

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 22-0287**

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Introduced by: Councilmembers Bullock, Middleton, Torrence, Dorsey, Conway, Burnnett,  
Schleifer, Ramos, Porter, Glover, Cohen  
At the request of: Commission for Historical and Architectural Preservation  
Introduced and read first time: October 3, 2022  
Assigned to: Economic and Community Development Committee  
Committee Report: Favorable  
Council action: Adopted  
Read second time: June 26, 2023

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**AN ORDINANCE CONCERNING**

**Real Estate Practices – Disclosures –  
Historic Districts, Landmarks, and Potential Landmarks**

FOR the purpose of requiring certain disclosures in order to sell a property that is located in a historic district, designated as a landmark, or designated as a potential landmark; and providing for certain penalties.

BY adding  
Article 2 - Consumer Protection  
Section 14-7  
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**

**Article 2. Consumer Protection**

**Subtitle 14. Real Estate Practices - Disclosures**

**§ 14-7. HISTORIC DISTRICTS.**

(A) *IN GENERAL.*

~~ON OR BEFORE ENTERING INTO A CONTRACT FOR THE SALE OF ANY REAL PROPERTY, THE SELLER MUST DISCLOSE TO THE BUYER IN WRITING WHETHER THE PROPERTY IS LOCATED IN A HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT AS DEFINED UNDER ARTICLE 6, § 1-1(F) {"DEFINITIONS - HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT; PRESERVATION DISTRICT; DISTRICT"} OF THE 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.

Council Bill 22-0287

ON OR BEFORE ENTERING INTO A CONTRACT FOR THE SALE OF ANY REAL PROPERTY, THE SELLER MUST DISCLOSE TO THE BUYER IN WRITING WHETHER THE PROPERTY IS:

(1) LOCATED IN A HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT, AS DEFINED UNDER ARTICLE 6, § 1-1(F) {"DEFINITIONS - HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT; PRESERVATION DISTRICT; DISTRICT"} OF THE CODE;

(2) INCLUDED ON THE LANDMARK LIST: EXTERIORS, AS ESTABLISHED BY ARTICLE 6, SUBTITLE 4 {"DESIGNATION OF LANDMARKS"} OF THE CODE; OR

(3) INCLUDED ON THE POTENTIAL-LANDMARK LIST: EXTERIORS, AS ESTABLISHED BY ARTICLE 6, SUBTITLE 5 {"DESIGNATION OF POTENTIAL LANDMARKS"} OF THE CODE.

(B) FORM OF DISCLOSURE.

THE DISCLOSURE REQUIRED BY THIS SECTION SHALL READ AS STATED:

~~HISTORIC DISTRICT DISCLOSURE~~

~~THIS PROPERTY IS [ ] IS NOT [ ] LOCATED WITHIN A HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT.~~

~~SELLER'S INITIALS~~

~~BEFORE BEGINNING ANY EXTERIOR ALTERATIONS TO A STRUCTURE LOCATED WITHIN A HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT (A "HISTORIC DISTRICT") THE OWNER OF THE PROPERTY AND THE STRUCTURE MUST FIRST SECURE AN AUTHORIZATION TO PROCEED ("ATP") FROM THE COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION ("CHAP").~~

~~STRUCTURES THAT ARE LOCATED WITHIN A HISTORIC DISTRICT ARE DESIGNATED AS BEING PART OF A NEIGHBORHOOD THAT IS OF PARTICULAR HISTORICAL SIGNIFICANCE AND ARCHITECTURAL CHARACTER.~~

~~CHAP IS RESPONSIBLE FOR PROMOTING THE PRESERVATION OF STRUCTURES LOCATED IN A HISTORIC DISTRICT UNDER ARTICLE 6 {"HISTORICAL AND ARCHITECTURAL PRESERVATION"} OF THE CITY CODE.~~

