

**CITY OF BALTIMORE
COUNCIL BILL 16-0705
(First Reader)**

Introduced by: The Council President

At the request of: The Administration (Baltimore Housing)

Introduced and read first time: July 18, 2016

Assigned to: Judiciary and Legislative Investigations Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Building, Fire, and Related Codes – Liability and Lien for Expenses**

3 FOR the purpose of providing that the provisions governing liability and liens for and collection
4 of expenditures incurred by the Building Official in connection with enforcement of the
5 Building Code apply also to expenditures incurred by State departments, agencies, units, and
6 entities in connection with that enforcement.

7 BY repealing and reordaining, with amendments

8 Article - Building, Fire, and Related Codes

9 Section 2-104 (BC § 118)

10 Baltimore City Revised Code

11 (2015 Edition)

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

14 **Baltimore City Revised Code**

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

16 **Part II. International Building Code**

17 **§ 2-103. City modifications.**

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

20 **Chapter 1. Scope and Administration**

21 **Section 118 Liability for Expenses and Collection of Debts and Liens**

22 **118.1 Scope.** This § 118 applies to all cases where:

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

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- 1 1. the Building Official enforces any provision of this Code, including but not limited to:
 - 2 a. the elimination of any safety, health, or fire hazard,
 - 3 b. the elimination of any nuisance, blight, or insanitary condition,
 - 4 c. the removal of any abandoned or illegally constructed structure or other
5 object, or
 - 6 d. the taking of any corrective action in emergencies or otherwise, and
- 7 2. in connection with those efforts, the Building Official OR ANY DEPARTMENT, AGENCY,
8 UNIT, OR BODY CORPORATE AND POLITIC OF THIS STATE, INCLUDING THE MARYLAND
9 STADIUM AUTHORITY:
 - 10 a. furnishes or causes to be furnished any labor, supervision, equipment, or
11 materials, or
 - 12 b. performs or causes to be performed any inspection, work, or operation to
13 eliminate the hazard or condition or to remove the structure or other object.

14 **118.2 Liability and lien for expenses.** In the cases described in § 118.1, the entire amount
15 of the Building Official's expenditures AND OF THE EXPENDITURES INCURRED BY ANY
16 DEPARTMENT, AGENCY, UNIT, OR BODY CORPORATE AND POLITIC OF THIS STATE, INCLUDING
17 THE MARYLAND STADIUM AUTHORITY, together with all incidental costs and all accrued
18 penalties:

- 19 1. are a personal debt owed to the City jointly and severally by every person made liable
20 under this Code, and
- 21 2. are a lien in favor of the City on the land and improvements in respect to which the
22 expenditures were made.

23 **118.3 When debts and liens become effective.** All debts become due and owing to the City
24 immediately when the work is completed or the expenditure made. All liens become
25 effective immediately after the Building Official notifies the Bureau of Liens that appropriate
26 notice has been given or that a structure has been posted in accordance with this Code.

27 **118.4 Collection of debts and liens.** All debts due and liens incurred under this § 118:

- 28 1. are collectible from any assets of the persons made liable under this Code,
29 including a former owner, and
- 30 2. may be collected and enforced in the same way that the City collects and
31 enforces other debts due to it or liens in its favor.

32 **118.5 Priority over other liens and encumbrances.** All debts and liens incurred under this
33 § 118 have priority over all other liens and encumbrances, except taxes or other government
34 assessments.

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

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