

BALTIMORE CITY COUNCIL HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Mission Statement

The Housing & Economic Development Committee is dedicated to fostering equitable growth and opportunity across Baltimore while addressing historic injustices, such as redlining and other discriminatory policies. Our goals include eliminating vacant properties, ensuring affordable housing, promoting sustainable development, and driving economic growth, job creation, and community revitalization through equitable policies and targeted strategies. By utilizing transparent governance, collaboration, and innovative solutions, we strive to enhance the quality of life for all residents.

The Honorable James Torrence

CHAIR

PUBLIC HEARING

May 12, 2026

5:15PM

CLARENCE "DU" BURNS COUNCIL CHAMBERS

25-0141

Rental Dwelling Health and Safety Enforcement

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**HOUSING & ECONOMIC DEVELOPMENT COMMITTEE****The Honorable James Torrence**
CHAIR**Bill Hearing***25-0141**Rental Dwelling Health and Safety Enforcement Act*

Purpose

FOR the purpose of updating certain provisions regarding the licensing of rental dwellings; establishing certain penalties; requiring certain information be filed with a registration statement when applying for a rental dwelling license; requiring the Department of Housing and Community Development to promulgate certain regulations; creating a registry of rental inspectors; prohibiting certain actions based on actual or perceived immigration status; establishing certain grounds for the revocation of a rental dwelling license; establishing a process for rental dwelling receivership; making conforming changes; providing for the effective dates of this Ordinance; and generally relating to the enforcement of rental dwelling health and safety standards.

Sponsor – Council Member Odette Ramos

REPORTING AGENCIES

Department	Report
• Department of Housing & Community Development	• Without Recommendation
• Department of Law	• Approve for form & sufficiency with amendments
• Department of Finance	• Oppose
• Baltimore City Information Technology	• Without Recommendation
• Housing Authority of Baltimore City	• Amendment Request
• The Mayor’s Office of Immigrant Affairs	• Without Recommendation
• Circuit Court of Baltimore City	•
• Department of Public Works	• Without Recommendation

BACKGROUND

Bill Summary

In formal remarks on this bill the Sponsor Councilmember Ramos noted that this bill is meant to build on the work of the previous term when the Council passed the Strengthening Renter's Safety Act. The bill would make a number of changes to the building code, & city code articles 1 & 13 If enacted this bill would apply to all rental units in the City and would do the following:

1. Empower those building agents who inspect rental dwellings to begin the process of receivership if
 - a. The property owner or manager has not taken action to address documented problems at a rental property (i.e. not boarding up unsafe property, not maintaining the property- high grass, weeds, etc...-, safe guarding a vacant structure or lot)
 - b. The property contains a rental unit
 - c. The property meets the other criteria for receivership
2. Creates a civil citation (\$1,000) for not having rental units inspected
3. Defines an inspection year as a calendar year
4. Defines a property manager as a person empowered by the owner to operate or maintain a rental dwelling
5. Defines a rental inspection as
 - a. The physical inspection of a rental dwelling
 - b. The report submitted by the inspector
6. Defines a rental inspector as
 - a. A home inspector licensed by the state
 - b. And that the professional must certify that
 - i. They are registered with the housing commissioner
 - ii. Submitted a conflict of interest statement to the housing commissioner
 - iii. Certified that neither they nor any owner, employee or other person associated with their home inspection business has a financial interest or connection with
 1. The property being inspected
 2. The owners of the property
 3. And operators or managers of the property
7. Requires the Housing Commissioner to maintain a registry of inspectors and to remove those inspectors who knowingly or should have reasonably known that a rental unit that they certified should not have been certified.
8. Creates a process for rental inspections
 - a. That the applicant must at their cost hire a rental inspector for their unit before applying for or renewing a license
 - b. Inspections must happen no more than 90 days before applying for a license or renewal
 - c. Bars the applicant from hiring the same inspector or company twice in an 8 year period
 - d. Requires the housing commissioner to conduct an audit of 100-200 inspections of rental units
 - i. The Housing Commissioner must publish the findings of the audit
9. Add the following reasons to deny a rental license or a renewal of a license
 - a. The lessee has allowed or should have known that the property was being used as a nuisance property.

- b. Demanding, requesting, or collecting information regarding or relating to the immigration or citizenship status of a tenant, prospective tenant, or applicant for tenancy
 - c. Disclosing or threatening to disclose information regarding or relating to the immigration or citizenship status of a tenant, prospective tenant, or applicant to any person, entity, or law enforcement agency.
 - d. Refusing to enter into a rental agreement, approve a subtenancy, or otherwise preclude from occupying a dwelling unit, a tenant, prospective tenant, or applicant for tenancy, based solely or in part on the immigration or citizenship status of the tenant, prospective tenant, or applicant for tenancy.
 - e. Bringing an action to recover possession of a dwelling unit 11 based solely or in part on the immigration or citizenship status 12 of a tenant.
 - f. Violating the state law against extortion
10. A requirement that a property be reinspected before a license may be renewed - \$50.00 fee at the applicant's expense
11. Gives the right to appeal a decision by the Commissioner under the building code.
12. If the Commissioner requires that a rental unit be vacated
- a. The expenses will be paid by the department
 - b. The commissioner will post a notice on each rental unit with information about available resources
13. All rental inspections associated with a particular unit must be accessible by the public from the department's website
14. All documents submitted by the applicant for a rental license as a part of their application must be accessible from the department's website.
15. Adds the following to the annual report from the department
- a. All rental license revoked- both priority and non-priority – under 15-5(6-7) under this subtitle
 - b. The number of rental property receivership actions that were filed
 - c. The number of audits performed
 - d. The number of completed rental inspections performed by the department
 - e. Removes the requirement that information requested by the City Council be included in a resolution of the Council
16. Creates a process for rental receivership where by the Housing Commissioner can petition the court for a property to be placed in receivership if
- a. The property has been cited by the City 5 or more times and has failed to be brought into compliance
 - b. The safety of tenants is threatened because the property isn't safe for human habitation
17. The bill identifies:
- a. what the Housing Commissioner needs to place in their petition,
 - b. what kind of notice must be given to tenants, as well as judgement creditors and lien holders
 - c. who is to be named in the petition,
 - d. requires that the petition be filed with the bureau of liens
18. the bill permits the owner or another person with an interest in the property to be appointed by the court to bring the property into compliance instead of a receivership

- a. the housing commissioner may petition the court if it appears that the appointed owner/interested party is not completing the required work with the proper due diligence to remove the appointed owner/ interested party and appoint a receivership.
19. Requires in a registration for the license that if the owner is a LLC, Partnership, or corporation that:
- a. The name and address of the organization as well as the officers be included in the statement
 - b. Anyone who's ownership of the organization is at least 25%
 - c. Purposes of this division, any person owning a share of a parent corporation shall be deemed to be an owner of a share of a subsidiary corporation equal to the product of the percentage of their ownership of the parent corporation multiplied by the percentage of the parent corporation's ownership of the subsidiary corporation.
20. Deems a PO box as an invalid business address
21. The bill requires for those property managers of 20 or more units where at least 20 units are designated for residents 55 and older
- a. Health and safety training for the manager and staff
 - b. An means for employees to anonymously submit suspected violations of health and safety standards to the City.

Bill Reports

The law department has submitted a report with several amendments to approve it for form and legal sufficiency. Please see the report for all suggested amendments but particularly the report the Law Department notes concern with:

1. Potential conflicts with state law regarding inspectors who fail to comply with local ordinance – because their license comes from the state the law department believes that it local government can not prohibit these inspectors from practicing.
2. The prohibition on using the same inspector more than once in an eight-year period – the law department believes this restricts the free enterprise of the inspectors as well as the applicants.
3. Using the collection of immigration status or collaborating with immigration authorities – the law department believes this hinders owners/managers free speech
4. The identification of corporation officers and owners in registration as these are not the parties that would solve housing issues or be liable in a legal action.
5. The deeming of a PO box as a business address.

FISCAL NOTE

Analysis by: Anthony Leva
Analysis Date: 2/24/2026

Direct Inquiries to: anthony.leva@baltimroecity.gov

**AMENDMENTS TO COUNCIL BILL 26-0141
(1st Reader Copy)**

By: Councilmember Ramos
{To be offered to the Housing and Economic Development Committee}

Amendment No. 1

Strike beginning with line 3 on page 1, down through and including line 34 on page 39 and substitute:

1 “FOR the purpose of updating certain provisions regarding the licensing of rental dwellings;
2 establishing certain penalties; requiring certain information be filed with a registration
3 statement when applying for a rental dwelling license; requiring the Department of
4 Housing and Community Development to promulgate certain regulations; creating a
5 rental inspector license; prohibiting certain actions based on actual or perceived
6 immigration status; establishing certain grounds for the revocation of a rental dwelling
7 license; establishing a process for rental dwelling receivership; making conforming
8 changes; providing for the effective dates of this Ordinance; and generally relating to the
9 enforcement of rental dwelling health and safety standards.”

10 BY repealing and re-ordaining, without amendments,
11 Article - Building, Fire, and Related Codes
12 Section 2-103 (IBC §§ 116.1.1)
13 Baltimore City Revised Code
14 (2021 Edition)

15 BY repealing and re-ordaining, with amendments,
16 Article - Building, Fire, and Related Codes
17 Section 2-103 (IBC § 116.7.1)
18 Baltimore City Revised Code
19 (2021 Edition)

20 BY repealing and re-ordaining, with amendments,
21 Article 1 - Mayor, City Council, and Municipal Agencies
22 Section 40-14(e)(4)
23 Baltimore City Code
24 (Edition 2000)

1 BY repealing and re-ordaining, with amendments,
2 Article 13 - Housing and Urban Renewal
3 Sections 4-6, 4-9, 5-1, 5-4 to 5-7, 5-10, 5-11, 5-15, 5-16, 5-17, 5-20, 5-22, 5-24, 5-27,
4 and 5-28
5 Baltimore City Code
6 (Edition 2000)

7 BY repealing and re-ordaining, without amendments,
8 Article 13 - Housing and Urban Renewal
9 Sections 5-2, 5-9, 5-12, 5-13, 5-19, 5-25, and 5-26
10 Baltimore City Code
11 (Edition 2000)

12 BY adding
13 Article 13 - Housing and Urban Renewal
14 Sections 5-8, 5-35 to 5-46, and the Part designations,
15 “Part I. Licensing Procedures” and “Part II. Rental Property Receivership”
16 Baltimore City Code
17 (Edition 2000)

18 BY adding
19 Article 15 - Licensing and Regulation
20 Section 23-1 to be under the new subtitle designation,
21 “Subtitle 23. Rental Inspectors”
22 Baltimore City Code
23 (Edition 2000)

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

26 **Baltimore City Code**

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

28 **Division II. Dwellings and Vacant Structures**

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

30 **PART II. RENTAL PROPERTY RECEIVERSHIP**

31 **§ 5-35. SCOPE.**

32 THIS SUBTITLE APPLIES TO A PROPERTY THAT CONTAINS 1 OR MORE RENTAL DWELLING
33 UNITS, AS DEFINED IN § 5-1(G) OF THIS SUBTITLE.

1 **§ 5-36. IN GENERAL.**

2 SUBJECT TO THE PROVISIONS OF THE MARYLAND COMMERCIAL RECEIVERSHIP ACT AND
3 THIS SUBTITLE, THE HOUSING COMMISSIONER MAY PETITION THE COURT FOR
4 APPOINTMENT OF A RECEIVER TO REHABILITATE A RENTAL PROPERTY, MANAGE ITS
5 OPERATIONS, DEMOLISH IT, OR SELL IT TO A QUALIFIED BUYER IF THE HEALTH AND SAFETY
6 OF THE TENANTS IS THREATENED BECAUSE THE PROPERTY IS UNSAFE FOR HUMAN
7 HABITATION AS DESCRIBED IN:

8 (1) § 9-9 {"RENT ESCROW LAW: IN GENERAL"} OF THE PUBLIC LOCAL LAWS OF
9 BALTIMORE CITY; AND

10 (2) § 116.1.1 {"UNSAFE STRUCTURES: GENERAL: SCOPE"} OF THE BALTIMORE CITY
11 BUILDING CODE.

12 **§ 5-37. CONTENTS OF PETITION.**

13 THE HOUSING COMMISSIONER’S PETITION FOR APPOINTMENT OF A RECEIVER SHALL
14 INCLUDE A VERIFIED PLEADING THAT:

15 (1) AVERS THAT THE HEALTH AND SAFETY OF THE TENANTS IS AT RISK AND THE
16 OWNER HAS CONSISTENTLY NOT COMPLIED WITH THIS SUBTITLE;

17 (2) IDENTIFIES AND STATES THE QUALIFICATIONS OF THE PROPOSED RECEIVER, IF
18 OTHER THAN THE HOUSING COMMISSIONER AND NAMES A SUITABLE RECEIVER FOR
19 THE COURT TO CONSIDER, IF OTHER THAN THE HOUSING COMMISSIONER; AND

20 (3) DEMONSTRATES THE CITY’S INTEREST IN THE PROPERTY, AS REQUIRED BY THE
21 MARYLAND COMMERCIAL RECEIVERSHIP ACT.

22 **§ 5-38. NAMED RESPONDENTS.**

23 (A) IN GENERAL.

24 THE PETITION FILED PURSUANT TO § 5-37 SHALL NAME AS RESPONDENTS:

25 (1) THE RECORD OWNER OF THE RENTAL PROPERTY;

26 (2) ANY LIEN HOLDER ON RECORD; AND

27 (3) THE PLAINTIFF IN ANY PROCEEDING THAT WAS TIMELY FILED UNDER STATE
28 TAX – PROPERTY ARTICLE § 14-833 {"FORECLOSING RIGHT OF REDEMPTION"};
29 AND FOR WHICH THE TIME FOR SECURING A DECREE OF FORECLOSURE HAS NOT
30 YET EXPIRED.

1 **(B) EFFECT OF FAILURE TO NAME PLAINTIFF.**

2 IN ACCORDANCE WITH TITLE 24 {"MARYLAND COMMERCIAL RECEIVERSHIP ACT" OF
3 THE STATE COMMERCIAL LAW ARTICLE, FAILURE TO NAME A PERSON DESCRIBED IN
4 SUBSECTION (A) OF THIS SECTION:

5 (1) DOES NOT PREVENT THE ACTION FROM GOING FORWARD; BUT

6 (2) DOES PREVENT THE RECEIVER'S LIEN FOR EXPENSES INCURRED IN
7 REHABILITATING, MANAGING, DEMOLISHING, OR SELLING THE RENTAL
8 PROPERTY FROM HAVING PRIORITY OVER THAT PERSON'S LIEN INTEREST.

