues by establishing an oversight taskforce and a formal complaint process for tenants living in properties where improper licenses were issued, which would be a critical step in ensuring the effective, continued implementation of the licensing law. It would also increase city inspections in the worst properties and create more transparency for tenants to better understand their rights.

For these reasons, I urge the City Council to vote in favor of the Strengthening Renters' Safety Act.

Economic and Community Development Committee

23-0357

Strengthening Renter's Safety Act

Additional Materials

Strengthening Renters' Safety Act

Data Analysis

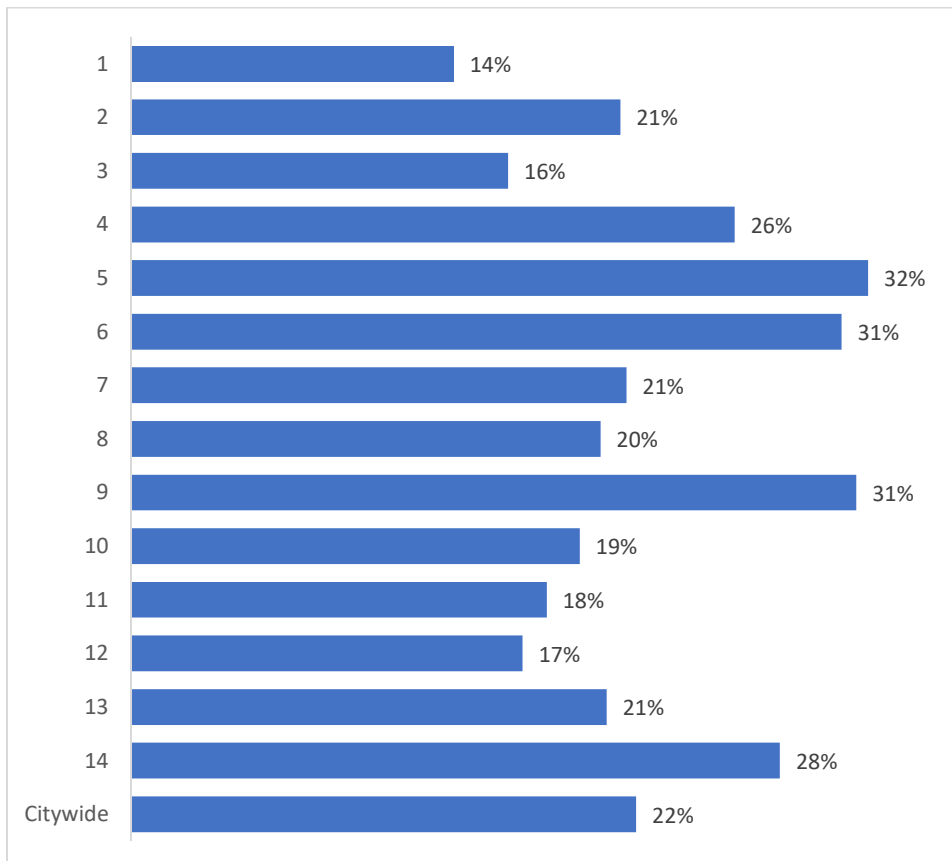
Key Stats

- **0** citations given for interior issues in 20+ unit buildings without a violation notice first 2019-2023
- **46.6%** of rental units licensed citywide
- For **5%** of 311s, DHCD noted that there was already an open violation notice related to the problem. Yet in a randomized selection of that 5% that we examined, **only 10% had a failure to abate citation issued**
- **8,534 overdue open interior violation notices** citywide, as of February 28 2023
 - **2,149** since 2019
 - Out of these 2,149, **147** are in 20+ unit buildings
 - In a randomized selection (weighted by zip code) of these 147 open interior violation notices that we examined, **95%** were related to habitability problems

