



Legislation Details (With Text)

File #: 18-0185 **Version:** 0 **Name:** Non-Owner-Occupied Dwelling Units, Rooming Houses, and Vacant Structures - Rental Dwellings - Registration and Licensing

Type: Ordinance **Status:** Enacted

File created: 1/22/2018 **In control:** City Council

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Enactment date: **Enactment #:** 18-130

Title: Non-Owner-Occupied Dwelling Units, Rooming Houses, and Vacant Structures - Rental Dwellings - Registration and Licensing
 For the purpose of adding certain non-owner-occupied 1- and 2-family dwellings to the licensing, inspection, and related requirements for multi-family dwellings and rooming houses (collectively, "rental dwellings"); modifying the procedures and prerequisites for the registration of certain non-owner-occupied dwellings, rooming houses, and vacant structures; modifying the procedures and prerequisites for the licensing of rental dwellings; providing for the denial, suspension, or revocation of a rental dwelling license under certain circumstances; providing for judicial and appellate review of administrative decisions relating to the registration or the licensing of these structures; amending the underlying definition of "rooming house" to clarify its applicability to a bed and breakfast facility; defining and redefining certain other terms; imposing certain penalties; correcting, clarifying, and conforming related language; providing certain transition rules for pre-existing licenses; providing for a special effective date; and generally relating to the registration of non-owner-occupied dwellings, rooming houses, and vacant structures and to the licensing of rental dwellings.

Sponsors: Bill Henry, Ryan Dorsey, Brandon M. Scott, Kristerfer Burnett, John T. Bullock, Leon F. Pinkett, III, Sharon Green Middleton, Zeke Cohen, Robert Stokes, Sr., Shannon Sneed, Mary Pat Clarke, Edward Reisinger

Indexes: Dwellings, Licensing, Non-owner Occupied Dwellings, Registration, Rental, Rooming Houses, Vacant Structures

Code sections:

Attachments: 1. 18-0185~1st Reader, 2. Planning 18-0185, 3. HCD 18-0185, 4. Law 18-0185, 5. BDC 18-0185, 6. Fire 18-0185, 7. Police 180-0185, 8. Finance 18-0185, 9. 2nd Reader Amendments 18-0185, 10. 18-0185~enr 3rd Reader, 11. Completed File_18-0185

Date	Ver.	Action By	Action	Result
5/7/2018	0	Mayor	Signed by Mayor	
4/16/2018	0	City Council	Approved and Sent to the Mayor	
3/26/2018	0	City Council	Advanced to Enrolled 3rd Reader	
3/26/2018	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	
3/20/2018	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	Pass
3/12/2018	0	Judiciary and Legislative Investigations	Worksession	
2/27/2018	0	Judiciary and Legislative Investigations	Worksession	
2/27/2018	0	Judiciary and Legislative Investigations	Worksession	
2/20/2018	0	Judiciary and Legislative Investigations	Worksession	

2/20/2018	0	Judiciary and Legislative Investigations	Conducted Public Hearing
2/5/2018	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing
1/25/2018	0	The City Council	Refer to Baltimore Development Corporation
1/25/2018	0	The City Council	Refer to Dept. of Planning
1/25/2018	0	The City Council	Refer to Police Department
1/25/2018	0	The City Council	Refer to Fire Department
1/25/2018	0	The City Council	Refer to Dept. of Finance
1/25/2018	0	The City Council	Refer to City Solicitor
1/25/2018	0	The City Council	Refer to Dept. of Housing and Community Development
1/22/2018	0	City Council	Assigned
1/22/2018	0	City Council	Introduced

Explanation: Capitals indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* **Warning:** This is an unofficial, introductory copy of the bill.
The official copy considered by the City Council is the first reader copy.

Introductory*

City of Baltimore Council Bill

Introduced by: Councilmember Henry

A Bill Entitled

An Ordinance concerning

Non-Owner-Occupied Dwelling Units, Rooming Houses, and Vacant Structures - Rental Dwellings - Registration and Licensing

For the purpose of adding certain non-owner-occupied 1- and 2-family dwellings to the licensing, inspection, and related requirements for multi-family dwellings and rooming houses (collectively, “rental dwellings”); modifying the procedures and prerequisites for the registration of certain non-owner-occupied dwellings, rooming houses, and vacant structures; modifying the procedures and prerequisites for the licensing of rental dwellings; providing for the denial, suspension, or revocation of a rental dwelling license under certain circumstances; providing for judicial and appellate review of administrative decisions relating to the registration or the licensing of these structures; amending the underlying definition of “rooming house” to clarify its applicability to a bed and breakfast facility; defining and redefining certain other terms; imposing certain penalties; correcting, clarifying, and conforming related language; providing certain transition rules for pre-existing licenses; providing for a special effective date; and generally relating to the registration of non-owner-occupied dwellings, rooming houses, and vacant structures and to the licensing of rental dwellings.