9 **§ 5-39. NOTICE TO TENANTS.**

10 **(A) IN GENERAL.**

11 AFTER FILING A PETITION UNDER THIS SUBTITLE, THE DEPARTMENT SHALL PROVIDE
12 NOTICE OF THE PENDING ACTION TO ALL TENANTS.

13 **(B) CONTENTS.**

14 THE NOTICE SHALL INCLUDE:

15 (1) A STATEMENT THAT THE DEPARTMENT HAS FILED FOR RENTAL RECEIVERSHIP
16 UNDER THIS SUBTITLE AND A CASE NUMBER, IF ONE HAS BEEN ASSIGNED;

17 (2) CONTACT INFORMATION FOR A PRO BONO LEGAL SERVICE THAT CAN ADVISE
18 TENANTS OF THEIR RIGHTS DURING THE ACTION; AND

19 (3) ANY OTHER INFORMATION THE COMMISSIONER FINDS NECESSARY.

20 **(C) METHOD OF DELIVERY.**

21 THE NOTICE GIVEN UNDER THIS SUBSECTION SHALL BE:

22 (1) PROVIDED TO AN OCCUPANT OF EACH DWELLING UNIT; AND

23 (2) POSTED IN A LOBBY, ELEVATOR, OR OTHER COMMON AREA OF THE PROPERTY,
24 IF ACCESSIBLE; AND

25 (3) POSTED ON THE EXTERIOR OF THE BUILDING IN A VISIBLE LOCATION.

26 **§ 5-40. FILING WITH BUREAU OF LIENS.**

27 **(A) IN GENERAL.**

28 THE HOUSING COMMISSIONER SHALL FILE A NOTICE OF THE PROCEEDING WITH THE
29 BUREAU OF LIENS.

1 **(B) INCLUDED DOCUMENTATION.**

2 THE HOUSING COMMISSIONER SHALL INCLUDE A COPY OF EACH VIOLATION NOTICE OR
3 ORDER WITH THE NOTICE FILED UNDER SUBSECTION (A) OF THIS SECTION.

4 **(C) BUREAU TO INCLUDE.**

5 THE BUREAU OF LIENS SHALL INCLUDE A RECORD OF THE DOCUMENTS FILED UNDER
6 THIS SECTION IN ITS LIEN REPORTS.

7 **§ 5-41. NOTICE TO JUDGMENT CREDITORS AND LIEN HOLDERS.**

8 AFTER FILING THE PETITION, THE HOUSING COMMISSIONER SHALL GIVE NOTICE OF THE
9 PENDENCY AND NATURE OF THE PROCEEDING TO JUDGMENT CREDITORS AND LIEN
10 HOLDERS USING THE MEANS REQUIRED BY TITLE 24 {“MARYLAND COMMERCIAL
11 RECEIVERSHIP ACT” OF THE STATE COMMERCIAL LAW ARTICLE.

12 **§ 5-42. APPOINTMENT OF OWNER, ETC., INSTEAD OF RECEIVER.**

13 **(A) IN GENERAL.**

14 INSTEAD OF APPOINTING A RECEIVER TO REHABILITATE, MANAGE, DEMOLISH, OR SELL
15 A RENTAL PROPERTY, THE COURT MAY PERMIT AN OWNER, MORTGAGEE, OR OTHER
16 PERSON WITH AN INTEREST IN THE PROPERTY TO REHABILITATE, MANAGE, DEMOLISH,
17 OR SELL IT, IF THAT PERSON:

18 (1) DEMONSTRATES THE ABILITY TO COMPLETE THE REHABILITATION,
19 MANAGEMENT, DEMOLITION, OR SALE WITHIN A REASONABLE TIME;

20 (2) AGREES TO COMPLY WITH A SPECIFIED SCHEDULE FOR REHABILITATION,
21 MANAGEMENT, DEMOLITION, OR SALE; AND

22 (3) POSTS BOND, IN AN AMOUNT DETERMINED BY THE COURT, AS SECURITY FOR
23 PERFORMANCE OF THE REQUIRED WORK IN COMPLIANCE WITH THE SPECIFIED
24 SCHEDULE.

25 **(B) APPLICATION TO DISMISS OWNER.**

26 **(1) REVOCATION OF APPOINTMENT.**

27 IF IT APPEARS TO THE HOUSING COMMISSIONER THAT THE PERSON APPOINTED IS
28 NOT PROCEEDING WITH DUE DILIGENCE OR IN COMPLIANCE WITH THE
29 COURT-ORDERED SCHEDULE, THE PETITIONER MAY APPLY TO THE COURT FOR
30 IMMEDIATE REVOCATION OF THAT PERSON’S APPOINTMENT AND FOR
31 APPOINTMENT OF A RECEIVER.

1 (2) BOND.

2 THE SUBSEQUENTLY APPOINTED RECEIVER SHALL POST SUFFICIENT BOND.

3 **§ 5-43. APPOINTMENT OF RECEIVER.**

4 (A) IN GENERAL.

5 IF NO QUALIFIED PERSON WITH AN OWNERSHIP INTEREST REQUESTS APPOINTMENT TO
6 REHABILITATE, MANAGE, DEMOLISH, OR SELL THE PROPERTY, OR IF AN APPOINTEE IS
7 DISMISSED, THE COURT ~~SHALL~~ MAY THEN APPOINT A RECEIVER TO REHABILITATE,
8 MANAGE, DEMOLISH, OR SELL THE PROPERTY.

9 (B) PARTIES DIVESTED OF AUTHORITY.

10 ON APPOINTMENT OF A RENTAL RECEIVER TO REHABILITATE, MANAGE, DEMOLISH, OR
11 SELL THE PROPERTY, ALL PARTIES ARE DIVESTED OF ANY AUTHORITY TO ACT IN
12 FURTHERANCE OF THOSE GOALS, IN ACCORDANCE WITH TITLE 24 {"MARYLAND
13 COMMERCIAL RECEIVERSHIP ACT"} OF THE STATE COMMERCIAL LAW ARTICLE.

14 (C) PENALTIES.

15 ANY PARTY, OTHER THAN THE RECEIVER, WHO TAKES ANY STEP TO REHABILITATE,
16 MANAGE, DEMOLISH, OR SELL THE PROPERTY IS SUBJECT TO THE PENALTIES FOR
17 CONTEMPT, IN ACCORDANCE WITH TITLE 24 {"MARYLAND COMMERCIAL
18 RECEIVERSHIP ACT"} OF THE STATE COMMERCIAL LAW ARTICLE.

19 **§ 5-44. DUTIES OF RECEIVER.**

20 A RECEIVER APPOINTED PURSUANT TO THIS PART SHALL MANAGE THE PROPERTY FOR UP
21 TO 3 YEARS, WHICH SHALL INCLUDE:

22 (1) PRESENTING AN ABATEMENT PLAN TO THE COURT THAT BRINGS THE PROPERTY UP
23 TO COMPLIANCE WITH THE CODE, INCLUDING MAKING THE REPAIRS NECESSARY TO
24 ABATE THE HEALTH AND SAFETY VIOLATIONS THAT MADE THE PROPERTY UNSAFE
25 FOR HUMAN HABITATION AS DESCRIBED IN:

26 (i) § 9-9 {"RENT ESCROW LAW: IN GENERAL"} OF THE PUBLIC LOCAL LAWS
27 OF BALTIMORE CITY; AND

28 (ii) § 116.1.1 {"UNSAFE STRUCTURES: GENERAL: SCOPE"} OF THE BALTIMORE
29 CITY BUILDING CODE;

30 (2) ONCE THE ABATEMENT PLAN IS APPROVED BY THE COURT, IMPLEMENTING THE
31 ABATEMENT PLAN IN A TIMELY MANNER, AS OVERSEEN BY THE COURT;

32 (3) COLLECTING RENT FROM TENANTS AND ABIDING BY ANY RENT ESCROW OR
33 PAYMENT PLANS AUTHORIZED BY THE COURT;

- 1 (4) BORROWING FUNDS FOR THE PURPOSE OF MAKING REPAIRS TO BRING THE BUILDING
2 IN COMPLIANCE WITH THE CODE AND IN COMPLIANCE WITH THIS SUBTITLE;
- 3 (5) MAINTAINING THE PROPERTY AND ESTABLISHING AND OVERSEEING A
4 MAINTENANCE SCHEDULE;
- 5 (6) REPORTING ALL COSTS TO THE DEPARTMENT OF HOUSING AND COMMUNITY
6 DEVELOPMENT AND THE COURT;
- 7 (7) UNDERGOING RENTAL INSPECTIONS AS OUTLINED IN THIS SUBTITLE;
- 8 (8) NOTIFYING TENANTS OF THE RECEIVERSHIP AND THEIR RIGHTS;
- 9 (9) FACILITATING THE RECEIVERSHIP ACTION;
- 10 (10) EXERCISING ANY OTHER POWER GRANTED TO A RECEIVER UNDER § 24-301
11 {“POWERS AND DUTIES OF RECEIVER”} OF THE MARYLAND COMMERCIAL
12 RECEIVERSHIP ACT; AND
- 13 (11) COMPLYING WITH ANY OTHER REQUIREMENTS OF THE COURT.

14 **§ 5-45. POWERS OF RECEIVER – SALE OF PROPERTY.**

15 IN ADDITION TO ALL NECESSARY AND CUSTOMARY POWERS, AND SUBJECT TO THE
16 REQUIREMENTS OF THE MARYLAND COMMERCIAL RECEIVERSHIP ACT, A RECEIVER
17 APPOINTED TO REHABILITATE, MANAGE, DEMOLISH, OR SELL A RENTAL PROPERTY MAY
18 SELL THE PROPERTY OR THE LAND UPON WHICH THE PROPERTY FORMERLY STOOD, AT
19 PUBLIC AUCTION OR PRIVATE SALE, FOLLOWING THE PROVISIONS THAT APPLY TO A
20 RECEIVER APPOINTED UNDER RULE 3-722 {“RECEIVERS”} AND TITLE 14, CHAPTER 300
21 {“JUDICIAL SALES”} OF THE MARYLAND RULES.

22 **§ 5-46. SALE PROCEDURE.**

23 (A) NOTICE OF AUCTION.

24 IN THE NOTICE OF PUBLIC AUCTION, IT IS SUFFICIENT TO DESCRIBE THE PROPERTY BY A
25 STREET ADDRESS AND BY REFERENCE TO THE LIBER AND FOLIO NUMBER OF THE TITLE
26 DEED RECORDED IN THE LAND RECORDS OF BALTIMORE CITY.

27 (B) APPLICATION FEE.

28 AS PERMITTED BY THE COURT, THE RECEIVER MAY CHARGE A REASONABLE FEE TO
29 APPLICANTS IN CONNECTION WITH THE APPLICATION TO BID AT A PUBLIC SALE OR IN
30 CONNECTION WITH THE SOLICITATION OF OFFERS FOR A PRIVATE SALE.

1 (C) AUCTION STARTING BID.

2 IF THE PROPERTY IS BEING SOLD AT PUBLIC AUCTION, THE STARTING BID SHALL BE THE
3 FAIR MARKET VALUE OF THE PROPERTY.

4 (D) TAX SALE REDEMPTION.

5 A RECEIVER MAY REDEEM A TAX SALE CERTIFICATE AT ANY TIME AFTER THE
6 RECEIVER’S APPOINTMENT BY COURT.

7 (E) FINAL ACCOUNTING.

8 AT THE END OF THE RECEIVER’S TENURE, THE RECEIVER SHALL FILE A FINAL
9 ACCOUNTING WITH THE COURT AND FOLLOW ALL OTHER REQUIREMENTS OF THE
10 MARYLAND COMMERCIAL RECEIVERSHIP ACT.

11 (F) PAYMENT OF RECEIVER’S FEES AND EXPENSES.

12 SUBJECT TO § 24-701 {“PAYMENT OF FEES AND EXPENSES”} OF THE MARYLAND
13 COMMERCIAL RECEIVERSHIP ACT, THE COURT MAY AWARD REASONABLE AND
14 NECESSARY FEES AND EXPENSES TO THE RECEIVER.

15 (G) TRANSFER ON SALE.

16 FOLLOWING COURT RATIFICATION OF A SALE, A DEED SHALL BE EXECUTED CONVEYING
17 TITLE TO THE BUYER, SUBJECT TO THE REQUIREMENTS OF THE MARYLAND
18 COMMERCIAL RECEIVERSHIP ACT AND THE MARYLAND RULES.

19 (H) DISMISSAL.

20 ON THE SALE OF THE PROPERTY, THE RECEIVERSHIP SHALL TERMINATE AS PROVIDED
21 IN THE MARYLAND COMMERCIAL RECEIVERSHIP ACT.

22 (I) RECEIVERSHIP AUCTION PROCEEDS.

23 IF THE PROPERTY IS SOLD AT PUBLIC AUCTION, THE PROCEEDS OF THE SALE OF THE
24 PROPERTY SHALL BE ISSUED IN THE ORDER THE COURT INSTRUCTS, IN ACCORDANCE
25 WITH THE MARYLAND COMMERCIAL RECEIVERSHIP ACT.

1 **SECTION 2. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That**
2 **the Laws of Baltimore City read as follows:**

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

4 **Part II. International Building Code**

5 **§ 2-103. City modifications.**

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

8 **Chapter 1**
9 **Scope and Administration**

10 **Section 116. Unsafe Structures**

11 **116.1 General.** Any structure or part of a structure found to be unsafe or unfit for human
12 habitation or other authorized use must be rehabilitated or, as permitted or required by the
13 Building Official, demolished.

14 **116.1.1 Scope.** A structure may be unsafe or unfit for human habitation or other
15 authorized use because of:

- 16 1. conditions constituting a fire hazard or conditions of damage, decay,
17 dilapidation, obsolescence, abandonment, vacancy (as described in § 116.4),
18 insanitation, or vermin or rodent infestation that constitute a hazard to the
19 health, welfare, or safety of occupants or the public,
- 20 2. lack of sanitation, illumination, ventilation, heating, plumbing, exitways, fire
21 protection, utilities, or other facilities adequate to protect the health, welfare,
22 or safety of occupants or the public, or
- 23 3. conditions that are so unsafe, insanitary, overcrowded, improper in use or
24 occupancy, or otherwise dangerous to life, health, welfare, or safety as to
25 create a hazard to occupants or the public.

