

CITY OF BALTIMORE
ORDINANCE **20.428**
Council Bill 19-0429

Introduced by: Councilmember Burnett, President Scott, Councilmembers Cohen, Dorsey,
Henry, Middleton, Pinkett, Bullock, Costello, Clarke, Reisinger, Sneed, Stokes

Introduced and read first time: August 19, 2019

Assigned to: Housing and Urban Affairs Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: August 17, 2020

AN ORDINANCE CONCERNING

Vacant Structures – Posting Owner Information

FOR the purpose of requiring that ~~owners of certain vacant structures to the Department of~~
Housing and Community Development conspicuously post on the exterior of ~~the structure~~
certain vacant structures certain information regarding the ownership of the structure;
requiring that the sign meet certain specifications; specifying when signs must be posted;
~~dedicating a certain portion of the fine proceeds to the Affordable Housing Trust Fund;~~
~~repealing a provision requiring that certain vacant structure registration information be~~
confidential; conforming related provisions; and providing for a special effective date.

BY repealing and re-ordaining, without amendments

Article 13 - Housing and Urban Renewal

Section(s) 4-1(i), 4-6

Baltimore City Code

(Edition 2000)

BY repealing and re-ordaining, with amendments

Article 13 - Housing and Urban Renewal

Section(s) 4-1(f), ~~4-7~~, and 4-14

Baltimore City Code

(Edition 2000)

BY repealing

Article 13 - Housing and Urban Renewal

Section(s) 4-7

Baltimore City Code

(Edition 2000)

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.

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BY adding

Article 13 - Housing and Urban Renewal
Section(s) 4-12 and 4-14
Baltimore City Code
(Edition 2000)

BY renumbering current

Article 13 - Housing and Urban Renewal
Section(s) 4-13 and 4-14 to be 4-14 to 4-16 and 4-15 4-17 respectively
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 13. Housing and Urban Renewal

DIVISION II: DWELLINGS AND VACANT STRUCTURES

**Subtitle 4. Registration of Non-Owner-Occupied Dwellings,
Rooming Houses, and Vacant Structures**

§ 4-1. Definitions.

(f) *Person.*

(1) *In general.*

“Person” means:

(i) an individual;

(ii) a partnership, firm, association, corporation, or other entity of any kind; [and]
OR

(iii) a receiver, trustee, guardian, personal representative, fiduciary, or
representative of any kind.

(2) *Inclusions.*

“Person” includes, except as used in [§ 4-13] § 4-15 {“Penalties”} of this subtitle, a
governmental entity or an instrumentality or unit of a governmental entity.

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1 (i) *Vacant structure.*

2 (1) *In general.*

3 "Vacant structure" means any structure that is subject to an unabated violation notice
4 issued under § 116 {"Unsafe Structures"} of the Baltimore City Building Code.

5 (2) *Exclusions.*

6 "Vacant structure" does not include an accessory structure that is not intended for
7 occupancy, such as a garage, shed, or storage building.

8 **§ 4-6. Registration statement – Contents.**

9 (a) *In general.*

10 Each registration statement must be in the form that the Commissioner requires and
11 contain the following information:

12 (1) a description of the premises by street number or by block-and-lot;

13 (2) the name, street address, telephone number, and email address of the premises'
14 owner of record;

15 (3) the name, street address, telephone number, and email address of the premises'
16 managing operator, if other than the owner; and

17 (4) if the owner is a corporation, partnership, limited partnership, limited liability
18 company, or similar entity, the name, street address, telephone number, and email
19 address of a natural person who serves as the owner's chief executive officer,
20 managing partner, or managing member, or in a similarly authoritative position.

21 (b) *Change of listed information.*

22 The Commissioner must be notified within 10 days of any change in the identity of or
23 contact information for the owner of record or any other person listed in the registration
24 statement.