By repealing and reordaining, with amendments

Article 13 - Housing and Urban Renewal
Sections 4-1, 4-6, 4-8, and 4-9
Baltimore City Code
(Edition 2000)

By adding

Article 13 - Housing and Urban Renewal

New Section 4-12
Baltimore City Code
(Edition 2000)

By renumbering

Article 13 - Housing and Urban Renewal
Current Sections 4-12 and 4-13
to be
New Sections 4-13 and 4-14
Baltimore City Code
(Edition 2000)

By repealing and reordaining, with amendments

Article 13 - Housing and Urban Renewal
Subtitle 5, to be under the revised subtitle name,
“Subtitle 5. Licensing of Rental Dwellings”
Baltimore City Code
(Edition 2000)

By repealing and reordaining, with amendments

Article 13 - Housing and Urban Renewal
Section 8A-5(b)(2)
Baltimore City Code
(Edition 2000)

By repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies
Section 40-14(e)(1)
Baltimore City Code
(Edition 2000)

By repealing and reordaining, with amendments

Article 19 - Police Ordinances
Sections 43-4(c)(1) and 43A-3(c)(1)
Baltimore City Code
(Edition 2000)

By repealing and reordaining, with amendments

Article - Building, Fire, and Related Codes
Section 2-103 (BC §§ 114.21.2b and 202.48-2c) and
Section 7-102 (PMC § 202.2.14.1)
Baltimore City Revised Code
(2015 Edition)

By repealing and reordaining, without amendments

Article - Building, Fire, and Related Codes
Section 7-102 (PMC §§ 202.2.3, 202.2.6, and 202.2.15)
Baltimore City Revised Code
(2015 Edition)

By repealing and reordaining, with amendments

Article - Health

Section 6-603.1(b)(1)(Article 13)
Baltimore City Revised 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

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

§ 4-1. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Commissioner.*

“Commissioner” means the Commissioner of Housing and Community Development or the Commissioner’s designee.

(c) *Dwelling unit.*

“Dwelling unit” has the meaning stated in § 202.2 of the Baltimore City Property Maintenance Code.

(d) *Multiple-family dwelling.*

“Multiple-family dwelling” has the meaning stated in § 202.2 of the Baltimore City Property Maintenance Code.

(e) *Non-owner-occupied dwelling unit.*

(1) *In general.*

“Non-owner-occupied dwelling unit” means any:

- (i) dwelling unit that is unoccupied;
- (ii) dwelling unit that, even if occupied, is not occupied by an owner of record; or
- (iii) dwelling unit that, even if occupied, is not designated by the State Department of Assessments and Taxation as the owner’s principle residence in accordance with the criteria governing the State Homestead Tax Credit.

(2) *Qualifications.*

For purposes of this definition:

- (i) an owner may only have one owner-occupied dwelling unit in Baltimore City; and

(ii) an owner-occupied unit must be titled to a natural person.

(f) [(f-1)] *Rooming house*.

“Rooming house” has the meaning stated in § 202.2 of the Baltimore City Property Maintenance Code.

(g) [(f-2)] *Rooming unit*.

“Rooming unit” has the meaning stated in § 202.2 of the Baltimore City Property Maintenance Code.

(h) [(g)] *Vacant structure*.

(1) *In general*.

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

(2) *Exclusions*.

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

§ 4-6. Registration statement - Contents.

(a) *In general*.

[(1)] Each registration statement must be in the form that the Commissioner requires and contain the following information:

- (1) [(i)] a description of the premises by street number or by block-and-lot;
- (2) [(ii)] the name, street address, telephone number, and email address of the premises’ owner of record;
- (3) [(iii)] the name, street address, telephone number, and email address of the premises’ managing operator, if other than the owner; and
- (4) [(iv)] if the owner is a corporation, partnership, limited partnership, limited liability company, or similar entity, the name, street address, telephone number, and email address of [its resident agent] a natural person who serves as the owner’s chief executive officer, managing partner, or managing member, or in a similarly authoritative position[; and].

[(v) if the owner is a partnership or other similar entity, the name, street address, telephone number, and email address of a responsible partner or officer.]

[(2) The failure to provide or maintain an email address is not cause to reject an application and is not a violation of this subtitle.]

(b) *Change of [operator, or agent] listed information*.

The Commissioner must be notified within 10 days of any change in the [managing operator or resident agent] identity of or contact information for the owner of record or any other person listed in the registration statement.