26 **116.7 Remedial action by Building Official.** The Building Official may take
27 action under this § 116.7 whenever the owner, agent, or person in control cannot be
28 found or fails to comply with a notice or order served under this Code:

- 29 1. to repair, rehabilitate, stabilize, or demolish an unsafe structure,
- 30 2. to clean, close, board, fence, or otherwise safeguard a vacant structure or lot,
31 or
- 32 3. to remove high grass and weeds or litter, trash, and debris from the premises
33 of a vacant structure or lot.

1 **116.7.1 Actions authorized.** The Building Official may proceed to:

- 2 1. have a receiver appointed, [or]
- 3 2. FILE FOR RENTAL PROPERTY RECEIVERSHIP UNDER CITY CODE ARTICLE 13,
- 4 SUBTITLE 5, PART II {"LICENSING OF RENTAL DWELLINGS: RENTAL
- 5 PROPERTY RECEIVERSHIP"}, IF
 - 6 A. IF THE STRUCTURE IS OR CONTAINS A RENTAL DWELLING UNDER
 - 7 CITY CODE ARTICLE 13 § 5-1(K), AND
 - 8 B. THE RENTAL DWELLING MEETS ALL OTHER REQUIREMENTS FOR A
 - 9 RENTAL PROPERTY RECEIVERSHIP ACTION, AND
- 10 3. [2.] complete all or any part of the required work through officers, agents,
- 11 employees, or contractors.

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

13 **Subtitle 40. Environmental Control Board**

14 **§ 40-14. Offenses to which subtitle applies – Listing.**

15 *(e) Provisions and penalties enumerated.*

16 **(4) Article 13. Housing and Urban Renewal**

17	<u>...</u>	
18	<u>Subtitle 5. Licensing of Rental Dwellings</u>	
19	<u>§ 5-4. License Required</u>	<u>\$1,000</u>
20	<u>§ 5-7. PREREQUISITES FOR NEW OR RENEWAL</u>	
21	<u>LICENSE – RENTAL INSPECTION</u>	<u>\$1,000</u>
22	<u>§ 5-11. Posting license; license number</u>	<u>\$250</u>
23	<u>§ 5-15. Denial, suspension, or revocation of license</u>	<u>\$750</u>
24	<u>All other provisions</u>	<u>\$500</u>
25	<u>Subtitle 8. Rent Increases</u>	<u>\$1,000</u>
26	<u>SUBTITLE 23. RENTAL INSPECTORS</u>	<u>\$1,000</u>

1 Article 13. Housing and Urban Renewal

2 Division II. Dwellings and Vacant Structures

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

5 § 4-6. Registration Statement.

6 (a) Form and contents.

7 Each registration statement [must] SHALL be in the form that the Commissioner requires
8 and contain the following information:

9 (1) a description of the premises by street number or by block-and-lot;

10 (2) the name, street address, telephone number, and email address of the premises'
11 owner of record;

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

14 (4) if the owner is a corporation, partnership, limited partnership, limited liability
15 company, or similar entity, [the name, street address, telephone number, and email
16 address of a natural person who serves as the owner's chief executive officer,
17 managing partner, or managing member, or in a similarly authoritative position.]
18 THE IDENTIFICATION SHALL INCLUDE:

19 (I) THE NAME AND STREET ADDRESS OF THE PRINCIPAL OFFICE OF SUCH
20 BUSINESS ENTITY;

21 (II) IDENTIFICATION OF THE NATURAL PERSON OR BUSINESS ENTITY WHO IS A
22 MEMBER, PARTNER, OR SHAREHOLDER WITH THE LARGEST OWNERSHIP
23 INTEREST IN THE OWNER; AND

24 (III) CONTACT INFORMATION FOR THE PERSON SPECIFIED IN SUBPARAGRAPH (II)
25 OF THIS PARAGRAPH, INCLUDING THE PERSON'S STREET ADDRESS,
26 TELEPHONE NUMBER, EMAIL ADDRESS, AND ANY ADDITIONAL
27 INFORMATION REQUIRED BY THE COMMISSIONER; AND

28 (5) IF THE PERSON SPECIFIED IN PARAGRAPH (4)(II) OF THIS SUBSECTION IS NOT A
29 NATURAL PERSON, THE STATEMENT SHALL IDENTIFY AND PROVIDE CONTACT
30 INFORMATION FOR THE NATURAL PERSON WHO HAS THE LARGEST OWNERSHIP
31 SHARE IN THE ENTITY DESCRIBED IN PARAGRAPH (4)(II) OF THIS SUBSECTION.

1 (E) [(d)] Multiple-family dwelling.

2 “Multiple-family dwelling” has the meaning stated in § 202.2 of the Property
3 Maintenance Code of Baltimore City.

4 (F) [(e)] Non-owner-occupied dwelling unit.

5 “Non-owner-occupied dwelling unit” has the meaning stated in § 4-1 of this article.

6 (G) [(f)] Person.

7 (1) In general.

8 “Person” has the meaning stated in § 1-107(a) {“Person: In general”} of the City
9 Code’s General Provisions Article.

10 (2) Qualified inclusion of governmental entities.

11 Notwithstanding § 1-107(b) {“Person: Exclusion”} of the General Provisions
12 Article, in this subtitle “person” also includes, except as used in § 5-21
13 {“Penalties”} of this subtitle, a governmental entity or an instrumentality or unit
14 of a governmental entity.

15 (H) [(g)] Priority dwelling.

16 (1) In general.

17 “Priority dwelling” means a rental dwelling:

18 (i) with 20 or more dwelling units or rooming units; and

19 (ii) to which 2 or more of the following criteria applied in the preceding
20 calendar year:

21 A. the rental dwelling was issued [a violation notice] 2 OR MORE
22 VIOLATION NOTICES under the Building, Fire, and Related Codes
23 article relating to interior conditions that remained unabated for
24 more than 90 days;

25 B. the rental dwelling was issued four or more violation notices under
26 the Building, Fire, and Related Codes article relating to interior
27 conditions; and

1 C. the number of recorded 311 calls related to health and habitability
2 for a rental dwelling, which may not include requests to summon
3 law enforcement or emergency services as prohibited under
4 § 14-126 of the State Real Property Article, divided by the total
5 number of dwelling and rooming units in that rental dwelling,
6 exceeds the applicable minimum value in the table below; and

<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>

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15 D. the rental dwelling's U.S. Department of Housing and Urban
16 Development (HUD) National Standards for the Physical
17 Inspection of Real Estate (NSPIRE) inspection score for either of
18 the 2 most recent NSPIRE inspections was less than or equal to 79.

19 (2) Exceptions.

20 This definition does not include any rental dwellings owned and operated by the
21 Housing Authority of Baltimore City.

22 (i) [(h)] Priority DWELLING inspection.

23 “Priority DWELLING inspection” means:

24 (1) the physical inspection of a priority dwelling conducted by an inspector
25 employed by the Department of Housing and Community Development; and

26 (2) the inspector’s written evaluation of the rental dwelling’s compliance with the
27 City’s health and safety standards specified in the rules and regulations
28 adopted by the Commissioner under this subtitle.

1 (J) PROPERTY MANAGER.

2 “PROPERTY MANAGER” MEANS A PERSON AUTHORIZED BY A PROPERTY OWNER TO
3 OPERATE OR MAINTAIN A RENTAL DWELLING.

4 (K) [(i)] Rental dwelling.

5 “Rental dwelling” means:

6 (1) any multiple-family dwelling;

7 (2) any rooming house;

8 (3) any supportive housing facility; and

9 (4) any non-owner-occupied dwelling unit in a 1- or 2-family dwelling that is
10 leased or rented or offered or available for lease or rental in exchange for any
11 form of consideration.

12 (L) RENTAL INSPECTION.

13 “RENTAL INSPECTION” MEANS:

14 (1) THE PHYSICAL INSPECTION OF A RENTAL DWELLING CONDUCTED BY A RENTAL
15 INSPECTOR; AND

16 (2) THE RENTAL INSPECTOR’S WRITTEN EVALUATION OF THE RENTAL DWELLING’S
17 COMPLIANCE WITH THE CITY’S HEALTH, SAFETY, AND LICENSING STANDARDS
18 SPECIFIED UNDER § 116.1.1 {“UNSAFE STRUCTURES: GENERAL: SCOPE”} OF
19 THE BALTIMORE CITY BUILDING CODE AND UNDER THIS SUBTITLE.

20 (M) RENTAL INSPECTOR.

21 “RENTAL INSPECTOR” MEANS AN INDIVIDUAL WHO IS LICENSED UNDER § 23-1 OF
22 ARTICLE 15 OF THE CITY CODE.

23 (N) [(j)] Rooming house.

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

26 (O) [(k)] Rooming unit.

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

1 (P) [(j)] Supportive housing facility.

2 “Supportive housing facility” has the meaning stated in § 202.2.56 of the Baltimore
3 City Building Code.

4 **§ 5-2. Rules and regulations.**

5 Subject to Title 4 {“Administrative Procedure Act – Regulations”} of the City General
6 Provisions Article, the Commissioner may adopt rules and regulations to carry out this
7 subtitle.

8 **§ 5-3. {Reserved}**

9 **§ 5-4. License required.**

10 (a) In general.

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

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

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

18 (b) Exception.

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

21 (C) NOTICE TO LICENSEES.

22 THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL NOTIFY A
23 LICENSEE PRIOR TO EXPIRATION OF A LICENSE ABOUT THE ONGOING LICENSE
24 REQUIREMENTS UNDER THIS SUBTITLE.

25 (D) [(c)] Notice to all occupants.

26 (1) When the Department of Housing and Community Development has notice or
27 actual knowledge that a rental dwelling is rented without a license as required in
28 this section, the Commissioner shall promptly notify the record owner or the
29 managing operator, if other than the record owner, to post a notice in the rental
30 dwelling in an area accessible to all occupants.

1 (2) The notice required in paragraph (1) of this subsection shall include:

2 (i) a description of the duties and obligations of the record owner and
3 managing operator of the rental dwelling regarding compliance with this
4 subtitle;

5 (ii) the civil citations and criminal penalties that may arise under §§ 5-25 and
6 5-26 of this subtitle;

7 (iii) a statement that each day the violation continues is a separate
8 offense; and

9 (iv) any additional information the Commissioner deems necessary to
10 include.

11 (3) The notice [must] SHALL remain posted for at least 90 days or until the building is
12 licensed, whichever is longer.

13 (E) [(d)] *Notice to HABC.*

14 When the Department of Housing and Community Development has notice or actual
15 knowledge that a rental dwelling is rented without a license as required in this section,
16 the Commissioner shall promptly notify the Housing Authority of Baltimore City,
17 including any information the Commissioner deems necessary.

18 **§ 5-5. Application for new or renewal license.**

19 (a) *In general.*

20 The application for a new or renewal rental dwelling license [must] SHALL be made in
21 the form and contain the information and documentation that the Housing
22 Commissioner requires.

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

24 The application [must] SHALL be made and signed by:

25 (1) the record owner of the premises; and

26 (2) the managing operator of the premises, if other than the record owner.

27 (c) *Application period for renewal.*

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

1 (d) License application – Form and contents.

2 Each application for a new or renewed license, [must] SHALL contain the following
3 information:

- 4 (1) a description of the premises by street number and by block-and-lot numbers;
5 (2) the name, street address, telephone number, and email address of the rental
6 dwelling’s record owner;
7 (3) the name, street address, telephone number, and email address of the rental
8 dwelling’s managing operator, if other than the record owner; and
9 (4) any other information requested by the Commissioner of the
10 Department of Housing and Community Development or the
11 Commissioner’s designee.

12 **§ 5-6. Prerequisites for new or renewal license – In general.**

13 (A) QUALIFICATIONS.

14 A rental dwelling license [may] SHALL be issued or renewed under this subtitle only
15 if:

- 16 (1) all dwelling units and rooming units are currently registered as required by
17 Subtitle 4 {“Registration of Non-Owner-Occupied Dwellings, Rooming
18 Houses, and Vacant Structures”} of this article;
19 (2) all registration fees for these units and all related interest and late fees required
20 by Subtitle 4 have been paid;
21 (3) A RENTAL INSPECTOR HAS SUBMITTED TO THE COMMISSIONER
22 DOCUMENTATION THAT VERIFIES THAT the premises have passed [an] A
23 RENTAL inspection, as required by § 5-7 {“Prerequisites ... – [Inspection”]}]
24 RENTAL INSPECTION”} or § 5-10 {“Priority DWELLING inspections”} of this
25 subtitle;
26 (4) the premises are in compliance with all federal, State, and City laws and
27 regulations governing lead paint;
28 (5) for premises that include a hotel or motel subject to City Code Article 15
29 {“Licensing and Regulation”}, Subtitle 10 {“Hotels”}, the hotel or motel is in
30 compliance with the training, certification, and posting requirements of that
31 subtitle; [and]

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

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

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

6 (B) DISQUALIFICATION.

7 THE DEPARTMENT MAY NOT ISSUE OR RENEW A RENTAL DWELLING LICENSE UNDER
8 THIS SUBTITLE IF THE PROPERTY’S MUNICIPAL WATER BILL REMAINS UNPAID 60 DAYS .

9 § 5-7. Prerequisites for new or renewal license – [Inspection.] RENTAL INSPECTION.

10 (a) In general.

11 The RENTAL inspection required by § 5-6 {“Prerequisites ... – In general”} of this
12 subtitle [must] SHALL comply with either:

13 (1) subsection (b) {“Third-party home inspections”} of this section;

14 (2) subsection (c) {“Governmental agency inspections”} of this section; or

15 (3) § 5-10 {“Priority DWELLING 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
23 the Housing Commissioner’s rules and regulations adopted under this
24 subtitle.]

25 [(iii) Home inspector.]

26 [“Home inspector” means an individual:]

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

1 [(B) who, as required by the rules and regulations adopted under this
2 subtitle:]

3 [1. has registered with the Housing Commissioner as generally
4 available to inspect and certify rental dwellings under this
5 subsection;]

6 [2. has, as specified by the rules and regulations adopted under this
7 subtitle, submitted to the Commissioner a conflict-of-interest
8 statement; and]

9 [3. for each home inspection to be performed under this subsection,
10 certifies that neither the home inspector nor any owner, partner,
11 director, officer, employee, or agent of the home inspector or of the
12 home inspector's business has any financial interest in:]

13 [a. the rental dwelling to be inspected;]

14 [b. the record owner or operator of that rental dwelling; or]

15 [c. any owner, partner, director, officer, employee, or
16 agent of the rental dwelling's record owner or operator.]