25 **§ 4-7. Registration statement – Confidentiality.**

26 (a) *In general.*

27 ~~Except as otherwise specified in this [section] SUBTITLE, the registration statements~~
28 ~~required by this section are confidential records and are not open to public inspection.~~

29 (b) ~~Exception – Neighboring property owners, residents, etc.~~

30 ~~For a specified property, the Commissioner must furnish the name, address, telephone~~
31 ~~number, and email address of the owner or operator of that property on the written request~~
32 ~~of:~~

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(1) the owner or resident of property within a 1 block radius of the specified property;

(2) the neighborhood association for the area in which the specified property is located; or

(3) the City Councilmember representing the District in which the specified property is located.

(e) Exception—Department of Environment.

The Commissioner may share the registration statements filed under this subtitle with the State Department of the Environment for integration with the registration information maintained by the State under State Environment Article § 6-811.

[§ 4-7. Registration statement – Confidentiality.]

[(a) In general.]

[Except as otherwise specified in this section, the registration statements required by this section are confidential records and are not open to public inspection.]

[(b) Exception – Neighboring property owners, residents, etc.]

[For a specified property, the Commissioner must furnish the name, address, telephone number, and email address of the owner or operator of that property on the written request of:

(1) the owner or resident of property within a 1 block radius of the specified property;

(2) the neighborhood association for the area in which the specified property is located; or

(3) the City Councilmember representing the District in which the specified property is located.]

[(c) Exception – Department of Environment.]

[The Commissioner may share the registration statements filed under this subtitle with the State Department of the Environment for integration with the registration information maintained by the State under State Environment Article § 6-811.]

§ 4-12. VACANT STRUCTURES: POSTING REQUIREMENT

(A) IN GENERAL.

THE OWNER OF A VACANT STRUCTURE MUST AFFIX, IN A POSITION THAT IS CONSPICUOUS AND VISIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY, A SIGN CONTAINING THE INFORMATION SET FORTH IN § 4-6(A) (“REGISTRATION STATEMENT—CONTENTS: IN GENERAL”) OF THIS SUBTITLE.

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1 THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL AFFIX, IN A
2 POSITION THAT IS CONSPICUOUS AND VISIBLE FROM THE STREET OR ROAD FRONTING THE
3 PROPERTY, A SIGN CONTAINING:

4 (1) THE INFORMATION SET FORTH IN § 4-6(A) {"REGISTRATION STATEMENT –
5 CONTENTS: IN GENERAL"} OF THIS SUBTITLE; OR

6 (2) AT A MINIMUM, INFORMATION ON HOW TO ACCESS THE INFORMATION SET FORTH IN
7 § 4-6(A) {"REGISTRATION STATEMENT – CONTENTS: IN GENERAL"} OF THIS
8 SUBTITLE.

9 (B) *TIME.*

10 ~~(1) IN GENERAL.~~

11 THE SIGN REQUIRED BY SUBSECTION (A) OF THIS SECTION MUST BE POSTED WITHIN 10
12 DAYS OF REGISTERING THE VACANT STRUCTURE WITH THE COMMISSIONER UNDER
13 § 4-5 {"REGISTRATION REQUIRED"} OF THIS SUBTITLE.

14 ~~(2) REGISTRATION AMENDMENTS.~~

15 ~~IF THE OWNER OF A VACANT STRUCTURE AMENDS A REGISTRATION UNDER § 4-6(B)~~
16 ~~{"REGISTRATION STATEMENT – CONTENTS: CHANGE OF LISTED INFORMATION"} OF~~
17 ~~THIS SUBTITLE, THE OWNER MUST MAKE ANY COMMENSURATE SIGN CHANGES WITHIN~~
18 ~~10 DAYS OF FILING THE AMENDMENT WITH THE COMMISSIONER.~~

19 (C) *VACANT STRUCTURES IN DEFAULT OR FORECLOSURE.*

20 IN ADDITION TO THE REQUIREMENTS SET FORTH IN SUBSECTION (A) OF THIS SECTION, IF
21 THE PROPERTY IS IN DEFAULT OR IN FORECLOSURE, THE SIGN REQUIRED BY THIS SECTION
22 MUST ALSO INCLUDE THE NAME, ADDRESS, AND TELEPHONE NUMBER OF ANY CREDITORS
23 OR LIEN HOLDERS.