~~RELEVANT EXCERPTS FROM ARTICLE 6 OF THE CITY CODE ESTABLISHING THE REQUIREMENTS STATED ABOVE ARE PROVIDED BELOW.~~

~~§ 8 2. BUILDING PERMIT REQUIRED.~~

~~(A) EXTERIOR STRUCTURES.~~

~~NO PERSON MAY UNDERTAKE, CAUSE, OR ALLOW ANY OF THE FOLLOWING REGULATED ALTERATIONS FOR OR WITH RESPECT TO ANY STRUCTURE LOCATED WITHIN AN HISTORIC DISTRICT WITHOUT FIRST OBTAINING A PERMIT TO DO SO FROM THE BUILDING OFFICIAL:~~

~~(1) ANY RECONSTRUCTION, ALTERATION, OR REMOVAL OF ANY EXTERIOR ARCHITECTURAL FEATURE;~~

**Council Bill 22-0287**

~~\_\_\_\_\_ (2) ANY CHANGE IN AN EXTERIOR COLOR, WHETHER BY PAINTING OR OTHER MEANS;~~

~~\_\_\_\_\_ (3) ANY EXTERIOR EXCAVATION;~~

~~\_\_\_\_\_ (4) THE CONSTRUCTION OR ERECTION OF ANY EXTERIOR BUILDING, FENCE, WALL, OR OTHER STRUCTURE OF ANY KIND; OR~~

~~\_\_\_\_\_ (5) ANY EXTERIOR DEMOLITION.~~

~~\_\_\_\_\_ § 8 4. CHAP TO REVIEW.~~

~~\_\_\_\_\_ (c) CHAP APPROVAL PREREQUISITE FOR PERMIT.~~

~~\_\_\_\_\_ THE BUILDING OFFICIAL MAY NOT ISSUE A PERMIT FOR ANY REGULATED ALTERATION~~

**HISTORIC DISTRICT, LANDMARK, OR POTENTIAL LANDMARK – DISCLOSURE**

THIS PROPERTY IS [ ] IS NOT [ ] LOCATED WITHIN A HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT.

THIS PROPERTY IS [ ] IS NOT [ ] LISTED ON THE LANDMARK LIST: EXTERIORS.

THIS PROPERTY IS [ ] IS NOT [ ] LISTED ON THE POTENTIAL-LANDMARK LIST: EXTERIORS.

SELLER’S INITIALS

**BEFORE BEGINNING ANY EXTERIOR ALTERATIONS TO A STRUCTURE, THE OWNER OF THE PROPERTY AND THE STRUCTURE MUST FIRST SECURE AN AUTHORIZATION TO PROCEED (“ATP”) FROM THE COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION (“CHAP”) IF THE PROPERTY IS:**

**(1) LOCATED WITHIN A HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT (A “HISTORIC DISTRICT”);**

**(2) INCLUDED ON THE LANDMARK LIST: EXTERIORS; OR**

**(3) INCLUDED ON THE POTENTIAL LANDMARK LIST: EXTERIORS.**

STRUCTURES THAT ARE LOCATED WITHIN A HISTORIC DISTRICT ARE DESIGNATED AS BEING PART OF A NEIGHBORHOOD THAT IS OF PARTICULAR HISTORICAL SIGNIFICANCE AND ARCHITECTURAL CHARACTER.

STRUCTURES THAT ARE INCLUDED ON THE LANDMARK LIST: EXTERIORS ARE CONSIDERED TO BE OF SUCH SPECIAL HISTORICAL OR ARCHITECTURAL SIGNIFICANCE THAT, EVEN IF NOT LOCATED WITHIN AN HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT, THOSE STRUCTURES AND THEIR EXTERIORS SHOULD BE EXTENDED THE SAME PROTECTIONS AS APPLY TO STRUCTURES WITHIN A DISTRICT.