17 (1) REGISTRY OF RENTAL INSPECTORS.

18 (i) THE HOUSING COMMISSIONER SHALL MAINTAIN A REGISTRY OF ALL RENTAL
19 INSPECTORS LICENSED UNDER SUBTITLE 23 OF CITY CODE ARTICLE 15
20 {“RENTAL INSPECTORS”}.

21 (ii) IF THE HOUSING COMMISSIONER FINDS THAT A RENTAL INSPECTOR HAS ISSUED
22 A CERTIFICATE OF SATISFACTORY COMPLIANCE FOR A PROPERTY AND THAT
23 THE RENTAL INSPECTOR KNEW OR REASONABLY SHOULD HAVE KNOWN THAT
24 THE PROPERTY WAS NOT IN SATISFACTORY COMPLIANCE:

25 (A) THE HOUSING COMMISSIONER SHALL REVOKE THE RENTAL INSPECTOR'S
26 LICENSE; AND

27 (B) THE HOUSING COMMISSIONER MAY NOT APPROVE A RENTAL DWELLING
28 LICENSE APPLICATION THAT INCLUDES AN INSPECTION REPORT FROM THE
29 RENTAL INSPECTOR.

1 (2) Applicant to contract for timely RENTAL inspection.

2 (i) [Before] SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (4) OF THIS
3 SUBSECTION, BEFORE applying for a rental dwelling license or renewal license,
4 the applicant [must,] SHALL, at the applicant's expense, contract with a [home]
5 RENTAL inspector to perform a [home] RENTAL inspection under this section.

6 (ii) [Inspections] RENTAL INSPECTIONS may not be performed more than 90 days
7 before a person submits an application for a rental dwelling license or an
8 application for renewal of a rental dwelling license to the Commissioner of the
9 Department of Housing and Community Development or the Commissioner's
10 designee.

11 (3) NOTICE TO CURRENT TENANT.

12 (i) AT LEAST 7 DAYS PRIOR TO AN INSPECTION, AN APPLICANT SHALL NOTIFY
13 EACH TENANT RESIDING AT THE PROPERTY WHERE THE RENTAL DWELLING
14 INSPECTION WILL OCCUR IN WRITING OF THE FOLLOWING:

15 (A) THE DATE AND TIME THE INSPECTION WILL TAKE PLACE;

16 (B) THE NAME OF THE RENTAL INSPECTOR AND THE INSPECTION
17 COMPANY; AND

18 (C) A STATEMENT THAT THE TENANT MAY BE PRESENT FOR THE
19 INSPECTION.

20 (ii) AN APPLICANT SHALL DELIVER THE NOTICE REQUIRED UNDER THIS
21 PARAGRAPH (3) BY, EITHER:

22 (A) POSTING ON THE PROPERTY; OR

23 (B) FIRST-CLASS MAIL, WITH THE CERTIFICATE OF MAILING ATTACHED.

24 (iii) THE APPLICANT SHALL RETAIN IN THEIR RECORDS EVIDENCE OF NOTICE,
25 INCLUDING:

26 (A) A DATE-STAMPED PHOTOGRAPH OF THE POSTING; OR

27 (B) A COPY OF THE CERTIFICATE OF MAILING.

28 (4) SELECTION OF RENTAL INSPECTOR.

29 THE HOUSING COMMISSIONER MAY NOT GRANT A RENTAL DWELLING LICENSE IF
30 THE APPLICANT, INCLUDING THE RECORD OWNER AND ANY MANAGING OPERATOR,
31 USES THE SAME RENTAL INSPECTOR OR RENTAL INSPECTION COMPANY TWICE IN
32 THE SAME 8-YEAR PERIOD FOR THE SAME PROPERTY.
33

1 (5) [(3)] Number of units to be inspected.

2 (i) For any rental dwelling that comprises 9 or fewer dwelling or rooming units,
3 all dwelling and rooming units [must] SHALL be inspected under this
4 subsection.

5 (ii) For any multiple-family dwelling or rooming house that comprises 10 or more
6 dwelling or rooming units, the number of units that [must] SHALL be inspected
7 are as determined in the rules and regulations adopted under this subtitle.

8 (6) [(4)] [Inspector's] RENTAL INSPECTOR'S reports and certification.

9 (i) After the [home] RENTAL inspection, the [home] RENTAL inspector [must]
10 SHALL issue to the [applicant:] APPLICANT AND THE HOUSING COMMISSIONER:

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

13 (B) if the rental dwelling meets the City's health and safety standards
14 specified in the rules and regulations adopted under this subtitle,
15 a certificate of satisfactory compliance with those standards.

16 (ii) The reports and the certification [must] SHALL be:

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

18 (B) ACCOMPANIED BY SUPPORTING DATE STAMPED PHOTOGRAPHS AS
19 SPECIFIED BY THE COMMISSIONER; AND

20 (C) signed by the [home] RENTAL inspector, under oath and
21 under the [home] RENTAL inspector's seal.

22 (7) PENALTIES.

23 (I) IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT
24 PROCEDURE, THIS SUBSECTION MAY BE ENFORCED BY ISSUANCE OF AN
25 ENVIRONMENTAL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 40
26 {“ENVIRONMENTAL CONTROL BOARD”}.

27 (II) THE ISSUANCE OF A CITATION TO ENFORCE THIS SUBSECTION DOES NOT
28 PRECLUDE ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION
29 AUTHORIZED BY LAW.

1 (c) Governmental agency inspections.

2 (1) Scope of subsection.

3 This subsection applies to any rental dwelling unit that is required to undergo
4 periodic inspections conducted by a governmental agency in accordance with
5 federal or State inspection standards.

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

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

13 (d) Commissioner to audit RENTAL inspections.

14 (1) The Commissioner shall conduct an annual audit of AT LEAST 100 inspections OF
15 LICENSED PROPERTIES conducted under this section.

16 (2) A PORTION OF THE PROPERTIES AUDITED SHALL INCLUDE EVERY PROPERTY THAT
17 RECEIVED A VIOLATION ISSUED BY A CITY INSPECTOR WITHIN 60 DAYS AFTER THE
18 PROPERTY'S RENTAL LICENSE WAS ISSUED AND THE VIOLATION WAS THEN NOT
19 ABATED FOR AT LEAST 60 DAYS.

20 (3) THE COMMISSIONER SHALL MAKE ALL FINDINGS OF AN AUDIT CONDUCT UNDER
21 THIS SUBSECTION AVAILABLE ON THE CITY'S WEBSITE.

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 dwelling under the City Building, Fire, and Related Codes Article.

26 (f) [Inspection] RENTAL INSPECTION reports – Distribution.

27 [Inspection] RENTAL INSPECTION reports used to satisfy § 5-6 {"Prerequisites . . . – In
28 general"} of this subtitle [must] SHALL be distributed by the record owner or, the
29 managing operator, if other than the record owner, to each resident of the rental
30 dwelling for which a person is applying for a new or renewed rental license at the
31 time the application for a new or renewed license is submitted.

1 **§ 5-8. PREREQUISITES FOR NEW OR RENEWAL LICENSE – PROPERTY MANAGER.**

2 **(A) SCOPE.**

3 THE PROVISIONS OF THIS SUBSECTION APPLY ONLY TO A PROPERTY MANAGER IF THE
4 RENTAL DWELLING THE PROPERTY MANAGER IS OPERATING OR MAINTAINING:

5 (1) CONSISTS OF 20 OR MORE DWELLING UNITS; AND

6 (2) 20 OR MORE OF THOSE DWELLING UNITS ARE DESIGNATED HOUSING FOR
7 RESIDENTS AGED 55 YEARS OR OLDER.

8 **(B) CONTENTS.**

9 THE TRAINING REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE:

10 (1) THE HEALTH AND SAFETY REQUIREMENTS ESTABLISHED UNDER CITY LAW FOR
11 A RENTAL DWELLING; AND

12 (2) A METHOD FOR AN EMPLOYEE TO ANONYMOUSLY REPORT A SUSPECTED
13 VIOLATION OF THE HEALTH AND SAFETY REQUIREMENTS TO THE CITY.

14 **(C) TIME LINE FOR COMPLETION.**

15 ALL STAFF SHALL COMPLETE THE TRAINING REQUIRED UNDER THIS SUBSECTION
16 WITHIN 45 DAYS OF THEIR HIRING DATE WITH THE PROPERTY MANAGEMENT COMPANY.

17 **(D) REQUIRED CURRICULUM.**

18 THE CURRICULUM AND TRAINING PROCESS SHALL BE DEVELOPED BY THE
19 COMMISSIONER AND THE OFFICE OF OLDER ADULTS AFFAIRS AND ADVOCACY OR
20 THEIR SUCCESSOR AGENCY.

21 **§ 5-9. License terms.**

22 Each rental dwelling license and rental dwelling renewal license issued under this subtitle
23 expires 2 years from the date of issuance.

1 **§ 5-10. Priority DWELLING inspections.**

2 (a) In general.

3 A Department of Housing and Community Development inspector shall conduct
4 priority DWELLING inspections of at least 25 priority dwellings each inspection year.

5 [(b) Definition - Inspection year.]

6 [In this subsection, the term “inspection year” means the calendar year.]

7 (B) [(c)] Identification of priority dwellings.

8 Based on data from the previous inspection year, the Department of Housing and
9 Community Development shall identify all priority dwellings in the City by January
10 31st of each inspection year.

11 (C) [(d)] Notification of priority dwelling status.

12 Upon identifying a priority dwelling, the Department of Housing and Community
13 Development [must] SHALL notify the record owner and, if one exists, the managing
14 operator, of the following:

15 (1) [(i)] the factors that are used to identify rental dwellings as priority dwellings;
16 [and;] AND

17 (2) [(ii)] that, because the dwelling is identified as a priority dwelling, a
18 Department of Housing and Community Development inspector shall issue an
19 environmental citation if a violation of a section of the City’s Property
20 Maintenance Code listed in Article 1, § 40-14(e) {“Provisions and penalties
21 enumerated”} is identified.

22 (D) [(e)] Number and frequency of PRIORITY DWELLING inspections.

23 During each inspection year, at least 2 priority DWELLING inspections [must] SHALL be
24 conducted:

25 (1) at least 4 months apart; and

26 (2) between the months of February and November.

27 (E) [(f)] Number of units to be inspected.

28 (1) In general.

29 A Department of Housing and Community Development inspector shall attempt
30 to inspect at least a certain percentage of the total dwelling and rooming units in
31 the priority dwelling, as provided for in the table below.

<u>Total Number of Units</u>	<u>[minimum] MINIMUM Percentage of Total Units</u>
<u>20 - 35</u>	<u>40%</u>
<u>36 - 50</u>	<u>35%</u>
<u>51 - 75</u>	<u>30%</u>
<u>76 - 100</u>	<u>25%</u>
<u>101 - 125</u>	<u>20%</u>
<u>126 - 150</u>	<u>15%</u>
<u>151, or more</u>	<u>10%</u>

(2) Documentation of PRIORITY DWELLING inspections.

A Department of Housing and Community Development inspector shall record for each unit if the PRIORITY DWELLING inspection was either ‘attempted’ or ‘completed’.

(F) [(g)] Notice and meeting requirements — Record owner and managing operator.

The Commissioner of the Department of Housing and Community Development or the Commissioner’s designee shall notify the record owner and the managing operator of a priority dwelling that:

(1) the record owner and the managing operator shall attend a meeting at a time and place determined by the Commissioner or the Commissioner’s designee to:

(i) discuss unresolved violation notices, complaints, and property maintenance;

(ii) establish a schedule for the record owner and the managing operator to abate all unresolved violation notices;

(iii) establish a schedule for regular property maintenance to prevent future violations; and

(iv) any other matters deemed appropriate by the Commissioner or the Commissioner’s designee; and

(2) failure to attend the meeting described in paragraph (1) shall result in:

(i) the denial of an application for a rental dwelling license;

1 (ii) the denial of an application for a renewal rental dwelling
2 license; or

3 (iii) the revocation of a rental dwelling license.

4 (G) [(e)] Notice of priority DWELLING inspection.

5 (1) In general.

6 The record owner or managing operator of a priority dwelling shall notify all
7 tenants of the date and time of a priority DWELLING inspection no fewer than 20
8 days prior to the date of the priority DWELLING inspection.

9 (2) Anonymous requests for priority DWELLING inspection.

10 (i) In general.

11 The record owner and the managing operator shall deliver to all tenants
12 directions to submit an anonymous request that the Department of Housing
13 and Community Development inspector inspect the tenant's dwelling unit or
14 rooming unit as part of the priority DWELLING inspection.

15 (ii) Form of instructions.

16 The Commissioner of the Department of Housing and Community
17 Development or the Commissioner's designee shall establish the form and
18 content of the instructions delivered to tenants under subparagraph (i) of this
19 paragraph.

20 **§ 5-11. Posting license; license number.**

21 (a) Dwellings.

22 The license issued under this subtitle [must] SHALL be prominently posted:

23 (1) for a multiple-family dwelling or rooming house, in the vestibule, lobby, or
24 other public place on the premises; and

25 (2) for a 1- or 2-family dwelling, in an area of each dwelling unit that is accessible
26 to that unit's occupants and to [housing] RENTAL inspectors.

27 (b) Lease agreements.

28 A license issued under this subtitle [must] SHALL be provided to:

29 (1) any prospective tenant who requests an application; and

1 (2) all existing or future tenants at the time a rental dwelling lease agreement or
2 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 subtitle [must]
9 SHALL include the rental license number for the advertised rental dwelling.

10 (2) Prohibitions.

11 Any material advertising a rental dwelling for rent that is covered by this subtitle
12 may not include a rental license number that is, pursuant to this subtitle:

13 (i) expired;

14 (ii) suspended; or

15 (iii) revoked.

16 (3) Exceptions.

17 Notwithstanding anything contained in this section to the contrary, the record
18 owner and managing operator, if any, of a newly constructed or renovated
19 dwelling unit or rooming unit that does not yet have a rental dwelling license
20 number shall include the following text in any lease agreement, advertising
21 material, or other publicly facing document:

22 “This is a newly constructed or renovated dwelling unit and does not currently
23 have a rental license. As soon as available, a rental license will be provided to
24 all individuals as required by Article 13, Subtitle 5 {“Licensing of Rental
25 Dwellings”} of the Baltimore City Code.”.