§ 4-8. Registration fees.

(a) [(a-1)] *Rooming houses.*

Except as otherwise specified in this section, an annual registration fee must be paid for rooming houses at the rate of \$25 per rooming unit.

(b) [(a)] *Non-owner-occupied dwelling units.*

Except as otherwise specified in this section, an annual registration fee must be paid for non-owner-occupied dwelling units at the following rates:

- (1) for properties with 1 and 2 dwelling units - \$30 per dwelling unit.
- (2) for multiple-family dwellings - \$35 per dwelling unit, plus \$25 per rooming unit.

(c) [(b)] *Vacant structures.*

Except as otherwise specified in this section, an annual registration fee, in addition to any fee that might also be required by subsection (a) of this section, must be paid for vacant structures at the following rates:

- (1) for residential structures - \$100 per structure.
- (2) for all other structures - \$250 per structure.

(d) [(c)] *When payable.*

These fees must all be paid at the time of registration.

(e) [(d)] *Exceptions.*

No fee is charged for:

- (1) any dwelling unit, rooming house, or vacant structure that is owned by a governmental entity or an instrumentality or unit of a governmental entity; or
 - (2) any dwelling unit that is not in a vacant structure and is owned by a nonprofit religious, charitable, or educational institution or organization[; or].
- [(3) an unoccupied, habitable dwelling unit last occupied by its current owner as his or her residence.]

§ 4-9. Term and renewal.

A registration expires on [August 30] December 31 of each year, **unless it is renewed and the annual registration fee paid before then.**

§ 4-12. Judicial and appellate review.

(a) *Judicial review.*

A person aggrieved by a decision of the Housing Commissioner under this subtitle may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(b) *Stays.*

(1) The filing of a petition for judicial review does not stay the decision of the Commissioner.

(2) However, on motion and after hearing, the Court may grant a stay as provided in the Maryland Rules of Procedure.

(c) *Appellate review.*

A party to the judicial review may appeal the court's final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.

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

(a) *In general.*

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

(b) *Process not exclusive.*

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

§ 4-14. [§ 4-13.] Penalties.

(a) *In general.*

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

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

Subtitle 5. Licensing of Rental Dwellings [Multiple-Family Dwellings and Rooming Houses]

§ 5-1. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) [(c)] *Dwelling unit.*

“Dwelling unit” has the meaning stated in § 202.2 of the Property Maintenance Code of Baltimore City.

(c) [(b)] *Housing Commissioner; Commissioner.*

“Housing Commissioner” or “Commissioner” means the Commissioner of Housing and Community Development or the Commissioner’s designee.

(d) *Multiple-family dwelling.*

“Multiple-family dwelling” has the meaning stated in § 202.2 of the Property Maintenance Code of Baltimore City.

(e) *Non-owner-occupied dwelling unit.*

“Non-owner-occupied dwelling unit” has the meaning stated in § 4-1 of this article.

(f) [(e)] *Person.*

(1) *In general.*

“Person” means:

- (i) an individual;
- (ii) a partnership, firm, association, corporation, or other entity of any kind; and
- (iii) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind.

(2) *Inclusions.*

“Person” includes, except as used in § 5-21 {“Penalties”} of this subtitle, a governmental entity or an instrumentality or unit of a governmental entity.

(g) *Rental dwelling.*

“Rental dwelling” means:

- (1) any multiple-family dwelling;
- (2) any rooming house; and
- (3) any non-owner-occupied dwelling unit in a 1- or 2-family dwelling that is leased or rented or offered or available for lease or rental in exchange for any form of consideration.

(h) [(f)] *Rooming house.*

“Rooming house” has the meaning stated in § 202.2 of the Property Maintenance Code of Baltimore City.

(i) [(g)] *Rooming unit.*

“Rooming unit” has the meaning stated in § 202.2 of the Property Maintenance Code of Baltimore City.

§ 5-2. Rules and regulations.

(a) *Commissioner [may] to adopt.*

The Housing Commissioner [may] must adopt rules and regulations to carry out this subtitle.

(b) *Filing with Legislative Reference.*

A copy of all rules and regulations adopted under this subtitle must be filed with the Department of Legislative Reference before they take effect.

§ 5-3. {Reserved}

§ 5-4. License required.

(a) *In general.*

[No] Except as provided in subsection (b) of this section, no person may:

- (1) [operate] rent or offer to rent to another all or any part of any [multiple-family dwelling or rooming house] rental dwelling without a currently effective license to do so from the Housing Commissioner; or
- (2) charge, accept, retain, or seek to collect any rental payment or other compensation for providing to another the occupancy of all or any part of any rental dwelling unless the person was licensed under this subtitle at both the time of offering to provide and the time of providing this occupancy.