**Council Bill 22-0287**

1 STRUCTURES THAT ARE INCLUDE DON THE POTENTIAL-LANDMARK LIST:  
2 EXTERIORS ARE CONSIDERED TO BE OF SUCH HISTORICAL OR  
3 ARCHITECTURAL SIGNIFICANCE THAT, EVEN IF NOT LOCATED WITHIN AN  
4 HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT, THOSE  
5 STRUCTURES AND THEIR EXTERIORS SHOULD BE EXTENDED TEMPORARY  
6 PROTECTION UNDER § 5-5 {"PROTECTIONS PENDING DECISION"} AND  
7 UNDER SUBTITLE 8 {"ALTERATIONS, ETC. TO OR AFFECTING  
8 PROPERTIES"} OF ARTICLE 6 OF THE CITY CODE.

9 CHAP IS RESPONSIBLE FOR PROMOTING THE PRESERVATION OF  
10 STRUCTURES LOCATED IN A HISTORIC DISTRICT, INCLUDED ON THE  
11 LANDMARK LIST: EXTERIORS, OR INCLUDED ON THE POTENTIAL-  
12 LANMARK LIST: EXTERIORS UNDER ARTICLE 6 {"HISTORICAL AND  
13 ARCHITECTURAL PRESERVATION"} OF THE CITY CODE. RELEVANT  
14 EXCERPTS FROM ARTICLE 6 OF THE CITY CODE ESTABLISHING THE  
15 REQUIREMENTS STATED ABOVE ARE PROVIDED BELOW.

16 **§ 8-2. BUILDING PERMIT REQUIRED.**

17 (A) EXTERIOR STRUCTURES.

18 NO PERSON MAY UNDERTAKE, CAUSE, OR ALLOW ANY OF THE  
19 FOLLOWING REGULATED ALTERATIONS FOR OR WITH RESPECT TO  
20 ANY STRUCTURE LOCATED WITHIN AN HISTORICAL AND  
21 ARCHITECTURAL PRESERVATION DISTRICT OR INCLUDED ON THE  
22 LANDMARK LIST: EXTERIORS OR THE POTENTIAL-LANDMARK  
23 LIST: EXTERIORS WITHOUT FIRST OBTAINING A PERMIT TO DO SO  
24 FROM THE BUILDING OFFICIAL:

- 25 (1) ANY RECONSTRUCTION, ALTERATION, OR REMOVAL OF  
26 ANY EXTERIOR ARCHITECTURAL FEATURE;
- 27 (2) ANY CHANGE IN AN EXTERIOR COLOR, WHETHER BY  
28 PAINTING OR OTHER MEANS;
- 29 (3) ANY EXTERIOR EXCAVATION;
- 30 (4) THE CONSTRUCTION OR ERECTION OF ANY EXTERIOR  
31 BUILDING, FENCE, WALL, OR OTHER STRUCTURE OF ANY  
32 KIND; OR
- 33 (5) ANY EXTERIOR DEMOLITION.

34 **§ 8-4. CHAP TO REVIEW.**

35 (C) CHAP APPROVAL PREREQUISITE FOR PERMIT.

36 THE BUILDING OFFICIAL MAY NOT ISSUE A PERMIT FOR ANY  
37 REGULATED ALTERATION UNLESS THE COMMISSION FIRST ISSUES  
38 AN AUTHORIZATION TO PROCEED. UNLESS THE COMMISSION  
39 FIRST ISSUES AN AUTHORIZATION TO PROCEED.

**Council Bill 22-0287**

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LEARN MORE ABOUT CHAP AND THE PROCESS FOR SECURING AN ATP:

COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION  
[INSERT MAILING ADDRESS]  
[INSERT TELEPHONE NUMBER]  
[INSERT WEBSITE ADDRESS]

(C) *PENALTY.*

ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$500 FOR EACH OFFENSE.

**SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance does not operate retroactively to require any property seller to give the notice created by this bill if an offer for sale of that property has already been accepted prior to the bill’s effective date.**

**SECTION 3 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30<sup>th</sup> day after the date it is enacted.**

**Council Bill 22-0287**

Certified as duly passed this 17 day of July, 2023



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President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this 17 day of July, 2023



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Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

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Mayor, Baltimore City