26 **§ 5-12. Transfer of license prohibited.**

27 (a) In general.

28 The transfer of a rental license is prohibited under this subtitle.
29

1 (b) Application for new license.

2 A person shall apply for a new rental license according to the procedures established
3 under § 5-5 {"Application for new or renewal license"} of this subtitle within 60 days
4 of assuming:

5 (1) record ownership of a rental dwelling; or

6 (2) operation of a rental dwelling.

7 **§ 5-13. Discontinuance of multiple-family or rooming-house operations.**

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

12 **§ 5-14. {Reserved}**

13 **§ 5-15. Denial, suspension, or revocation of license – In general.**

14 (a) "Nuisance property" defined.

15 In this section, "nuisance property" means any property that is maintained or operated
16 so as to cause or allow a nuisance of the sort described in any 1 or another of the
17 following definitions:

18 (1) State Code Real Property Article, § 14-120(a)(5) {defining "nuisance"};

19 (2) City Code Article 19, § 43-1(l) {defining "public nuisance"};

20 (3) City Code Article 19, § 43B-1(b) {defining "neighborhood nuisance"}; and

21 (4) City Code Article 19, § 43B-1(o) {defining "unruly social event"}.

22 (b) Causes for denial, suspension, or revocation.

23 Subject to the hearing provisions of § 5-16 of this subtitle, the Housing Commissioner
24 may deny, suspend, or revoke a rental dwelling license or renewal license for any of
25 the following causes:

26 (1) making any material false statement in an application for an initial or renewal
27 license;

28 (2) fraudulently or deceptively obtaining a rental dwelling license for oneself or
29 for another;

30 (3) fraudulently or deceptively using a rental dwelling license;

- 1 (4) falsifying any RENTAL inspection report or certificate;
- 2 (5) refusal by a record owner or operator of a rental dwelling to allow the
3 Commissioner to conduct a routine, spot, quality-control, proactive, or other
4 inspection of the rental dwelling as authorized by this subtitle or the City
5 Building, Fire, and Related Codes Article;
- 6 (6) failing to abate within 120 days of issuance any violation notice, order,
7 or citation for violating any provision of the City Building, Fire, and Related
8 Codes Article, the City Health Article, or the Zoning Code of Baltimore City;
- 9 (7) failing to abate any violation notice issued during a priority DWELLING
10 inspection within the time required;
- 11 (8) WHEN THE LEASE WAS EXECUTED, THE PROPERTY’S MUNICIPAL WATER BILL
12 REMAINED UNPAID 60 DAYS;
- 13 (9) [(8)] failing to comply with any provision of this subtitle or of any rule or
14 regulation adopted under this subtitle; [or]
- 15 (10) [(9)] if the Housing Commissioner finds, or if the Fire Chief, Health
16 Commissioner, or Police Commissioner certify to the Housing Commissioner,
17 that:
- 18 (i) the record owner, operator, or lessee of a rental dwelling has
19 failed to comply with any lawful notice, order, or citation to correct a
20 violation that affects the health, safety, morals, or general welfare of the
21 occupants of the property or of the general public; or
- 22 (ii) the record owner, operator, or lessee of a rental dwelling, or any
23 agent of the record owner, operator, or [lessee:] LESSEE HAS ALLOWED
24 THE PREMISES TO BE USED AS A NUISANCE PROPERTY, OR KNEW OR
25 SHOULD HAVE KNOWN THAT THE PREMISES WERE BEING USED AS A
26 NUISANCE PROPERTY AND FAILED TO PREVENT THEM FROM BEING SO
27 USED;
- 28 [(A) has allowed the premises to be used as a nuisance property;
29 or]
- 30 [(B) knew or should have known that the premises were being
31 used as a nuisance property and failed to prevent them from
32 being so used.]
- 33 (11) TAKING A RETALIATORY, DISCRIMINATORY, OR INTIMIDATING ACTION OF ANY
34 KIND AGAINST A TENANT FOR ANY REASON, INCLUDING AN ACTION TAKEN
35 BASED ON THE TENANT’S STATUS AS A PROTECTED CLASS OR BASED ON THE
36 TENANT’S COUNTRY OF ORIGIN OR IMMIGRATION STATUS;

1 (12) VIOLATING THE PROVISIONS OF § 3-701 {"EXTORTION GENERALLY"} OF THE
2 STATE CRIMINAL LAW ARTICLE.

3 (13) IF APPLICABLE, VIOLATING THE PROVISIONS OF § 5-8 {"PREREQUISITES FOR
4 NEW OR RENEWAL LICENSE – PROPERTY MANAGER"} OF THIS SUBTITLE.

5 (C) REINSPECTION REQUIRED.

6 (1) IN GENERAL.

7
8 IF THE HOUSING COMMISSIONER REVOKES A RENTAL DWELLING LICENSE, A
9 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT INSPECTOR SHALL
10 REINSPECT THE PROPERTY BEFORE A NEW LICENSE MAY BE ISSUED.

11 (2) PROPERTY SHALL PASS.

12 THE HOUSING COMMISSIONER MAY NOT ISSUE A NEW LICENSE UNLESS THE
13 PROPERTY PASSES THE RENTAL INSPECTION REQUIRED UNDER PARAGRAPH (1) OF
14 THIS SUBSECTION.

15 (3) REINSPECTION FEE.

16 THE DEPARTMENT MAY CHARGE AN APPLICANT A FEE OF \$50 PER DWELLING UNIT
17 FOR AN INSPECTION UNDER THIS SUBSECTION.

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
21 first 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,
26 suspended, or revoked.

27 (b) Exception.

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

1 (C) LESSEE COMPLAINT.

2 (1) IN GENERAL.

3 A LESSEE OR FORMER LESSEE OF A DWELLING MAY RAISE A COMPLAINT WITH THE
4 COMMISSIONER REGARDING A VIOLATION OF THIS SUBTITLE.

5 (2) COMMISSIONER RESPONSE.

6 (I) ANY COMPLAINT UNDER THIS SUBSECTION TO DENY, SUSPEND, OR REVOKE A
7 LANDLORD'S LICENSE SHALL BE IN THE FORM AND MANNER REQUIRED BY THE
8 COMMISSIONER.

9 (II) THE COMMISSIONER SHALL MAKE A DECISION AND NOTIFY THE COMPLAINANT
10 ON ANY COMPLAINT UNDER THIS SUBSECTION WITHIN 10 BUSINESS DAYS OF
11 RECEIVING THE COMPLAINT.

12 (III) IF THE COMMISSIONER PERMITS A LANDLORD TO RETAIN A LICENSE UNDER
13 THIS SUBSECTION, THE COMMISSIONER SHALL ISSUE A WRITTEN
14 DETERMINATION TO THE COMPLAINANT DOCUMENTING WHY THE LICENSE WAS
15 NOT DENIED, SUSPENDED, OR REVOKED.

16 (3) COMPLAINTS RETAINED.

17 THE COMMISSIONER SHALL MAINTAIN A RECORD OF ALL COMPLAINTS MADE
18 UNDER THIS SUBSECTION, INCLUDING THE COMPLAINT'S OUTCOME.

19 (D) APPEAL.

20 PURSUANT TO § 128 {"ADMINISTRATIVE AND JUDICIAL REVIEW"} OF THE BALTIMORE
21 CITY BUILDING CODE, ANY PERSON MAY APPEAL A DECISION MADE BY THE
22 COMMISSIONER UNDER THIS SECTION.

23 **§ 5-17. Vacating premises.**

24 (A) IN GENERAL.

25 The Commissioner may require a rental dwelling to be vacated within 24 hours AT
26 THE EXPENSE OF THE PROPERTY OWNER if:

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

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

1 (B) NOTICE REQUIRED.

2 (1) IN GENERAL.

3 IF THE COMMISSIONER REQUIRES A RENTAL DWELLING TO BE VACATED UNDER
4 THIS SECTION, THE COMMISSIONER SHALL PROVIDE NOTICE TO TENANTS BY
5 POSTING A WRITTEN NOTICE ON THE DOOR OF EACH DWELLING UNIT.

6 (2) CONTENT OF NOTICE.

7 A NOTICE ISSUED UNDER THIS SUBSECTION SHALL INCLUDE INFORMATION
8 REGARDING ALL RESOURCES AVAILABLE TO TENANTS FOR RELOCATION.

9 § 5-18. {Reserved}

10 § 5-19. Impairing constitutional rights.

11 (a) "Reasonable accommodation" defined.

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

14 (b) Prohibited conduct.

15 No bylaw, rule, or regulation governing a rental dwelling, nor any action or inaction
16 of the governing body or management of a rental dwelling, may:

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

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

21 § 5-20. Sanitation Guide.

22 (a) Preparation of Guide.

23 The record owner or managing operator of every rental dwelling, other than a hotel or
24 motel, [must] SHALL prepare, in the form and containing the information required by
25 the Commissioner, a Sanitation Guide for the premises that provides notice to all
26 occupants of the requirements and procedures for the separation, disposition,
27 collection, and proper storage pending collection of mixed refuse, recyclable
28 materials, yard waste, bulk trash, and all other forms of garbage, rubbish, waste, and
29 trash.

30 (b) Dissemination.

31 A copy of the Sanitation Guide [must] SHALL be:

1 (1) provided to each dwelling unit on the premises; and

2 (2) prominently posted within each common collection room, if any, on the
3 premises.

4 § 5-21. {Reserved}

5 § 5-22. Public access to information.

6 The Housing Commissioner shall make freely available for review on and download from
7 the website of the Department of Housing and Community [Development:]
8 DEVELOPMENT, IN ACCORDANCE WITH THE MARYLAND PUBLIC INFORMATION ACT AND
9 ANY OTHER APPLICABLE STATE OR FEDERAL LAW:

10 (1) the license number and license status of any rental dwelling subject to this
11 subtitle;

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

13 (i) violation notices, orders, or citations issued by the Department of Housing
14 and Community Development under this article or the City Building, Fire,
15 and Related Codes Article;

16 (ii) the rental dwelling's status as a priority [dwelling for at least the past 5
17 years; and] DWELLING;

18 (III) ALL RENTAL INSPECTION RECORDS ASSOCIATED WITH THE RENTAL
19 DWELLING;

20 (IV) [(iii)] notices of any denial, suspension, or revocation of the rental
21 dwelling's license; and

22 (V) ALL DOCUMENTS SUBMITTED BY THE HOLDER OF THE RENTAL DWELLING
23 LICENSE AS PART OF THEIR APPLICATION FOR THE RENTAL DWELLING
24 LICENSE; AND

25 (3) the following information:

26 (i) the address of the rental dwelling;

27 (ii) the name of the record owner of the rental dwelling;

28 (iii) the name of the managing operator of the rental dwelling;

29 (iv) phone numbers for both the record owner and the managing
30 operator of the rental dwelling; and

1 (v) email addresses for both the record owner and the managing operator of
2 the rental dwelling.

3 **§ 5-23. {Reserved}**

4 **§ 5-24. Judicial and appellate review.**

5 [(a) Judicial review.]

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

9 [(b) Stays.]

10 [(1) The filing of a petition for judicial review does not stay the decision of the
11 Commissioner.]

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

14 [(c) Appellate review.]

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

17 PURSUANT TO § 128 {“ADMINISTRATIVE AND JUDICIAL REVIEW”} OF THE BALTIMORE
18 CITY BUILDING CODE, ANY PERSON MAY APPEAL A DECISION MADE BY THE
19 COMMISSIONER UNDER THIS SECTION.

20 **§ 5-25. Enforcement by citation.**

21 (a) In general.

22 In addition to any other civil or criminal remedy or enforcement procedure, this
23 subtitle may be enforced by issuance of an environmental citation as authorized by
24 City Code Article 1, Subtitle 40 {“Environmental Control Board”} or a civil citation
25 under City Code Article 1, Subtitle 41 {“Civil Citations”}.

26 (b) Priority dwelling – Citation.

27 For priority dwellings, a Department of Housing and Community Development
28 inspector shall issue an environmental citation if a violation of a section of the City’s
29 Property Maintenance Code listed in Article 1, § 40-14(e) {“Provisions and penalties
30 enumerated”} is identified.

1 (c) Process not exclusive.

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

4 (d) Separate offenses.

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

6 **§ 5-26. Penalties.**

7 (a) In general.

8 Any person who violates any provision of this subtitle (including any offense listed in
9 § 5-15 of this subtitle as potential cause for a denial, suspension, or revocation of a
10 license) or any provision of a rule, regulation, or order adopted or issued under this
11 subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more
12 than \$1,000 for each offense.

13 (b) Each day a separate offense.

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

15 **§ 5-27. Data collection.**

16 (a) In general.

17 The Commissioner, the City's Chief Data Officer, and any other City employee who
18 maintains data pertaining to priority dwellings or priority DWELLING inspections
19 [must] SHALL collaborate to develop a system to track and analyze priority dwellings
20 and priority DWELLING inspections.

21 (b) Discretion of Commissioner.

22 The Department of Housing and Community Development may use existing
23 resources to track and analyze priority dwellings at the discretion of the
24 Commissioner.

25 **§ 5-28. Annual Report.**

26 (a) In general.

27 Not later than May 1 of each year, the Department of Housing and Community
28 Development [must] SHALL submit an annual report for the previous calendar year to
29 the Mayor and the City Council detailing:

30 (1) the number of priority dwellings;

- 1 (2) the number of priority dwellings for which the Department of Housing and
2 Community Development conducted 2 priority DWELLING inspections;
- 3 (3) the number of priority dwellings where at least 1 violation notice was issued
4 during a priority DWELLING inspection that was not abated within the
5 allowable time;
- 6 (4) the number of priority dwellings where at least 1 citation was issued during a
7 priority DWELLING inspection;
- 8 (5) the number of attempted priority DWELLING inspections;
- 9 (6) the number of rental licenses revoked under § 5-15(b)(6) of this [subtitle:] FOR
10 BOTH PRIORITY AND NONPRIORITY DWELLINGS;
- 11 (7) the number of rental licenses revoked under § 5-15(b)(7) of this [subtitle:] FOR
12 BOTH PRIORITY AND NONPRIORITY DWELLINGS;
- 13 (8) the total number of rental licenses revoked;
- 14 (9) the number of completed priority DWELLING inspections;
- 15 (10) of the total number of priority DWELLING inspections completed, the
16 percentage of priority inspections that did not yield any violation notices or
17 citations; [and]
- 18 (11) THE NUMBER OF RENTAL PROPERTY RECEIVERSHIP ACTIONS THAT WERE FILED
19 AND THE RESULTS OF EACH COMPLAINT;
- 20 (12) THE NUMBER OF AUDITS PERFORMED AND A SUMMARY OF THE
21 RESULTS OF EACH AUDIT;
- 22 (13) THE NUMBER OF COMPLETED RENTAL INSPECTIONS PERFORMED BY THE
23 DEPARTMENT;
- 24 (14) THE NUMBER OF COMPLAINTS MADE UNDER § 5-16(C) OF THIS SUBTITLE AND
25 THE NUMBER OF LICENSES REVOKED IN RESPONSE; AND
- 26 (15) [(11)] any other information requested by the Mayor or [by a Resolution of]
27 the City Council.