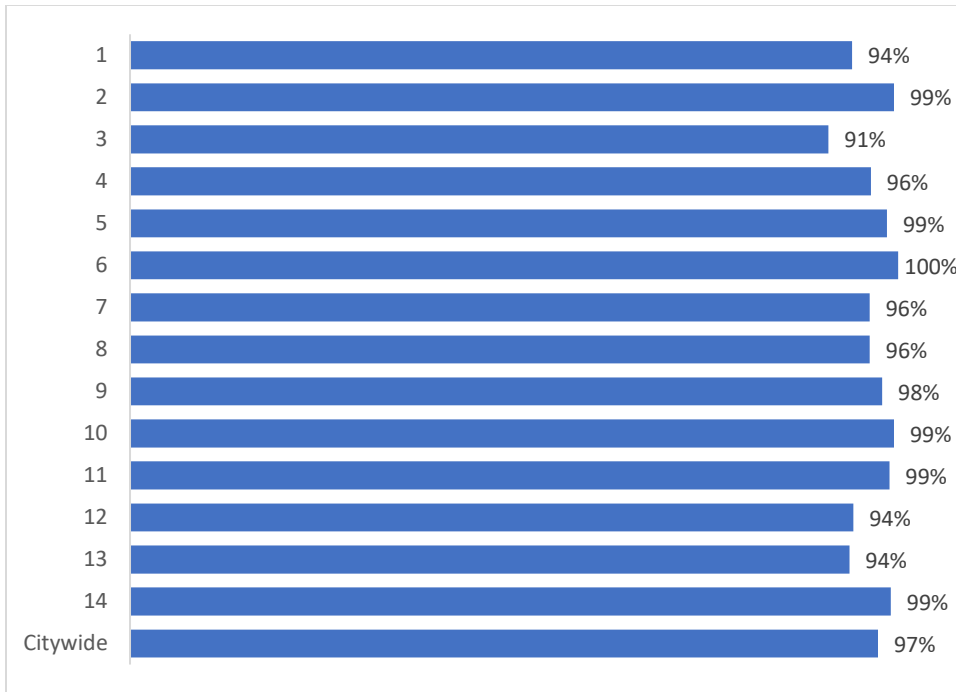
Analysis of 311 Data

This data is based on 311 requests related to interior violations in 20+ unit buildings from 2019-2023.

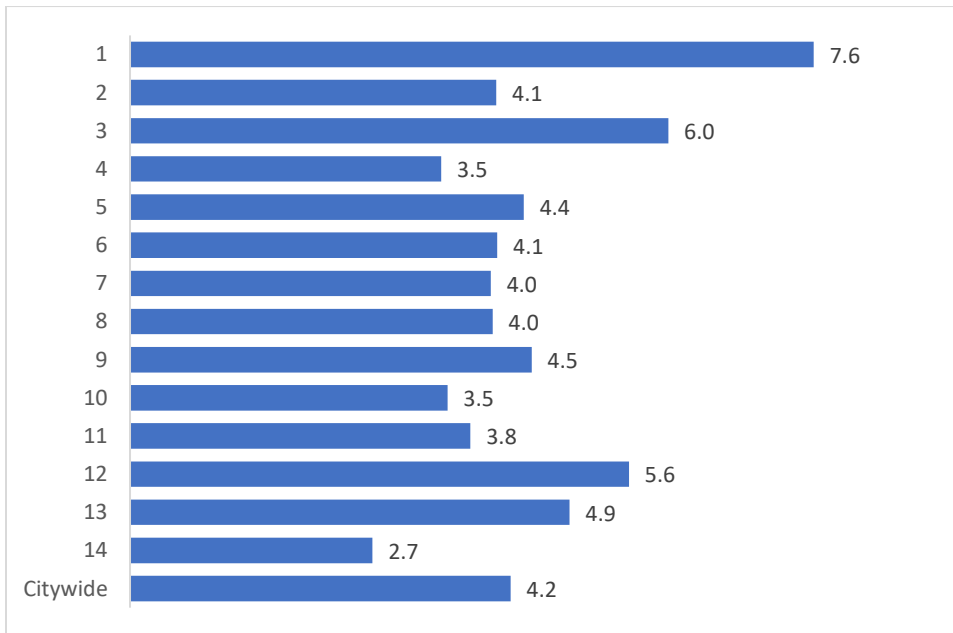
Percent of 311 Requests in Which Inspector Could Not Gain Entry to the Building



Percent of 311 Requests for Which Inspection Was Completed Within Promised Timeline

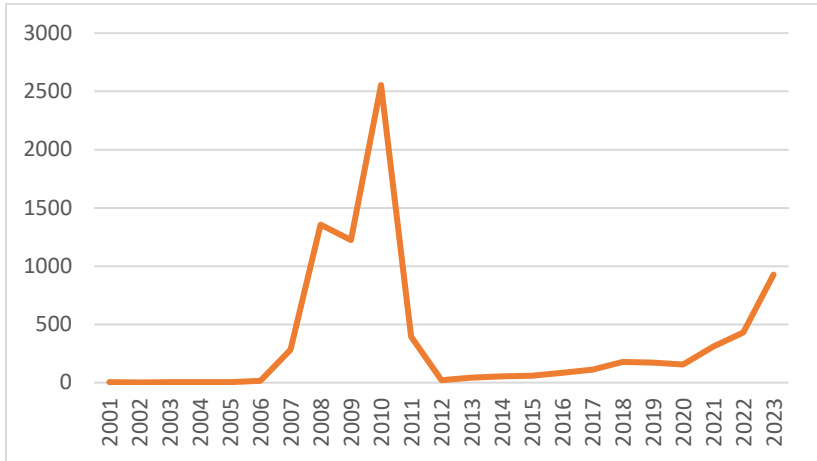


Average Amount of Time That 311 Requests Remain Open (in days)



Analysis of Open Interior Violation Notices

Overdue Open Interior Violation Notices by Year Issued



Geographic Distribution of Overdue Open Interior Violation Notices For 20+ Unit Buildings 2019-2023