(b) *Exception.*

A license is not required under this subtitle for any rental dwelling that is owned and operated by the Housing Authority of Baltimore City.

§ 5-5. Application for new or renewal license.

(a) *In general.*

The application for a new or renewal rental dwelling license must be made in the form and contain the information and documentation that the Housing Commissioner requires.

(b) *By whom to be made.*

The application must be made and signed by:

- (1) the owner of the premises; and
- (2) the [lessee] managing operator of the premises, if [any] other than the owner[, who will operate

the business].

(c) *Application period for renewal.*

To renew a license issued under this subtitle, an application for renewal must be submitted to the Commissioner no less than 30 days nor more than 60 days before the license expires.

§ 5-6. Prerequisites for new or renewal license - In general.

A rental dwelling license may be issued or renewed under this subtitle only if:

- (1) all dwelling units and rooming units are currently registered [under] as required by Subtitle 4 {"Registration of Non-Owner-Occupied Dwellings[;], Rooming Houses, and Vacant Structures"} of this article;
- (2) [the] all registration fees for these units and all [outstanding] related interest and late fees required by Subtitle 4 have been paid;
- (3) the premises have [been inspected] passed a recent inspection [by the Commissioner], as required by § 5-7 {"Prerequisites ... - Inspection"} of this subtitle;
- (4) the premises are in compliance with all Federal, State, and City laws and regulations governing lead paint;
- (5) [(6) if] for [the] premises that include a hotel or motel subject to City Code Article 15 {"Licensing and Regulation"}, Subtitle 10 {"Hotels"}, the hotel or motel is in compliance with the training, certification, and posting requirements of that subtitle[.];
- (6) [(5)] the premises are not subject to [an unabated] any violation notice or order that:
 - (i) has been issued under [§ 116 {"Unsafe Structures"} of] the Baltimore City [Building Code] Building, Fire, and Related Codes Article; and
 - (ii) notwithstanding the passage of more than 90 days since its issuance, has not been abated before the license issuance or renewal[; and].

§ 5-7. Prerequisites for new or renewal license - Inspection.

(a) *In general.*

The inspection required by § 5-6 {"Prerequisites ... - In general"} of this subtitle must comply with either:

- (1) subsection (b) {"Third-party home inspections"} of this section; or
- (2) subsection (c) {"Governmental agency inspections"} of this section.

(b) *Third-party home inspections.*

(1) *Definitions.*

(i) *In general.*

In this subsection, the following terms have the meanings indicated.

(ii) *Home inspection.*

“Home inspection” means a home inspector’s written evaluation of a rental dwelling’s compliance with the City’s health and safety standards specified in the Housing Commissioner’s rules and regulations adopted under this subtitle.

(iii) *Home inspector.*

“Home inspector” means an individual:

(A) who is licensed as a home inspector under Title 16, Subtitle 3A of the State Business Occupation and Professions Article; and

(B) who, as required by the rules and regulations adopted under this subtitle:

1. has registered with the Housing Commissioner as generally available to inspect and certify rental dwellings under this subsection; and
2. for each home inspection to be performed under this subsection, certifies that neither the home inspector nor any owner, partner, director, officer, employee, or agent of the home inspector or of the home inspector’s business has any financial interest in:
 - a. the rental dwelling to be inspected;
 - b. the owner or operator of that rental dwelling; or
 - c. any owner, partner, director, officer, employee, or agent of the rental dwelling’s owner or operator.

(2) *Applicant to contract for timely inspection.*

(i) Before applying for a rental dwelling license or renewal license, the applicant must, at the applicant’s expense, contract with a home inspector to perform a home inspection under this section.

(ii) The inspection must be performed not more than 90 days before a completed application for a license or renewal license is submitted to the Housing Commissioner.

(3) *Number of units to be inspected.*

(i) For any rental dwelling that comprises 9 or fewer dwelling or rooming units, all dwelling and rooming units must be inspected under this subsection.

(ii) For any multiple-family dwelling or rooming house that comprises 10 or more dwelling or rooming units, the number of units that must be inspected are as determined in the rules and regulations adopted under this subtitle.

(4) *Inspector’s report and certification.*

(i) After the home inspection, the home inspector must issue to the applicant:

(A) a copy of the inspection report; and

(B) if the rental dwelling meets the City’s health and safety standards specified in the rules and regulations adopted under this subtitle, a certificate of satisfactory compliance with those standards.

(ii) The report and the certificate must be in the form required by the Commissioner and under the home inspector’s seal.

(c) *Governmental agency inspections.*

(1) *Scope of subsection.*

This subsection applies to any rental dwelling unit that is required to undergo periodic inspections conducted by a governmental agency in accordance with Federal or State inspection standards.