28 (b) *Inclusions - All licensed rental dwellings.*

29 (1) *Totals.*

30 The annual report required under subsection (a) of this section [must] SHALL
31 include a matrix identifying the following in aggregate for all licensed rental
32 dwellings:

- 1 (i) the total number of 3-1-1 complaints;
2 (ii) the total number of notices issued by the Department of Housing and
3 Community Development;
4 (iii) the total number of notices abated within 90 days;
5 (iv) the number of notices for which the Department of Housing and
6 Community Development pursued legal action; and
7 (v) the total number of citations issued.

8 (2) Specific categories.

9 The annual report required under subsection (a) of this section [must] SHALL
10 include a matrix identifying the data required under subsection (b)(1) of this
11 section for all licensed rental dwellings in aggregate, for each of the following
12 categories:

- 13 (i) heating;
14 (ii) ventilation;
15 (iii) plumbing;
16 (iv) roof leaks;
17 (v) rodents;
18 (vi) lead paint;
19 (vii) fire protection;
20 (viii) electrical systems;
21 (ix) water supply;
22 (x) structural deficiencies;
23 (xi) insects;
24 (xii) elevators;
25 (xiii) weatherproofing; and
26 (xiv) appearance of mold.

1 (c) Inclusions - Priority dwellings.

2 (1) Totals.

3 The annual report required under subsection (a) of this section [must] SHALL
4 include a matrix identifying the following for all priority dwellings:

5 (i) the total number of 3-1-1 complaints;

6 (ii) the total number of notices issued by the Department of Housing and
7 Community Development;

8 (iii) the total number of notices abated within 90 days;

9 (iv) the number of notices for which the Department of Housing and
10 Community Development pursued legal action; and

11 (v) the total number of citations issued.

12 (2) Specific categories.

13 The annual report required under subsection (a) of this section [must,] SHALL, for
14 all priority dwellings, include a matrix identifying the data required under
15 subsection (b)(1) of this section for each of the following categories:

16 (i) heating;

17 (ii) ventilation;

18 (iii) plumbing;

19 (iv) roof leaks;

20 (v) rodents;

21 (vi) lead paint;

22 (vii) fire protection;

23 (viii) electrical systems;

24 (ix) water supply;

25 (x) structural deficiencies;

26 (xi) bed bugs; and

27 (xii) elevators.

1 (D) TERM.

2 (1) IN GENERAL.

3 THE TERM OF A LICENSE IS FROM JANUARY 1 THROUGH DECEMBER 31 OF EACH
4 YEAR.

5 (2) PARTIAL TERM.

6 AN INDIVIDUAL MAY OBTAIN A LICENSE FOR A PARTIAL TERM.

7 (E) APPLICATION FOR LICENSE – CONTENTS; FEE.

8 (1) CONTENTS.

9 AN APPLICANT FOR A RENTAL INSPECTOR LICENSE SHALL SUBMIT TO THE
10 COMMISSIONER AN APPLICATION IN THE FORM REQUIRED BY THE COMMISSIONER
11 THAT INCLUDES:

12 (I) DOCUMENTATION THAT CONFIRMS THE APPLICANT IS LICENSED AS A HOME
13 INSPECTOR UNDER TITLE 16, SUBTITLE 3A OF THE STATE BUSINESS
14 OCCUPATIONS AND PROFESSIONS ARTICLE; AND

15 (II) DOCUMENTATION THAT THE APPLICANT HAS COMPLETED THE RENTAL
16 INSPECTION TRAINING DELIVERED BY THE DEPARTMENT.

17 (2) APPLICATION AND LICENSING FEE.

18 THE DEPARTMENT MAY NOT CHARGE REASONABLY APPLICATION AND LICENSING
19 FEES, AS APPROVED BY THE BOARD OF ESTIMATES.

20 (F) APPROVAL OR DENIAL.

21 UPON RECEIPT OF A COMPLETE AND SATISFACTORY APPLICATION, THE COMMISSIONER
22 SHALL APPROVE OR DENY THE LICENSE IN ACCORDANCE WITH THE CRITERIA SET
23 FORTH IN THIS SECTION.

24 (G) APPROVAL.

25 UPON APPROVAL OF THEIR APPLICATION, A RENTAL INSPECTOR SHALL:

26 (1) BE ABLE TO INSPECT AND CERTIFY RENTAL DWELLINGS FOR THE PURPOSE OF
27 OBTAINING OR RENEWING A RENTAL DWELLING LICENSE; AND

28 (2) SUBMIT TO THE COMMISSIONER A CONFLICT-OF-INTEREST STATEMENT, AS
29 SPECIFIED BY THE RULES AND REGULATIONS ADOPTED UNDER SUBTITLE 5
30 {“LICENSING OF RENTAL DWELLINGS”} OF ARTICLE 13 OF THE CITY CODE.

1 (H) DENIAL, SUSPENSION, OR REVOCATION.

2 THE COMMISSIONER MAY DENY, SUSPENDED, OR REVOKE A LICENSE FOR THE
3 FOLLOWING CAUSES:

4 (1) MAKING ANY MATERIAL FALSE STATEMENT IN ANY APPLICATION FOR AN
5 INITIAL, PARTIAL TERM, OR RENEWAL LICENSE; OR

6 (2) FAILING TO COMPLY WITH ANY PROVISION OF:

7 (I) THIS SUBTITLE;

8 (II) A RULE OR REGULATION ADOPTED UNDER THIS SUBTITLE; OR

9 (III) A CONDITION IMPOSED UNDER THIS SUBTITLE ON THE LICENSE.

10 (I) APPEAL.

11 PURSUANT TO § 128 {"ADMINISTRATIVE AND JUDICIAL REVIEW"} OF THE BALTIMORE
12 CITY BUILDING CODE, ANY AGGRIEVED PERSON MAY APPEAL A DECISION MADE BY
13 THE COMMISSIONER UNDER THIS SECTION.

14 (J) RULES AND REGULATIONS.

15 SUBJECT TO TITLE 4 {"ADMINISTRATIVE PROCEDURE ACT – REGULATIONS"} OF THE
16 CITY GENERAL PROVISIONS ARTICLE, THE COMMISSIONER MAY ADOPT AND ENFORCE
17 RULES AND REGULATIONS TO CARRY OUT THIS SUBTITLE.

18 (K) ENFORCEMENT BY CITATION.

19 (1) IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT
20 PROCEDURE, THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF AN
21 ENVIRONMENTAL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 40
22 {"ENVIRONMENTAL CONTROL BOARD"}.

23 (2) THE ISSUANCE OF A CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE
24 PURSuing ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION
25 AUTHORIZED BY LAW.

26 **SECTION 3. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That**
27 Section 2 of this Ordinance shall take effect on December 1, 2026.

28 **SECTION 4. AND BE IT FURTHER ORDAINED, That, except as provided in Section 3 of**
29 this Ordinance, this Ordinance takes effect on the 30th day after the date it is enacted.”.

BALTIMORE CITY COUNCIL



HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

25-0141

*RENTAL DWELLING HEALTH AND SAFETY
ENFORCEMENT ACT*

Agency Reports

CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



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

February 18, 2026

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 25-0141 – Rental Dwelling Health and Safety Enforcement Act

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 25-0141 for form and legal sufficiency. The bill would make changes to several sections in Article 13 of the City Code concerning rental dwellings and corresponding sections of the Building Code and Section 41 of Article 1 of the City Code.

The General Assembly has given the Mayor and City Council broad powers 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), (47). This bill is generally consistent with these powers, but there are a few required changes.

First, the bill would require the City's Department of Housing and Community Development to keep a registry of rental inspectors, who are already state-licensed home inspectors. It would require those inspectors to certify that they have no financial interest in the property inspected. It would also require those inspectors to issue a notice of satisfactory compliance with Section 116.1.1 of the City's Building Code concerning unsafe or uninhabitable structures when inspecting a rental in Baltimore City. Although maintaining a registry and information about home inspectors acting as rental inspectors and removing them from that registry is legally permissible, prohibiting a state-licensed inspector from inspecting rentals for failure to comply with local law conflicts with state law and is preempted. *See, e.g., Heubeck v. City of Baltimore*, 205 Md. 203, 208 (1954) ("If a local law or ordinance conflicts in any manner with the Constitution or a Public General Law, then the local law or ordinance is invalid" citing Section 3 of Article XI-A of the Maryland Constitution); Md Code, Bus. Occ., § 16-3A-06 ("While a home inspector license is in effect, it authorizes the licensee to provide home inspection services."). Therefore, Section 5-7 (b)(1)(II)(B) must be deleted. Similarly, the penalties for failure to comply with this section must be removed. An amendment to this effect is attached to this bill report as **Amendment No. 1**.

Similarly, Section 5-7(b)(3) of the bill prohibits the use of the same inspector or company repeatedly during a certain period. This impairs a person's freedom to contract with any licensed home inspector. *See, e.g., Maryland-Nat'l Cap. Park & Plan. Comm'n v. Washington Nat. Arena*, 282 Md. 588, 606 (1978) ("reluctance on the part of the judiciary to nullify contractual arrangements on public policy grounds also serves to protect the public interest in having individuals exercise broad powers to structure their own affairs by making legally enforceable promises, a concept which lies at the heart of the freedom of contract principle.")(citations omitted); *Baltimore & O. S. W. Ry. Co. v. Voigt*, 176 U.S. 498, 505 (1900) ("it must not be forgotten that the right of private contract is no small part of the liberty of the citizen, and that the usual and most important function of courts of justice is rather to maintain and enforce contracts than to enable parties thereto to escape from their obligation on the pretext of public policy, unless it clearly appear that they contravene public right or the public welfare"). The City cannot legislate that licensed state home inspectors are prohibited from being hired to perform the job for which they were licensed. *Heubeck*, 205 Md. at 208; Md Code, Bus. Occ., § 16-3A-06. An amendment to remove the prohibition on using the same inspector is attached to this report as **Amendment No. 2**.

Section 5-15(b)(10)(I) and (II) lists as causes for denial, suspension or revocation of a rental license the act of demanding, collecting or disclosing information relating to the immigration status of a tenant. Conditioning the receipt or renewal of a City license on the speech or non-speech of the property owner violates the Constitution's First Amendment. U.S. Const., amend. I; *see, e.g., Perry v. Sinderman*, 408 U.S. 593, 597 (1972) ("For at least a quarter-century, this Court has made clear that even though a person has no 'right' to a valuable governmental benefit and even though the government may deny him the benefit for any number of reasons, there are some reasons upon which the government may not rely. It may not deny a benefit to a person on a basis that infringes his constitutionally protected interests — especially, his interest in freedom of speech. For if the government could deny a benefit to a person because of his constitutionally protected speech or associations, his exercise of those freedoms would in effect be penalized and inhibited. This would allow the government to 'produce a result which (it) could not command directly'")(citations omitted); *Valle Del Sol Inc. v. Whiting*, 709 F.3d 808, 823 (9th Cir. 2013)(government "may not, consistent with the First Amendment, use a content-based law to target individuals for lighter or harsher punishment because of the message they convey."). An amendment to remove this language is attached to this bill report as **Amendment No. 3**.

The bill's prohibitions in Section 5-15(b)(10)(III) and (IV) on renting to someone solely based on immigration status or seeking to recover possession of property for that reason conflict with the City's Public Local Laws that permit the landlord to terminate tenancies without articulating a reason. Baltimore City Code of Public Local Laws §§ 9-11 through 9-14 (Tenants for Years or Less or at Will); Md. Const., Art, 11-1, § 3; *see, e.g., McDaniel v. Baranowski*, 419 Md. 560, 578 (2011)("the landlord's entitlement to enforcement of his superior interest in the premises is a given, once the failure to pay rent is proven and appropriate notice is provided. Licensure to operate the premises, however, is not mentioned anywhere in Section 8-401 [of the Real Property Article of the Maryland Code]. None of its legislative history, either, assists our query regarding the need for a license to operate prior to initiating summary ejectment proceedings."); *see also Herman v. Baltimore*, 189 Md. 191, 195 (1947) ("where the public general

law and the public local law of any county, city, town or district are in conflict, the public local law shall prevail.”). An amendment to remove this language is attached to this bill report as **Amendment No. 4**.

Section 5-36 of the bill creates a rental receivership process that can proceed if the rental property has been cited more than five times for failing to obtain a license under the subtitle OR the health and safety of the tenants is threatened because the property is unsafe as described in Section 9-9 of the Public Local Laws of Baltimore City and the City Building Code. The “OR” in line 15 on page 28, which is placed between the requirement that the owner is cited, and the property is unsafe, must be changed to AND because the remedy of receivership is only available in limited circumstances. Md. Code, Comm. Law, § 24-201; accord Md. Att’y Gen. Op. No. 93-009, at *2 (Feb. 11, 1993) (unpublished) (“object of a receivership is to preserve an estate intact, to keep it within the jurisdiction of the court, to prevent waste, spoilation, or deterioration pending its appropriation as may be directed by final decree.”)(citation omitted). Further, the code violations must be present for the City to have jurisdiction, as receivership is ancillary to a code enforcement action. *Williams v. Messick*, 177 Md. 605, 610 (1940). **Amendment No. 5** to this report implements this change.

Section 5-38 of the bill requires that certain parties be named in the receivership action as respondents. Section 5-38(A)(4) should be amended to include all tenants as they all would have an equitable interest in the property. Md. Code, Comm. Law, §§ 24-102; 24-201 (parties to receivership action should be those with “an apparent right to property that is the subject of the action.”); 24-302. This edit is effectuated by **Amendment No. 6** attached to this report.

