

**CITY OF BALTIMORE
COUNCIL BILL 08-0210
(First Reader)**

Introduced by: Councilmembers Conaway, Branch, Clarke, Henry, Reisinger, Middleton

Introduced and read first time: September 22, 2008

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Vacant Structures – Requisites for Transfer**

3 FOR the purpose of prohibiting the transfer of certain vacant structures without approved plans
4 for the minimal repair of the structures; defining certain terms; and generally relating to the
5 transfer of vacant structures.

6 BY repealing and reordaining, with amendments

7 Article - Building, Fire, and Related Codes

8 Section(s) 2-103 (BC § 113.23)

9 Baltimore City Revised Code

10 (Edition 2000)

11 BY repealing and reordaining, without amendments

12 Article - Building, Fire, and Related Codes

13 Section(s) 2-103 (BC § 115.4.1 and 115.4.2)

14 Baltimore City Revised Code

15 (Edition 2000)

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

18 **Baltimore City Revised Code**

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

20 **Part II. International Building Code**

21 **§ 2-103. City modifications.**

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

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

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Chapter 1. Administration

Section 113 Violations

113.23 Responsibility of transferee. This § 113.23 applies whenever any property is transferred by sale, assignment, ground rent lease, or otherwise, with or without consideration (“transfer”). Except as provided in § 113.25, this § 113.23 does not apply to a mortgagee or to the holder of a note secured by a deed of trust.

113.23.1 CERTIFICATION. NO DEED FOR THE TRANSFER OF PROPERTY MAY BE RECORDED UNLESS ACCOMPANIED BY A CERTIFICATE FROM THE BUILDING OFFICIAL:

- A. THAT THE TRANSFER DOES NOT INVOLVE A VACANT STRUCTURE, AS DEFINED IN § 115.4; OR
- B. FOR A TRANSFER INVOLVING A VACANT STRUCTURE, AS DEFINED IN § 115.4, THAT THE BUILDING OFFICIAL HAS REVIEWED AND APPROVED FUNDED PLANS BY THE TRANSFEREE TO PROMPTLY REPAIR OR REPLACE, AS NEEDED, THE STRUCTURE’S ROOF, GUTTERS, WALLS, WINDOWS, DOORS, AND DOORBELL.

113.23.2 [113.23.1 Duty before transfer] VIOLATION REPORT. Before any transfer of property, the transferee must obtain a copy of a violation report for the property.

113.23.3 [113.23.2] Primary liability of transferee. On transfer of the property, if any violation or condemnation notices lie against the property and are included in the violation report, the transferee:

1. becomes primarily liable for those notices the same as if the notices had been addressed to the transferee,
2. must abate the violation, and
3. is liable in accordance with § 117 of this Code for any expenses incurred by the City in abating the violation or condemnation notice, if the transferee failed to request a violation report as required by § 113.23.1.

113.23.4 [113.23.3] Reliance on violation report. A transferee is not liable for abatement expenses incurred by the City if, before the transfer, the transferee requested a violation report and the report does not show the violation.

Section 115 Unsafe Structures

115.4 Unsafe vacant structures. Every vacant structure, as defined in this § 115.4, is declared to be a fire hazard and a nuisance per se, and must be safeguarded and otherwise maintained as required in this § 115.4.

115.4.1 Definition. “Vacant structure” means an unoccupied structure that is unsafe or unfit for human habitation or other authorized use.

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1 **115.4.2 Determinations.** A determination of vacancy and a determination of
2 noncompliance with a notice or order issued under this section may be based on
3 observation that a structure:

- 4 1. is open to casual entry,
- 5 2. has boarded windows or doors, or
- 6 3. lacks intact window sashes, walls, or roof surfaces to repel weather entry.

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

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