(2) *Required evidence of compliance with most recent inspection.*

For a rental dwelling unit described in paragraph (1) of this subsection, the applicant for a license or renewal license may, in lieu of the requirements of subsection (b) {“Third-party home inspections”} of this section, submit evidence satisfactory to the Housing Commissioner that the unit has passed the most recent periodic inspection by the applicable governmental agency.

(d) *Commissioner’s inspection authority not affected.*

This section does not in any way prevent or limit the authority of the Housing Commissioner to conduct routine, spot, quality-control, or other inspections of rental dwellings under the City Building, Fire, and Related Codes Article

§ 5-8. [§ 5-7.] License fees.

No fee is imposed for a rental dwelling license issued under this subtitle.

§ 5-9. [§ 5-8.] [Term and renewal] Tiered terms of licenses.

(a) *In general.*

[Except as otherwise provided under this section,] unless timely renewed, each rental dwelling license issued under this subtitle expires [1 year from] on the 1st, 2nd, or 3rd anniversary of [the date of] its issuance [and may be renewed annually], as provided in this section.

[(b) *Stagger.*]

[The Commissioner may provide for staggered license terms, by issuing an original license or, on a 1-time basis, a renewal license for a period of less than 1 year or for a period of more than 1 year but less than 2 years.]

[(c) *Notice of renewal and reinspection.*]

[(1) Before a license expires, the Commissioner will mail notice to the licensee, specifying a date and time when an inspector will be present to reinspect the premises.]

[(2) Within 1 week of receiving the notice, the licensee may reschedule the inspection to a date no more than 2 weeks after the date specified in the notice.]

[(3) The license will not be renewed if the licensee fails to provide entry for a scheduled inspection or unduly delays the inspection.]

[(d) *Vacant dwellings.*]

[If a dwelling has remained vacant for more than a year, a renewal license may be issued only if reoccupancy of the dwelling would not violate the Zoning Code of Baltimore City.]

(B) *Initial license.*

A dwelling unit license initially issued under this subtitle to any rental dwelling expires 2 years from the date of its issuance, unless timely renewed.

(c) *1st renewal of initial license.*

Subject to compliance with § 5-6 {“Prerequisites for ... renewal license - In general”} of this subtitle, the 1st renewal of an initial 2-year license will be for a 3-, 2-, or 1-year renewal term, based on the following risk factors:

- (1) *3-Year Term:* The renewal license will be for a 3-year term if, during the 24 months immediately preceding submission of a completed renewal application, all violation notices or orders issued during those months under the City Building, Fire, and Related Codes Article have been abated within 60 days of their issuance.
- (2) *2-Year Term:* The renewal license will be for a 2-year term if, during the 24 months immediately preceding submission of a completed renewal application, all violation notices or orders issued during those months under the City Building, Fire, and Related Codes Article have been abated within 90 days of their issuance.
- (3) *1-Year Term:* The renewal license will be for a 1-year term if the rental dwelling does not qualify under this subsection for a 2- or 3-year renewal.

(d) *Subsequent renewals.*

Subject to compliance with § 5-6 {“Prerequisites for ... renewal license - In general”} of this subtitle, all subsequent renewal terms will be based on the following risk factors:

- (1) *3-Year Term:* The renewal license will be for a 3-year term if, during the 36 months immediately preceding submission of a completed renewal application, all violation notices or orders issued during those months under the City Building, Fire, and Related Codes Article have been abated within 60 days of their issuance.
- (2) *2-Year Term:* The renewal license will be for a 2-year term if, during the 24 months immediately preceding submission of a completed renewal application, all violation notices or orders issued during those months under the City Building, Fire, and Related Codes Article have been abated within 90 days of their issuance.
- (3) *1-Year Term:* The renewal license will be for a 1-year term if the rental dwelling does not qualify under this subsection for a 2- or 3-year renewal.

§ 5-10. [§ 5-9.] {Reserved}

§ 5-11. [§ 5-10.] Posting license.

The license issued under this subtitle must be prominently displayed:

- (1) for a multiple-family dwelling or rooming house, in the vestibule, lobby, or other public place on the premises; and
- (2) for a 1- or 2-family dwelling, in an area of each dwelling unit that is accessible to that unit's occupants and to housing inspectors.

§ 5-12. [§ 5-11.] Transfer of license.

(a) *In general.*

Any person who assumes the ownership or operation of a licensed [multiple-family] rental dwelling [or rooming house] must, within 15 days of assuming ownership or operation, apply to the Housing Commissioner for transfer of the license.

(b) *Fee.*

The fee for a transfer is \$25.