Sections 5-38(B), 5-41 and 5-43(B) and (C) of the bill must be removed as they are preempted by state law, which gives the court authority over those subjects. Md. Code, Comm. Law, §§ 24-301; 24-302; *see, e.g., City of Baltimore v. Sitnick*, 254 Md. 303, 317 (1969). An amendment to effectuate these changes is attached to this report as **Amendment No. 7**.

Section 5-43(A) must be amended to provide that the court “may” appoint a receiver because state law permits, but does not require, the Court to do so and a local law compelling the appointment of a receiver would conflict with state law. Md. Code, Comm. Law, § 24-201; *Heubeck*, 205 Md. at 208. **Amendment No. 8**, attached to this report, makes this change.

Section 5-46(B) lists buyer qualifications to bid in the auction. This section must be removed as a restraint on alienation. *See, e.g., Maxwell v. Moore*, 63 US 185, 190 (1859) (“according to the whole theory of our Government, laws restricting alienation are to be strictly construed, and not extended without an express intention appears. It is inconsistent with the nature of property, if the individual owning property, or a right to property, has not the power to alienate it.”); *Karsenty v. Schoukroun*, 406 Md. 469, 515 (2008) (“The law favors the free alienation of property”). Moreover, all purchasers of property would have the same requirements to follow the City building codes after purchase. **Amendment No. 9**, attached to this report, makes this change.

“If permitted by the court” should be added at the end of line 22 on page 33 to clarify that the court controls its procedure, including allowing a receiver to request that bidders pay a fee at

an auction. Md. Code, Comm. Law, § 24-205 (court has the “exclusive jurisdiction to direct the receiver and determine any controversy related to the receivership or receivership property” including “the exercise of the receiver’s powers” and “the performance of the receiver’s duties”). **Amendment No. 10**, attached to this report, makes this change.

Before being licensed, property owners are already required to provide tenants with contact information in Section 5-5 of Article 13 of the City Code. Thus, this bill’s extensive disclosure requirements for property owning corporations in the registration statements must be removed because they are not related to any legitimate government interest in rental property and compel speech that is not necessary to further a government purpose as a company’s listed owners are not always the people to contact for tenant issues nor the ones to be named in legal actions. Md. Code, Corp., §§ 2-108 (Maryland corporations); 7-209 (foreign corporations); *see, e.g. McDaniel*, 419 Md. at 574 (“The legal relationship between landlord and tenant is governed by the contract between the parties”)(citations omitted); *see also Cal. Medical Ass’n v. FEC*, 453 U.S. 182, 197-198 (1981) (requirements must further government interest); *St. Paul Mercury Ins. Co. v. Am. Bank Holdings, Inc.*, 819 F.3d 728, 734 (4th Cir. 2016)(“Because a corporation is a fiction that can have knowledge only through its agents, knowledge of an agent acquired within the scope of the agency relationship is imputable to the corporation” and “under Maryland law, every corporation must designate a resident agent to receive service of process,” and that “[s]ervice of process on the resident agent ... constitutes effective service of process ... on the corporation.”). **Amendment No. 11**, making these changes, is attached to this report.

The City is preempted from invalidating a post office box as a valid business address as Maryland Courts have held that it is the corporate entity’s responsibility “to accurately record its resident agent’s address with SDAT and to understand the requirements restricting the use of post office box addresses.” *Mayor of Baltimore v. Prime Realty Assocs., LLC*, 468 Md. 606, 626 (2020); *accord First Horizon Home Loan Corp. v. Jay*, No. 2163, Sept. Term 2019, 2022 WL 92314, at *14 (Md. Ct. Spec. App. Jan. 10, 2022)(unreported)(“In Maryland, a properly formed corporation has the power to ‘[s]ue, be sued, complain, and defend in all courts[.]’” and state law governs that process.). This change is accomplished by **Amendment No. 12** attached to this report.

Finally, the City’s ability to mandate disclosure of a document is subject to the Maryland Public Information Act. Md. Code, Gen., Prov., § 4-101, *et. seq.* The City cannot exempt itself from this state law and permit disclosure of something that this state law or other applicable state or federal laws prevent disclosing. *Police Patrol Security Systems v. Prince George’s County*, 378 Md. 702, 710, 713-15 (2003); *see also* 86 Op. Att’y Gen. 94, 106-07 (2001). While most rental inspection records and those submitted by property owners for the inspection likely will not contain information that cannot be disclosed, Section 5-22 should be amended to include a reference to these superseding requirements. An amendment to this effect is attached to this report as **Amendment No. 13**.

If the required amendments are made, the Law Department can approve this bill for form and legal sufficiency.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Hilary Ruley". The signature is fluid and cursive, with the first name "Hilary" being more prominent than the last name "Ruley".

Hilary Ruley
Chief Solicitor

cc: Ebony M. Thompson, City Solicitor
Ty'lor Schnella, Mayor's Office of Government Relations
Ashlea Brown, Chief Solicitor
Jeffrey Hochstetler, Chief Solicitor
Michele Toth, Assistant Solicitor
Desiree Lucky, Assistant Solicitor

AMENDMENTS TO COUNCIL BILL 25-0141
(1st Reader Copy)

Amendment No. 1

On page 11, in line 33, delete “; AND”; and on page 12, delete lines 1 and 2; and on page 13, delete lines 1 through 8; and on page 3, delete line 30.

Amendment No. 2

On page 12, delete lines 13 through 16.

Amendment No. 3

On page 19, delete lines 33 through 36; and on page 20, delete lines 1 through 4.

Amendment No. 4

On page 20, delete lines 5 through 12.

Amendment No. 5

On page 28, in line 15, delete “OR” and substitute “AND”.

Amendment No. 6

On page 29, in line 16, after “(4)” insert “ALL TENANTS AND”.

Amendment No. 7

On page 29, delete lines 18 through 23; and on page 30, delete lines 20-31; and on page 31, delete lines 28 through 31; and page 32 delete lines 1 through 4.

Amendment No. 8

On page 31, in line 26, delete “SHALL” and substitute “MAY”.

Amendment No. 9

On page 33, delete lines 14 through 18.

Amendment No. 10

On page 33, in line 22, before the period, insert “IF PERMITTED BY THE COURT”.

Amendment No. 11

On page 35, in line 6, delete beginning with “together” through line 33 on the same page.

Amendment No. 12

On page 36, delete lines 1 through 6.

Amendment No. 13

On page 22, in line 23 before the colon, insert “IN ACCORDANCE WITH THE MARYLAND PUBLIC INFORMATION ACT AND ANY OTHER APPLICABLE STATE OR FEDERAL LAWS”



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Alice Kennedy, Commissioner, Housing and Community Development
CC	Mayor's Office of Government Relations
DATE	February 23, 2026
SUBJECT	25-0141 Rental Dwelling Health and Safety Enforcement Act

Position: Without Recommendation

BILL SYNOPSIS

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 25-0141 Rental Dwelling Health and Safety Enforcement Act for the purpose of updating certain provisions regarding the licensing of rental dwellings; establishing certain penalties; requiring certain information be filed with a registration statement when applying for a rental dwelling license; requiring the Department of Housing and Community Development to promulgate certain regulations; creating a registry of rental inspectors; prohibiting certain actions based on actual or perceived immigration status; establishing certain grounds for the revocation of a rental dwelling license; establishing a process for rental dwelling receivership; making conforming changes; providing for the effective dates of this Ordinance; and generally relating to the enforcement of rental dwelling health and safety standards.

If enacted, City Council Bill 25-0141 would require DHCD to: establish a registry of rental inspectors; disallow rental inspection from the same rental inspector or inspection company within an 8 year period; acquire certain information from an applicant when applying for a rental license; conduct and annual audit of inspections at licensed properties; deny, suspend or revoke rental licenses based on landlords' inquiries and actions relating to tenants' immigration status; expand current grounds for rental license revocation and establish a rental dwelling receivership process. If approved, this Bill will take effect on the 30th day following its enactment, except for Section 2, which would go into effect 6 months after the date of its enactment.

SUMMARY OF POSITION

DHCD appreciates the intent behind this Bill. Rental receivership, in particular, has the potential to be an impactful tool to hold the owners of unsafe rental properties accountable. DHCD also appreciates the significant time that the Bill's sponsor invested in working with our agency through the multiple drafts that preceded its introduction. However, the Bill still contains several

notable concerns that DHCD raised with the sponsor during with the extensive drafting process.

Some of those concerns surround the changes that this Bill would introduce to the current process for rental inspections and licensing. For example, applicants would be prohibited from using the same rental inspector or rental inspection company within the same 8-year period. We feel this would not only be unduly burdensome for applicants themselves but also bring practical challenges to DHCD as every rental license reapplication would need to be reviewed with its preceding 8-years' worth of inspection reports to ensure that no inspectors or inspection companies were used twice within that period. This Bill would also require the Commissioner to annually audit 100-200 inspections of licensed properties and make those results public. Completing that audit would be a substantial undertaking for the agency given current staffing and administrative capabilities.

DHCD also takes issue with how this Bill would deny or prohibit a rental license from being issued or renewed if a property's water Bill remained unpaid for 60 days, regardless of its inspection status. This mandate would require additional staffing in the registration office and the need for increased collaboration with DPW to share billing information on demand so as not to delay the registration process. We emphasize that an overdue water bill does not, on its own, make a building unsafe for habitation. In addition, if tenants are responsible for paying their water bill, this opens up the potential that tenants may choose to stop paying the bill as a way to prevent their landlord from remaining in compliance with rental licensing.

This Bill would also prohibit Landlords inquiring into the immigration or citizenship status of a tenant or applicant and would make doing so grounds for their rental license to be denied, suspended, or revoked. DHCD supports the intent of this section pertaining to rental discrimination on the basis of one's immigration status; however, our concern lies with the agency's ability to enforce, and in turn, our legal obligation to that enforcement. The details surrounding how such enforcement would occur remain unclear.

Other concerns with this Bill surround the collection and posting of rental license applicant information. Namely, this Bill states that if the owner of a rental property is a corporation, then DHCD would require the names and addresses of all the individuals who constitute that corporation as defined within the Bill. Practically, DHCD would need to expand our system to collect this information as it is currently unable to do so. Also, the Law Department's Bill report speaks to the limitations of enforcing this provision and offers their Amendment No. 11 as a remedy. Relatedly, this Bill requires all rental inspection records and all documents submitted by rental license holders as part of their application to be made publicly available. Certain sensitive information requires redaction in accordance with the Maryland Public Information Disclosures. These instances are rare, but occasionally financial records or tenant information can be included in an application. DHCD already reviews information to respond to MPIA requests, but this provision would require the agency to review every single application for necessary redactions before it could be made publicly available. The Law Department's suggested Amendment No. 13 seeks to rectify this issue.

Within its introduction of rental receivership, this Bill mandates that five or more citations for failing to obtain a rental license and making no attempt to procure one would be grounds for

receivership action. As written, the law says 5 citations for a missing rental license OR the building is unsafe. There is an important distinction that simply lacking a rental license does not therefore mean the building is unsafe. This would create an arguably overbroad power where DHCD could issue five citations in five days and then immediately move to receivership. Similarly, the added language of “has made no attempt” does not reference what an attempt would constitute. The barest reading might suggest a single phone call would suffice.

One of DHCD’s most pressing concerns with this Bill surrounds the section that states that the Commissioner may require a rental dwelling to be vacated within 24 hours at the expense of the department. Relocating even a moderately sized apartment building on short notice would come at a tremendous cost to the agency.

Lastly, this Bill notes that a person aggrieved by a decision of the Housing Commissioner under this subtitle may seek judicial review of that decision by petition to the Circuit Court for Baltimore City. There is currently an administrative appeal procedure that sends review to an administrative hearing before sending them to the circuit court. Building Code Section 128 and 128.6 reference this specifically.

FISCAL IMPACT

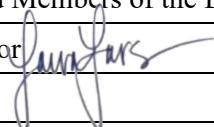
As written, this Bill would have a significant fiscal impact on DHCD as an agency. We defer to the Department of Finance and their report on the details of those impacts.

AMENDMENTS

DHCD appreciates the intent behind this legislation and wishes to continue working with the sponsor of the Bill and law department to address our remaining concerns.



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Laura Larsen, Budget Director 
DATE	February 23 rd , 2026
SUBJECT	City Council Bill 25-0141 Rental Dwelling Health and Safety Enforcement Act

Position: Oppose

The Department of Finance is herein reporting on City Council Bill 25-0141, Rental Dwelling Health and Safety Enforcement Act, the purpose of which is updating certain provisions regarding the licensing of rental dwellings; establishing certain penalties; requiring certain information be filed with a registration statement when applying for a rental dwelling license; requiring the Department of Housing and Community Development to promulgate certain regulations; creating a registry of rental inspectors; prohibiting certain actions based on actual or perceived immigration status; establishing certain grounds for the revocation of a rental dwelling license; establishing a process for rental dwelling receivership; making conforming changes; and generally relating to the enforcement of rental dwelling health and safety standards.

Background

The City Council has over the past two terms considered a number of measures with the goal of improving the quality of rental dwellings in Baltimore City. Prior bills generally focused on certain aspects of the rental licensing and inspection processes, for instances the inspection and licensing process for 1- and 2-unit properties or multi-family dwellings with 20 or more units.

Bill #	Bill Title	Intent	Status
18-0185	Non-Owner-Occupied Dwelling Units, Rooming Houses, and Vacant Structures - Rental Dwellings - Registration and Licensing	Added 1- and 2-unit rental houses licensing, inspection, and related requirements for rental housing.	Enacted
19-0344	Licensing of Rental Dwellings	Would have allowed for alternatives to the online rental registration process.	Failed - End of Term
23-0357	Strengthening Renters' Safety Act	Strengthened Baltimore's rental licensing system by targeting high-risk properties for frequent inspections, tougher enforcement, and greater transparency to improve tenant health and safety.	Enacted
24-0505	Rental Dwellings - Mold Inspection and Remediation	Would have required a rental dwelling to be inspected for mold prior to the issuance or renewal of	Failed - End of Term

	a license.	
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25-0141

25-0141 aims to comprehensively update the residential rental licensing and inspection process in Baltimore City. The legislation updates and alters many aspects of the rental licensing and inspection process, the table below focuses summarizes the most significant changes from this proposal.