24 (D) *SIGN SPECIFICATIONS.*

25 A SIGN REQUIRED BY THIS SECTION MUST BE:

26 (1) IMPERVIOUS TO WEATHER CONDITIONS;

27 (2) LEGIBLY WRITTEN IN A FONT SIZE OF NOT LESS THAN 18 POINTS; AND

28 (3) NO SMALLER THAN 8 ½ INCHES BY 11 INCHES IN SIZE.

29 ~~(E) FINE PROCEEDS.~~

30 ~~50% OF THE FINES COLLECTED BY THE CITY FOR VIOLATIONS OF SECTION MUST BE~~
31 ~~DEPOSITED IN THE CONTINUING, NONLAPSING FUND CREATED BY CITY CHARTER, ARTICLE~~
32 ~~I, § 14 {"AFFORDABLE HOUSING TRUST FUND"}, TO BE USED EXCLUSIVELY FOR THE~~
33 ~~PURPOSES SPECIFIED IN THAT SECTION, SUBJECT TO APPROPRIATION PURSUANT TO THE~~
34 ~~ANNUAL ORDINANCE OF ESTIMATES.~~

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1 § 4-13. ~~{RESERVED}~~

2 § 4-14. ANNUAL REPORT.

3 ON OR BEFORE JUNE 30 OF EACH YEAR, THE COMMISSIONER SHALL SUBMIT AN ANNUAL
4 REPORT TO THE MAYOR AND CITY COUNCIL DETAILING COMPLIANCE WITH THIS SUBTITLE,
5 INCLUDING:

6 (1) THE NUMBER OF PROPERTIES REGISTERED UNDER § 4-5 {"REGISTRATION REQUIRED"}
7 OF THIS SUBTITLE; AND

8 (2) THE NUMBER OF SIGNS THAT THE DEPARTMENT OF HOUSING AND COMMUNITY
9 DEVELOPMENT HAS POSTED ON VACANT STRUCTURES AS REQUIRED BY § 4-12
10 {"VACANT STRUCTURES: POSTING REQUIREMENT"} OF THIS SUBTITLE.

11 § 4-15. ~~{RESERVED}~~

12 § 4-14 4-16. [§ 4-13.] Enforcement by citation.

13 (a) *In general.*

14 In addition to any other civil or criminal remedy or enforcement procedure, this subtitle
15 may be enforced by issuance of an environmental citation as authorized by City Code
16 Article 1, Subtitle 40 {"Environmental Control Board"}.

17 (b) *Process not exclusive.*

18 The issuance of an environmental citation to enforce this subtitle does not preclude
19 pursuing any other civil or criminal remedy or enforcement action authorized by law.

20 § 4-15 4-17. [§ 4-14.] Penalties.

21 (a) *In general.*

22 Any person who violates a provision of this subtitle or of a rule, regulation, or order
23 adopted or issued under this subtitle is guilty of a misdemeanor and, on conviction, is
24 subject to a fine of not more than \$500 for each offense.

25 ~~(b) [Each day a separate offense] CALCULATING OFFENSES.~~

26 ~~(1) IN GENERAL.~~

27 EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH [Each] day that a
28 violation continues is a separate offense.

29 ~~(2) POSTING REQUIREMENT.~~

30 EACH WEEK THAT A VIOLATION OF § 4-12 {"VACANT STRUCTURE: POSTING
31 REQUIREMENT"} OF THIS SUBTITLE CONTINUES IS A SEPARATE OFFENSE.

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1 (b) Each day a separate offense.

2 Each day that a violation continues is a separate offense.

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

6 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 180th
7 day after the date it is enacted.

Certified as duly passed this 21 day of September, 2020

Brandon M. Scott
President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this 21 day of September, 2020

Natanna B. Austin
Chief Clerk

Approved this _____ day of _____, 20____

Pursuant to Baltimore City Charter, Article IV, section
5 (c), this bill became law without the Mayor's signature
on November 2, 2020

Mayor, Baltimore City

Approved for form and legal sufficiency
This 23rd day of September, 2020

Elena D'Amico
Chief Solicitor

A TRUE COPY
Henry Raymond
Director of Finance