§ 5-13. [§ 5-12.] Discontinuance of [use] multiple-family or rooming house operations .

Notwithstanding [a] any discontinuance, in whole or in part, of a multiple-family dwelling's or a rooming house's operations, [an annual] a license issued under this subtitle [must be obtained] is still required unless the Housing Commissioner has issued a permit reflecting a change of use for the property.

§ 5-14. [§§ 5-13 and 5-14.] *{Reserved}*

§ 5-15. [Revocation] Denial, suspension, or revocation of license - In general.

(a) *"Nuisance property" defined.*

In this section, "nuisance property" means any property that, in accord with 1 or another of the following laws, has been found to constitute a public nuisance or to be maintained or operated so as to cause or allow a public nuisance:

- (1) State Code Real Property Article § 14-120 {"Actions to abate nuisances"} {See esp. subsection (a)(5) (defining "nuisance")};
- (2) City Code Article 19, Subtitle 43 {"Public Nuisances"} {See esp. § 43-1(l) (defining "public nuisance")}; and
- (3) City Code Article 19, Subtitle 43B {"Neighborhood Nuisances and Unruly Social Events"} {See esp. § 43B-1(b) (defining "neighborhood nuisance"), § 43B-1(k) (defining "person responsible"), and § 43B-1(o) (defining "unruly social event")}.

(b) *Causes for denial, suspension, or revocation.*

Subject to the hearing provisions of § 5-16 of this subtitle, the Housing Commissioner may deny, suspend, or revoke a rental dwelling license or renewal license for any of the following causes:

- (1) making any material false statement in an application for an initial or renewal license;
- (2) fraudulently or deceptively obtaining a rental dwelling license for oneself or for another;
- (3) fraudulently or deceptively using a rental dwelling license;
- (4) falsifying any inspection report or certificate;
- (5) refusal by an owner or operator of a rental dwelling to allow the Commissioner to conduct a routine, spot, quality-control, or other inspection of the rental dwelling as authorized by the City Building, Fire, and Related Codes Article;
- (6) failing to abate within 120 days of issuance any violation notice, order, or citation for violating any provision of the City Building, Fire, and Related Codes Article, the City Health Article, or the Zoning Code of Baltimore City;
- (7) failing to comply with any provision of this subtitle or of any rule or regulation adopted under this subtitle; or
- (8) if the Housing Commissioner finds, or if the Fire Chief, Health Commissioner, or Police Commissioner certify to the Housing Commissioner, that:
 - (i) [(1)] the owner or lessee of a [multiple-family dwelling or rooming house] rental dwelling has failed to comply with any lawful notice, [or] order, or citation to correct a violation that affects the health, safety, morals, or general welfare of the occupants of the property or of the general public; or
 - (ii) [(2)] the owner or lessee of a [multiple-family dwelling or rooming house] rental dwelling, or any agent of the owner or lessee:
 - (A) [(i)] has allowed the premises to be used [for the purpose prostitution, drug trafficking, or other criminal activity or for any other activity that creates or constitutes] as a nuisance property; or
 - (B) [(ii)] knew or should have known that the premises were being used [for one of these purposes] as a nuisance property and failed to prevent them from being so used.

§ 5-16. [Revocation] Denial, suspension, or revocation of license - Notice and hearing.

(a) *In general.*

No license may be denied, suspended, or revoked unless the Housing Commissioner first gives the licensee:

- (1) not less than 10 days notice in writing of the Commissioner's intent to deny, suspend, or revoke the license; and
- (2) an opportunity to be heard as to why the license should not be denied, suspended, or revoked.

(b) *Exception.*

The Commissioner may deny, suspend, or revoke a license without prior notice and opportunity to be

heard if, in the opinion of the Commissioner or the Fire Chief, Health Commissioner, or Police Commissioner, the health, safety, or welfare of the occupants or of the general public are in imminent danger.

§ 5-17. [§ 5-18.] Vacating premises.

The Commissioner may require a [multiple-family dwelling or rooming house] rental dwelling to be vacated within 24 hours if:

- (1) the property is being operated without a valid license; and
- (2) vacating the premises is necessary for the public health, safety, and welfare.

§ 5-18. {Reserved}

§ 5-19. [§ 5-22. Constitutional] Impairing constitutional rights.

- (a) *“Reasonable accommodation” defined.*

In this section, “reasonable accommodation” means affirmative steps that do not impose an undue financial hardship or a substantial burden.

- (b) *Prohibited conduct.*

No bylaw, rule, or regulation governing a [multiple-family] rental dwelling, nor any action or inaction of the governing body or management of a [multiple-family] rental dwelling, may:

- (1) unreasonably impair any rights guaranteed by the Free-Exercise Clause of the First Amendment to the United States Constitution or by Article 36 of the Maryland Declaration of Rights; or
- (2) prohibit or deny any reasonable accommodation for religious practices.

