

**CITY OF BALTIMORE
COUNCIL BILL 05-0077R
(Resolution)**

Introduced by: Councilmembers Reisinger, Kraft, Holton, Young, Spector, Rawlings Blake,
Conaway, Branch, Clarke, Curran, President Dixon, Councilmembers D’Adamo, Mitchell,
Welch

Introduced and read first time: August 15, 2005

Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable

Adopted: December 8, 2005

A COUNCIL RESOLUTION CONCERNING

Investigative Hearing – Is the Building Permit Process Promoting Non-Compliance ?

FOR the purpose of requesting the Housing Commissioner and the Executive Director of the Board of Municipal and Zoning Appeals to report to the City Council on the procedures for issuing permits for construction, to describe the requirements an applicant must meet to be granted a variance to Zoning Code requirements for new and expanded structures; and to demonstrate the integrity of the City’s construction permitting process.

Recitals

Media reports that the number of residential rehabilitation permits has nearly doubled in five years comes as no surprise to residents of Baltimore’s more popular neighborhoods that are the target of rehabbers who took out 21,658 permits in the past fiscal year – an increase of about 25% over the previous year and almost twice the 11,500 permits issued in FY 2000.

The lucrative market for rental and sales properties has spurred a rash of unscrupulous property speculators who attempt to circumvent the permitting process altogether or supply false information on permit applications in order to build additions, decks, or other structures that are not permitted under current zoning code regulations.

The Housing Department’s *Strengthening Neighborhoods, Permits & Building Inspections: A Handbook for Baltimore City Residents*, states that in order to protect both public safety and property values citywide the Department issues building permits and performs associated inspections to ensure the projects are completed safely and in compliance with the City’s building code.

The informational booklet explains that a permit is required to construct, enlarge, alter, repair, rehabilitate, demolish or move any structure; must be obtained to erect, install, enlarger, alter, repair, remove, convert, or replace any electrical, gas, mechanical or plumbing system; has to be in place when changing the use of any structure or land; and also to perform any grading or excavating.

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter stricken by amendment.

1 Residents and community leaders in some of Baltimore’s ‘hottest’ neighborhoods contend
2 that many developers and some residents are seeking to add to the value and enjoyment of their
3 properties at the expense of the neighborhood, blocking their neighbor’s harbor view and altering
4 the character and esthetics of the entire neighborhood. When the average loan for rehabbing
5 these properties is \$200,000 in addition to the costs of acquisition, many people’s avarice
6 entirely supercedes any pangs of conscious they might feel.

7 The consequences for working without a permit in Baltimore City are: the greater of a fine of
8 up to \$1,000 or 50% of the total permit fee. There should be a higher penalty for purposely
9 circumventing the process in callous disregard of the better good of the entire neighborhood – if
10 its put up in bad faith it should be taken down in reparation.

11 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the
12 Housing Commissioner and the Executive Director of the Board of Municipal and Zoning
13 Appeals are requested to report to the City Council on the procedures for issuing permits for
14 construction, to describe the requirements an applicant must meet to be granted a variance to
15 Zoning Code requirements for new and expanded structures; and to demonstrate the integrity of
16 the City’s construction permitting process.

17 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Mayor, the
18 Housing Commissioner, the Executive Director of the Board of Municipal and Zoning Appeals,
19 organizations of the Department of Planning Community Association Directory, and the Mayor’s
20 Legislative Liaison to the City Council.