Topic	Current Law	25-0141
Registry of rental inspectors	Rental inspectors required to register with the City	Housing Commissioner must maintain a registry of rental inspectors and remove bad actors
Inspector conflict-of-interest rules	Limited requirements	Rental inspectors are required to fill out conflict-of-interest disclosures
Timing of inspections	Less specific timing rules	Requires rental inspections to occur no more than 90 days before a license or renewal application
License disclosure to tenants	Limited disclosure requirements	Requires licenses be provided to prospective, current, and renewing tenants
Advertising requirements	No standardized ad disclosure	Requires rental license numbers in advertisements
Public access to rental information	Limited online disclosure	Requires online public access to inspection records, violation history, license documents, and owner/operator information
Immigration status protections	No explicit protections	Prohibits landlords from inquiring about, disclosing, or acting on immigration or citizenship status
Rental property receivership	Limited linkage to housing enforcement	Creates process for court-appointed receivers for chronically noncompliant properties
Annual reporting requirements	More limited reporting scope	Expands annual DHCD reporting to include inspections, audits, receiverships, revocations, and violation data

Fiscal Impact

City Council Bill 25-0141 Rental Dwelling Health and Safety Enforcement Act will have a significant fiscal impact. DOF estimates that there will be approximately \$1,714,582 in annual costs. This does not include the cost of vacating premises at the City’s expense.

Fiscal Analysis

New Licenses, Registration Statement & Annual Inspection Audit Program

Council Bill 25-0141 requires the Department of Housing and Community Development (DHCD) to implement enhanced regulatory oversight of rental housing by establishing a more structured rental inspection framework and expanding property ownership disclosure requirements. The bill replaces the prior home-inspection model with a formal rental inspection system that includes inspector registry management, audit responsibilities, compliance tracking, and enforcement support, which may increase administrative workload and associated operating costs for DHCD. Additionally, the bill requires more detailed ownership reporting for property registration statements, particularly for corporate and complex ownership structures, necessitating updates to forms, data systems, and review processes.

In order to operationalize these requirements, DHCD needs (8) eight Office Support Specialist II’s (OSSII)s in Service 747: Register and License Property and Contractors and an additional three Housing Inspector

Seniors Each OSSII has an annual salary of \$35,701, benefits package of \$19,439 for a total compensation of \$55,140; eight OSSIIs cost \$441,122 annually.

Priority Dwelling Inspection Program (Expanded)

The Department of Housing and Community Development (HCD) anticipates needing 11 new positions to provide adequate staffing to implement 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. 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. HCD also anticipates costs may increase based on software enhancements needed for the City’s permitting system to accommodate the legislation change.

Vacating premises

City Council Bill 25-0141 requires DHCD, at the City’s expense, to vacate dwelling units under certain conditions. DHCD informs the DOF that the Department does not do this service at present. This would require DHCD to immediately move people living in the building in question out and into a hotel. The legislation does not make clear when the tenants would be able to return to the building. This would be expensive for the City to implement, especially if the costs cannot be recouped from placing a lien on the building. The GSA per diem rate for FY2026 in Baltimore is \$150 per night per room. It is not known how many dwelling units would need to be vacated under 25-0141, nor is it known for how long. While an exact figure cannot be determined at this time as an example if 100 units need to be vacated in a year, for two nights each at \$150 a night it would cost \$30,000.

Training of Property Managers

Under City Council Bill 25-0141 Rental Dwelling Health and Safety Enforcement Act requires certain property managers, as specified by the legislation, to take a training course provided by DHCD in partnership with the Mayor’s Office of Older Adult Affairs and Advocacy. This training includes providing information on (1) the City’s health and safety standards for rental housing and (2) a way for employees to anonymously report suspected violations to the City. This training class would have to be held monthly to ensure Property Managers can have access to a class within 45 days of their hiring date. This would require DHCD to hire a Training Officer to implement this section. A Training Officer’s salary is \$70,509 with \$38,392.15 in benefits for a total annual cost of \$108,901.

Total Costs

The table below summarizes the additional personnel required to implement the provisions of City Council Bill 25-0141. It details the new positions by classification, the number of staff in each role, and the associated annual staffing costs, including salaries and benefits. These positions are necessary to support expanded rental inspections, administrative oversight, tenant services, data management, and property manager training under the proposed legislation. The total projected annual cost for these new positions is \$1,714,582.

Total New Positions	Classification	Total Staffing Costs
1	Data Analyst	\$151,650
4	Housing Inspector Senior	\$327,836
4	Housing Inspectors	\$301,752
8	Office Support Specialist II	\$441,122

1	Office Support Specialist III	\$59,174
2	Ombudsman	\$210,352
2	Secretary II	\$113,796
1	Training Officer	\$108,901
Total		\$1,714,582

Conclusion

City Council Bill 25-0141 represents a significant expansion of Baltimore’s rental dwelling oversight, introducing stricter inspection requirements, enhanced transparency, tenant protections, and enforcement mechanisms. While the bill aims to improve housing quality and tenant safety, its implementation would impose substantial operational and fiscal burdens on the City, including over \$1.7 million annually in staffing and administrative costs, potential expenses for temporary relocation of tenants, and investments in training and system upgrades. Given these considerable financial and logistical impacts, the Department of Finance recommends opposing the bill.

For the reasons stated above, the Department of Finance opposes City Council Bill 25-0141.

cc: Michael Mocksten
Nina Themelis

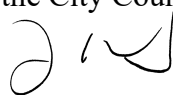
Robin Truiett-Theodorson
Chairperson | Board of Commissioners

Janet Abrahams
President | Chief Executive Officer



MEMORANDUM

TO: The Honorable President and Members of the City Council

FROM: Janet Abrahams, Chief Executive Officer 

CC: Mayor's Office of Government Relations

DATE: February 20, 2026

SUBJECT: City Council Bill 25-0141 Rental Dwelling Health and Safety Enforcement Act

The Housing Authority of Baltimore City (HABC) has received a referral for comment on City Council Bill 25-0141. This is a bill is seeking to update certain provisions regarding the licensing of rental dwellings; establishing certain penalties; requiring certain information be filed with a registration statement when applying for a rental dwelling license; requiring the Department of Housing and Community Development to promulgate certain regulations; creating a registry of rental inspectors; prohibiting certain actions based on actual or perceived immigration, status; establishing certain grounds for the revocation of a rental dwelling license; establishing a process for rental dwelling receivership; making conforming changes; providing for the effective dates of this Ordinance; and generally relating to the enforcement of rental dwelling health and safety standards.


HABC has concerns about Section 5-15 (b) (10), which lists the following actions as grounds for denial, suspension or revocation of a rental dwelling license or renewal:

“(I) DEMANDING, REQUESTING, OR COLLECTING INFORMATION REGARDING OR RELATING TO THE IMMIGRATION OR CITIZENSHIP STATUS OF A TENANT, PROSPECTIVE TENANT, OR APPLICANT FOR TENANCY;

(II) DISCLOSING OR THREATENING TO DISCLOSE INFORMATION REGARDING OR RELATING TO THE IMMIGRATION OR CITIZENSHIP STATUS OF A TENANT, PROSPECTIVE TENANT, OR APPLICANT TO ANY PERSON, ENTITY, OR LAW ENFORCEMENT AGENCY;

(III) REFUSING TO ENTER INTO A RENTAL AGREEMENT, APPROVE A SUBTENANCY, OR OTHERWISE PRECLUDE FROM OCCUPYING A DWELLING UNIT, A TENANT, PROSPECTIVE TENANT, OR APPLICANT FOR TENANCY, BASED SOLELY OR IN PART ON THE IMMIGRATION OR CITIZENSHIP STATUS OF THE TENANT, PROSPECTIVE TENANT, OR APPLICANT FOR TENANCY; OR

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

 410.396.3232  www.HABC.org     @BmoreHabc 

(IV) BRINGING AN ACTION TO RECOVER POSSESSION OF A DWELLING UNIT 11
BASED SOLELY OR IN PART ON THE IMMIGRATION OR CITIZENSHIP STATUS OF A
TENANT...”

Although properties owned and operated by HABC are not subject to the licensing requirements of this bill, we are concerned about the indirect consequences that the above-referenced provisions would have on privately owned and/or privately managed rental properties, which lease to tenants who are assisted with, or that contain units which receive rental subsidy provided through federal funding (e.g. tenant-based or project-based housing choice vouchers, project-based rental assistance, etc.). Under federal law, HABC is required to document and verify the citizenship and eligible immigration status of individuals before admitting them to the Public Housing or Housing Choice Voucher programs, and federal funds cannot be used to provide rental assistance to individuals who are deemed ineligible based on citizenship status. Additionally, privately managed properties are required to perform regular recertifications for tenants who receive federally funded rental assistance, and citizenship status and eligibility are again documented and verified during this process. We are concerned that the provisions about collecting information regarding immigration status may put these properties at risk of losing their license and/or jeopardizing their federal funding, thereby impeding their ability to provide affordable housing for those in need.

Therefore, HABC respectfully requests that language be added to carve out an exception for these circumstances and suggests inserting “unless required by federal law” at the end of Line 33 so that it reads:

“(10) TAKING 1 OF THE FOLLOWING ACTIONS, UNLESS REQUIRED BY FEDERAL
LAW:...”

HABC remains committed to protecting residents’ rights and will continue to do so within the scope of federal regulations.



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Catalina Rodriguez Lima, Director of the Mayor's Office of Immigrant Affairs
CC	Mayor's Office of Government Relations
DATE	February 23, 2026
SUBJECT	MIMA BILL 25-0141 Rental Dwelling Health and Safety Enforcement Act

Position: Without recommendation

BILL SYNOPSIS

Council Bill 25-0141 modernizes and strengthens Baltimore City's system for licensing, inspecting, and enforcing health and safety standards in rental housing. The bill restructures rental dwelling licensing requirements by tightening inspection standards, increasing transparency, and expanding enforcement tools for properties which repeatedly fail to meet minimum habitability requirements. It establishes a formal registry of qualified rental inspectors, enhances auditing and accountability for third-party inspections, and prioritizes proactive oversight of large or chronically noncompliant rental properties.

The legislation introduces stronger enforcement mechanisms, including expanded grounds for license denial or revocation, increased penalties for noncompliance, and a new rental property receivership process that allows the City to seek court-appointed management or rehabilitation of severely unsafe rental properties. The bill also requires public access to rental licensing, inspection, and violation data to improve tenant awareness and oversight.

The bill explicitly prohibits landlords from requesting, using, or threatening to disclose a tenant's actual or perceived immigration or citizenship status as a basis for housing decisions or retaliation. By doing so, the bill aims to protect tenants from coercive practices, strengthen housing stability, and ensure that enforcement of housing standards does not result in discrimination or fear-based displacement.

MIMA supports the intent of the bill to protect the foreign-born population of Baltimore City and recognizes that rental receivership has the potential to serve as an impactful accountability to address unsafe rental housing conditions. MIMA supports the intent of Section 5-15(10) to prevent anti-immigrant discrimination and believes that strong, formal investigative enforcement mechanisms are essential to ensure meaningful protections for tenants. Ensuring that enforcement processes are clear, transparent, and accessible will be critical to building trust within foreign born and immigrant communities. At the same time, MIMA respectfully defers to

the Baltimore City Law Department regarding the legal sufficiency and statutory authority underlying the bill's provisions, and to the Department of Housing and Community Development (DHCD) regarding operational feasibility, implementation capacity, and policy appropriateness. As the agencies with primary legal and enforcement responsibility, their expertise will be essential to ensuring that the legislation is structured and implemented effectively.

FISCAL IMPACT

As drafted, this Bill would have minimal fiscal or administrative impact on MIMA.



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Leyla Layman, Interim Director Baltimore City Office of Information and Technology <i>Leyla Layman</i>
CC	Nina Themelis, Director, Mayor's Office of Government Relations
DATE	February 23, 2026
SUBJECT	Council Bill 25-0141 Rental Dwelling Health and Safety Enforcement Act

POSITION: Without Recommendation

BILL SYNOPSIS

The Baltimore City Office of Information and Technology (BCIT) has completed its review of Council Bill 25-0141 Rental Dwelling Health and Safety Enforcement Act. The purpose of this bill is to update certain provisions around the licensing of rental dwellings, establish certain penalties, require certain information be filed with a registration statement when applying for a rental dwelling license and require the Department of Housing and Community Development to create a registry of rental inspectors. The bill also prohibits certain actions based on actual or perceived immigration status.

SUMMARY OF POSITION

The 311 system does not maintain data detailing the number of dwelling units in a building or whether a property meets specific housing thresholds. We also do not anticipate the need for additional technologies. Therefore, BCIT does not foresee a role in implementing Council Bill 25-0141 Rental Dwelling Health and Safety Enforcement Act.

If you have questions, please contact Fabienne Dorceus, Program Manager, at (410) 913-0556.



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Matthew Garbark, Director, Department of Public Works
CC	Mayor's Office of Government Relations
DATE	February 24, 2026
SUBJECT	25-0141 Rental Dwelling Health and Safety Enforcement Act

Position: Without Recommendation

BILL SYNOPSIS

The purpose of City Council Bill 25-0141 (the Bill) is to update certain provisions regarding the licensing of rental dwellings; establish certain penalties; require certain information be filed with a registration statement when applying for a rental dwelling license; require the Department of Housing and Community Development to promulgate certain regulations; create a registry of rental inspectors; prohibit certain actions based on actual or perceived immigration status; establish certain grounds for the revocation of a rental dwelling license; establish a process for rental dwelling receivership; make conforming changes; provide for the effective dates of this Ordinance; and generally relate to the enforcement of rental dwelling health and safety standards. The legislation, moreover, mandates that DPW respond to such requests in a timely manner. Finally, the Bill establishes a uniform effective date for implementation of these provisions.

SUMMARY OF POSITION

Upon review of CCB 25-0141, it is determined that this legislation does not create any new water billing policies or make changes to account structure or payment responsibility. This legislation states that a rental license would not be issued or renewed if a property's water bill remains unpaid for 60 days. The Department of Public Works (DPW) acknowledges that the Department of Housing and Community Development (DHCD) would require designation of a direct contact(s) in the Customer Support and Services Division for water-billing inquiries directly tied to rental licensing.

DPW does not take a position on the bill's policy goals, but it is worth noting that the operational impact will depend on the anticipated volume, complexity, and scope of the water-billing inquiries received from DHCD. Some of the inquiries may involve routine account verification, and others may require more in-depth billing research and utilities coordination.

DPW yields to DHCD for a more detailed analysis of this legislation's other components.