§ 5-20. Sanitation Guide.

- (a) *Preparation of Guide.*

The owner or managing operator of every rental dwelling, other than a hotel or motel, must prepare, in the form and containing the information required by the Commissioner, a Sanitation Guide for the premises that provides notice to all occupants of the requirements and procedures for the separation, disposition, collection, and proper storage pending collection of mixed refuse, recyclable materials, yard waste, bulk trash, and all other forms of garbage, rubbish, waste, and trash.

- (b) *Dissemination.*

A copy of the Sanitation Guide must be:

- (1) provided to each dwelling unit on the premises; and
- (2) prominently posted within each common collection room, if any, on the premises.

§§ 5-21 to 5-23. {Reserved}

§ 5-24. Judicial and appellate review.

(a) *Judicial review.*

A person aggrieved by a decision of the Housing Commissioner under this subtitle may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(b) *Stays.*

(1) The filing of a petition for judicial review does not stay the decision of the Commissioner.

(2) However, on motion and after hearing, the Court may grant a stay as provided in the Maryland Rules of Procedure.

(c) *Appellate review.*

A party to the judicial review may appeal the court's final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.

§ 5-25. [§ 5-20.] Enforcement by citation.

(a) *In general.*

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

(b) *Process not exclusive.*

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

§ 5-26. [§ 5-24.] Penalties.

(a) *In general.*

Any person who violates [a] any provision of this subtitle (including any offense listed in § 5-15 of this subtitle as potential cause for a denial, suspension, or revocation of a license) or any provision of a rule, regulation, or order adopted or issued under this subtitle is guilty of a misdemeanor and, on conviction, is subject to [the following penalties:]

[(1) for a violation of § 5-22 {"Constitutional rights"} of this subtitle,] a fine of not more than \$1,000 for each offense[; and].

[(2) for any other violation, a fine of not more than \$500 for each offense.]

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

Subtitle 8A. Eviction Chattels

§ 8A-5. Disposition of abandoned property.

(b) *Discount at City landfill or solid waste facility.*

(2) *To be eligible for HABC rates, the landlord or landlord's agent must present at the facility at the time of disposal:*

(i) *a copy of the warrant of restitution issued for the leased dwelling; and*

(ii) *proof that the leased dwelling is registered or licensed under City Code Article 13, Subtitle 4 {"Registration of Non-Owner-Occupied Dwellings, etc.,"} or Subtitle 5 {"Licensing of [Multiple-Family Dwellings and Rooming Houses] Rental Dwellings"}.*

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40-14. Violations to which subtitle applies.

(e) *Provisions and penalties enumerated.*

(1) *Article 13. Housing and Urban Renewal*

Subtitle 4. *Registration of Non-Owner-Occupied Dwellings,*

Rooming Houses, and Vacant Structures

Non-owner-occupied [dwellings] dwelling units

\$100

Rooming houses

\$100

Vacant [Structures] structures

\$500

Subtitle 5. *Licensing of [Multiple-Family Dwellings and Rooming Houses] Rental Dwellings*

§ 5-4. *License required*

\$1,000

§ 5-15. *{Offenses there listed as cause for}*

Denial, suspension, or revocation of license

\$750

All other provisions

Article 19. Police Ordinances

Subtitle 43. Public Nuisances

§ 43-4. Notice and opportunity for hearing.

(c) *Service and posting of notice.*

(1) The notice shall be given by personal service or by certified or registered mail to the owner, operator, and commercial tenant, as their names and addresses:

(i) are recorded in the Land Records of Baltimore City;

(ii) appear in the registration statement [made] filed under City Code Article 13, Subtitle 4 { “Registration of [Residential Properties] Non-owner-Occupied Dwellings, etc.”}; or

(iii) are otherwise known or readily ascertainable.

Subtitle 43A. Neighborhood Nuisances - Abatement

§ 43A-3. Notice and opportunity for hearing.

(c) *Service and posting of notice.*

(1) The notice shall be given by personal service or by certified or registered mail to the owner and to any operator or tenant of the premises, as their names and addresses:

(i) are recorded in the Land Records of Baltimore City;

(ii) appear in the registration statement [made] filed under City Code Article 13, Subtitle 4 { “Registration of [Residential Properties] Non-owner-Occupied Dwellings, etc.”}; or

(iii) are otherwise known or readily ascertainable.

Baltimore City Revised Code

Article - Building, Fire, and Related Codes

Part II. International Building Code

§ 2-103. City modifications.

