



MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Alice Kennedy, Housing Commissioner

Date: March 12, 2024

Re: City Council Ordinance 22-0225 Vacant Structures – Nuisance Abatement – Penalty

The Department of Housing and Community Development (DHCD) has reviewed City Council ordinance 22-0225 for the purpose of increasing a certain penalty for failing to obey a nuisance abatement order at a certain type of property; providing for a special effective date; and generally relating to nuisance abatement penalties for vacant structures.

Introduction

The existing neighborhood nuisance laws were intended for use by the Police Commissioner on occupied nuisance properties in City neighborhoods, such as problem homes or businesses, like a “Party House” for example. 43A-1 defines neighborhood nuisance as any premises where, on 2 or more separate occasions within a 6-month period, an owner or tenant of the premises engaged in acts or created or maintained conditions that: significantly affected neighboring residents by being disorderly in manner or disturbing the peace of neighboring residents by making an unreasonably loud noise or the unreasonable use of profanity, cursing, or swearing.

DHCD Analysis

If enacted, City Council ordinance 22-0225 would expand the authority of the Police Commissioner, or their designee, related to addressing neighborhood nuisance abatement, by expanding the application of *City Code Article 19 Police Ordinances* to include vacant structures.

The penalty for any person who violates the current provision is a fine of not more than \$500 or imprisonment for not more than 90 days, or both fine and imprisonment. This Bill would add a fine of not more than \$1000 or imprisonment for not more than 90 days, or both fine and imprisonment, if a neighborhood nuisance is found to exist in a vacant structure and the offender is the owner of the vacant structure.

Unlike problem homes or businesses which can be closed to the extent necessary to abate the nuisance, vacant buildings are not supposed to have any activity occurring within them and they are to be properly maintained and secured at all times. Under the Building Code, DHCD already has tools to address vacant buildings by issuance of a vacant building notice and the issuance of



a citation for failure to abate a vacant building notice. Those citations are issued at the discretion of the building official until the notice is abated and carry a \$1,000 penalty for each citation.

If the intent of this Bill is to discourage nuisance activity occurring in vacant structures by creating a stiffer penalty, DHCD would recommend the following amendments:

Amendment 1

On page 2, strike lines 6 through 8, which excludes accessory structures from this provision. We do not need to include this exclusion as some nuisance activities can occur in garages, sheds, ect.

Amendment 2

Amend page 2, lines 19 and 20 to read “a fine of not more than \$1000 or imprisonment for more than 90 days, or to both fine and imprisonment IF THE BUILDING IS A VACANT STRUCTURE. This amendment would create a stiffer penalty for activity occurring in a vacant structure.

On the same page, delete lines 21 through 24, which reads “THE OFFENDER IS THE OWNER OF THE VACANT STRUCTURE.” This language is not necessary if the intent of the Bill is to target the owner of the vacant structure rather than the offender.

Conclusion

DHCD already has tools available to compel property owners to abate vacant building notices which in turn should help reduce the occurrence of nuisance activity at these locations. This legislation is unnecessary and may complicate redevelopment efforts already in place for some vacant properties.

The conditions being added by this Bill to the existing neighborhood nuisance law may not necessarily curb nuisance activity occurring in vacant structures that are not properly secured however, it would create a stiffer financial penalty. It is unclear if this would compel property owners to undertake the abatement of a VBN to avoid future fines or if the fines would be recouped. The lack of clear title of many privately owned vacant properties could pose a challenge around implementation.

DHCD is opposed to the changes outlined in this legislation however have included amendments to align the definition of vacant structure with the building code and remove the exclusions. DHCD defers to the Police Department as to the changes proposed in this Bill and if they would assist them in addressing nuisance activity occurring in vacant structures.

DHCD is committed to working with the Council President, the City Council and the Mayor’s Office to collaboratively find legislative solutions that can support our shared goal of eliminating vacants and blight across Baltimore City.



DHCD respectfully **defers** to the Police Department on Council Bill 22-0225.

AK/sm

*cc: Ms. Nina Themelis, Mayor's Office of Government Relations
Ms. Natawna Austin, Executive Secretary of the City Council*