

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 07-0648

Introduced by: Councilmembers Spector, Curran, President Rawlings-Blake, Councilmembers Kraft, Middleton, Holton, Welch, Reisinger, Mitchell, Young, Crider, Clarke
Introduced and read first time: April 16, 2007
Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: October 15, 2007

AN ORDINANCE CONCERNING

Multiple-Family Dwellings – First Amendment Accommodations

FOR the purpose of preserving the constitutional rights of occupants of multiple-family dwellings; prohibiting bylaws, rules, regulations, or actions that impair certain constitutional rights or that prohibit or deny reasonable accommodation for religious practices; defining a certain term; imposing certain penalties; providing for a special effective date; and generally relating to the regulation of ~~apartment houses, condominiums, and other~~ multiple-family dwellings.

BY repealing and reordaining, without amendments

Article 13 - Housing and Urban Renewal
Section(s) 5-1(d)
Baltimore City Code
(Edition 2000)

BY adding

Article 13 - Housing and Urban Renewal
Section(s) 5-22, under the amended subtitle designation,
“Subtitle 5. Multiple-Family Dwellings and Rooming Houses”
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 13 - Housing and Urban Renewal
Section(s) 5-21
Baltimore City Code
(Edition 2000)

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

Baltimore City Code

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

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Article 13. Housing and Urban Renewal

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

§ 5-1. Definitions.

(d) Multiple-family dwelling.

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

§ 5-22. CONSTITUTIONAL RIGHTS.

(A) “REASONABLE ACCOMMODATION” DEFINED.

IN THIS SECTION, “REASONABLE ACCOMMODATION” MEANS AFFIRMATIVE STEPS THAT DO NOT IMPOSE AN UNDUE FINANCIAL HARDSHIP OR A SUBSTANTIAL BURDEN.

(B) PROHIBITED CONDUCT.

NO BYLAW, RULE, OF REGULATION GOVERNING A MULTIPLE-FAMILY DWELLING, NOR ANY ACTION OR INACTION OF THE GOVERNING BODY OR MANAGEMENT OF A MULTIPLE-FAMILY DWELLING, MAY:

~~(1) IMPAIR ANY RIGHTS GUARANTEED BY THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION OR BY ARTICLES 36 AND 40 OF THE MARYLAND DECLARATION OF RIGHTS; OR~~

~~(2) PROHIBIT OR DENY ANY REASONABLE ACCOMMODATION FOR RELIGIOUS PRACTICES, INCLUDING (BY WAY OF ILLUSTRATION AND NOT BY WAY OF LIMITATION):~~

~~(i) THE ATTACHMENT OF A RELIGIOUSLY MANDATED OBJECT TO THE FRONT DOOR AREA OF A DWELLING UNIT; OR~~

~~(ii) IN HIGH RISES, THE ADJUSTMENT OF ELEVATORS TO ALLOW FOR AUTOMATIC STOPPING OPERATIONS.~~

(1) UNREASONABLY IMPAIR ANY RIGHTS GUARANTEED BY THE FREE-EXERCISE CLAUSE OF THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION OR BY ARTICLE 36 OF THE MARYLAND DECLARATION OF RIGHTS; OR

(2) PROHIBIT OR DENY ANY REASONABLE ACCOMMODATION FOR RELIGIOUS PRACTICES.

§ 5-24. [§ 5-21.] Penalties.

(a) In general.

Any person who violates a provision of this subtitle or of a rule, regulation, or order adopted or issued under this subtitle is guilty of a misdemeanor and, on conviction, is subject to THE FOLLOWING PENALTIES:

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1 (1) FOR A VIOLATION OF § 5-22 {"CONSTITUTIONAL RIGHTS"} OF THIS SUBTITLE, A
2 FINE OF NOT MORE THAN \$1,000 FOR EACH OFFENSE; AND

3 (2) FOR ANY OTHER VIOLATION, a fine of not more than \$500 for each offense.

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

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

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

9 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it
10 is enacted.

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City