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

Chapter 1. Scope and Administration

Section 114 Violations

...
...

114.21.2 Liability for sanitary maintenance.

...

b. **Liability - Failure to register property.** The owner of a property is responsible for exterior sanitary maintenance if:

1. the owner fails to register or license the property as required by City Code Article 13, Subtitle 4 {"Registration of Non-Owner-Occupied Dwellings, etc."} or Subtitle 5 {"Licensing of [Multiple-Family Dwellings] Rental Dwellings"}, or
2. reasonable attempts at telephone contact, using information in a current registration statement, do not lead within 2 business days to current occupant information.

....

Chapter 2. Definitions; Rules of Construction

Section 202 Definitions

...

202.2 Supplemental definitions. *Notwithstanding any different definition in the International Building Code, the following terms have the meanings given in this § 202.2.*

...

202.2.48 Person. "Person":

...

2. whenever used in this Code with reference to liability or to the imposition of a penalty or fine, includes:

...

c. in addition, the responsible officer, trustee, partner, or member designated on a [Registration Statement made] registration statement filed under City Code Article 13, Subtitle 4 {"Registration of [Residential Properties] Non-owner-Occupied Dwellings, etc."}.

....

Part VII. International Property Maintenance Code

§ 7-102. City modifications.

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

Chapter 2. Definitions

Section 202 General Definitions

202.2 Supplemental definitions. *Notwithstanding any different definition in the International Property Maintenance Code, the following terms have the meanings*

given in this § 202.2.

...

202.2.3 Dwelling unit. “Dwelling unit” has the meaning stated in § 202.2 of the Baltimore City Building Code.

...

202.2.6 Multiple-family dwelling. “Multiple-family dwelling” means a building or a group of buildings on the same lot that contains or is designed or intended to contain:

1. more than 2 dwelling units,
2. 2 dwelling units and any other residential or commercial occupancy, or
3. any combination of 3 or more rooming units and dwelling units.

...

202.2.14 Rooming house. “Rooming house” means a building that:

1. is not a multiple-family dwelling, and
2. contains more than 2 rooming units occupied or designed or intended to be occupied by individuals who, even though they might share common areas and facilities, do not form a single housekeeping unit and do not provide compensation under a single lease for occupancy of the rooming house.

202.2.14.1 Inclusions. “Rooming house” includes a hotel, motel, bed and breakfast (as defined in Zoning Code § 1-203(f)), or boarding house.

202.2.15 Rooming unit. “Rooming unit” means any room or group of rooms that form a single habitable unit occupied or designed or intended to be occupied for sleeping or living, but not for cooking purposes.

.....

Article - Health

Title 6. Food Service Facilities

Subtitle 6. Suspensions and Revocations

§ 6-603.1. Suspension or nonrenewal for multiple or unpaid citations.

(b) *Covered offenses.*

- (1) For purposes of this section, citations issued for violations of the following provisions of the City Code are presumed to be issued for reasons related to public health or to the prevention of disease, epidemics, or nuisances affecting public health:

Article 13. Housing and Urban Renewal

Subtitle 5 {[Multiple-Family Dwellings and Rooming Houses] Licensing of Rental Dwellings
”}.

Section 2. And be it further ordained, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

Section 3. And be it further ordained, That:

- (a) On and after the effective date of this Ordinance, a preexisting multiple-family dwelling or rooming house operating under an unexpired license that was issued under former City Code Article 13, Subtitle 5, may continue to operate under that license: (i) until the license expires at the end of its stated term or (ii) if the end of its stated term is fewer than 90 days after the effective date of this Ordinance, for an extended term that expires on the 90th day after the effective date if this Ordinance.
- (b) The multiple-family dwelling or rooming house may not continue to operate after the preexisting license expires under subsection (a)(i) or (ii) of this Section until the licensee has applied for and obtained a new, initial rental dwelling license under City Code Article 13, Subtitle 5, as amended by this Ordinance.

Section 4. And be it further ordained, That, on and after the effective date of this Ordinance, a rental dwelling described in Article 13, § 5-1(g)(3), as added by this Ordinance, may preliminarily operate without an initial rental dwelling license, but only as long as:

- (1) all non-owner-occupied dwelling units are duly registered under Article 13, Subtitle 4, as amended by this Ordinance, and all registration fees and related interest and late fees required by that Subtitle 4 have been paid;
- (2) within 120 days of the effective date of this Ordinance, the owner submits a completed application under Article 13, Subtitle 5, as amended by this subtitle, for a new, initial rental dwelling; and
- (3) the Housing Commissioner has not yet issued an approval or denial of that application.

Section 5. And be it further ordained, That this Ordinance takes effect on August 1, 2018.