



Legislation Details (With Text)

File #: 10-0516 **Version:** 0 **Name:** Non-Owner-Occupied Dwellings and Vacant Structures - Multiple-Family Dwellings and Rooming Houses

Type: Ordinance **Status:** Enacted

File created: 5/24/2010 **In control:** City Council

On agenda: **Final action:** 6/24/2010

Enactment date: **Enactment #:** 10-342

Title: Non-Owner-Occupied Dwellings and Vacant Structures - Multiple-Family Dwellings and Rooming Houses

FOR the purpose of extending the registration requirements for non-owner-occupied dwelling units to encompass vacant structures; modifying the information required for registration statements; modifying the fees for registration; modifying or repealing certain registration fee exceptions; modifying the civil penalty for violation of these registration requirements; repealing the license fee for multiple-family dwellings and rooming houses; repealing certain obsolete provisions; defining and redefining certain terms; correcting, clarifying, and conforming related provisions; and generally relating to the registration of non-owner-occupied dwellings and vacant structures and to the licensing of multiple-family dwellings and rooming houses.

Sponsors: President Young, Robert Curran, William H. Cole, IV, Sharon Green Middleton, Bill Henry, James B. Kraft, Warren Branch, Nicholas C. D'Adamo, Helen L. Holton, Belinda Conaway, Mary Pat Clarke, Agnes Welch, Edward Reisinger

Indexes: Multiple-Family, Non-owner Occupied Dwellings, Rooming Houses, Structures, Vacant

Code sections:

Attachments: 1. Law - 10-0516.pdf, 2. DPW - 10-0516.pdf, 3. HCD - 10-0516.pdf, 4. BDC - 10-0516.pdf, 5. 10-0516 - 1st Reader.pdf, 6. Finance - 10-0516 .pdf, 7. Environmental Control - 10-0516.pdf, 8. 10-0516 - 3rd Reader.pdf

Date	Ver.	Action By	Action	Result
6/24/2010	0	Mayor	Signed by Mayor	
6/14/2010	0	City Council	Approved and Sent to the Mayor	
6/7/2010	0	Taxation, Finance and Economic Development Committee	Recommended Favorably with Amendment	
6/7/2010	0	City Council	Advanced to 3rd Rdr., Adopted Comm. Report	
5/27/2010	0	The City Council	Referred for a Report	
5/27/2010	0	The City Council	Referred for a Report	
5/27/2010	0	The City Council	Referred for a Report	
5/27/2010	0	The City Council	Referred for a Report	
5/27/2010	0	The City Council	Referred for a Report	
5/27/2010	0	The City Council	Referred for a Report	
5/24/2010	0	City Council	Assigned	
5/24/2010	0	Taxation, Finance and Economic Development Committee	Scheduled for a Public Hearing	

5/24/2010 0 City Council Introduced

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

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: President Young

A BILL ENTITLED

AN ORDINANCE concerning
Non-Owner-Occupied Dwellings and Vacant Structures - Multiple-Family Dwellings and Rooming Houses

FOR the purpose of extending the registration requirements for non-owner-occupied dwelling units to encompass vacant structures; modifying the information required for registration statements; modifying the fees for registration; modifying or repealing certain registration fee exceptions; modifying the civil penalty for violation of these registration requirements; repealing the license fee for multiple-family dwellings and rooming houses; repealing certain obsolete provisions; defining and redefining certain terms; correcting, clarifying, and conforming related provisions; and generally relating to the registration of non-owner-occupied dwellings and vacant structures and to the licensing of multiple-family dwellings and rooming houses.

BY renaming

Article 13 - Housing and Urban Renewal
Division II. Non-Owner-Occupied Dwellings; Condominiums
to be
Division II. Dwellings and Vacant Structures
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 13 - Housing and Urban Renewal
Section(s) 4-1, 4-2, 4-5, 4-6, 4-7(b), and 4-8, to be under the amended subtitle
designation, "Subtitle 4. Non-Owner-Occupied Dwellings; Vacant Structures"
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 13 - Housing and Urban Renewal
Section(s) 5-1(e), 5-6, 5-7, 5-8(b), and 5-22(b)
Baltimore City Code
(Edition 2000)

BY repealing

Article 13 - Housing and Urban Renewal
Section(s) 5-19
Baltimore City Code

(Edition 2000)

BY repealing and reordaining, with amendments
Article 1 - Mayor, City Council, and Municipal Agencies
Section(s) 40-14(e)(1)
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. [Non-Owner-Occupied] Dwellings AND
VACANT STRUCTURES[; Condominiums]

Subtitle 4. Non-Owner-Occupied Dwellings; 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 Property Maintenance Code of Baltimore City.

(D) MULTIPLE-FAMILY DWELLING.

“MULTIPLE-FAMILY DWELLING” HAS THE MEANING STATED IN § 202.2 OF THE PROPERTY MAINTENANCE CODE OF BALTIMORE CITY.

(E) [(c-1)] Non-Owner-occupied dwelling unit.

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

(1) dwelling unit that is[: (1)] unoccupied; [or]

(2) [occupied, but not by an owner of the dwelling] DWELLING UNIT THAT, EVEN IF OCCUPIED, IS NOT OCCUPIED BY AN OWNER OF RECORD; OR

(3) DWELLING UNIT THAT, EVEN IF OCCUPIED, DOES NOT LAWFULLY QUALIFY AS THE OCCUPANT’S PRINCIPLE RESIDENCE FOR PURPOSES OF THE STATE HOMESTEAD TAX CREDIT.

(F) [(d)] Person.

(1) In general.

“Person” means:

(i) an individual;

(II) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY KIND; AND

(III) [(ii)] a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind[; and

(iii) a partnership, firm, association, corporation, or other entity of any kind].

(2) Inclusions.

“Person” includes, except as used in § 413 {“Penalties”} of this subtitle, a governmental entity or an instrumentality or unit of a governmental entity.

(G) VACANT STRUCTURE.

“VACANT STRUCTURE” MEANS ANY STRUCTURE THAT IS SUBJECT TO AN UNABATED VIOLATION NOTICE ISSUED UNDER § 115 {“UNSAFE STRUCTURES”} OF THE BUILDING CODE OF BALTIMORE CITY.

§ 4-2. Scope.

This subtitle applies to:

(1) every non-owner-occupied dwelling unit, whether or not it is occupied, fit for human habitation, or revenue producing;

(2) EVERY VACANT STRUCTURE, WHETHER IT IS A RESIDENTIAL STRUCTURE, A NON-RESIDENTIAL STRUCTURE, OR OTHER.

§ 4-5. Registration required.

(a) In general.

(1) The owner of [a] ANY non-owner-occupied dwelling unit must file an annual registration statement for that unit with the Commissioner.

(2) THE OWNER OF ANY VACANT STRUCTURE MUST FILE AN ANNUAL REGISTRATION STATEMENT FOR THAT STRUCTURE WITH THE COMMISSIONER.

(b) New owner [registration] OF NON-OWNER-OCCUPIED DWELLING UNIT.

(1) A new owner of a NON-OWNER-OCCUPIED dwelling unit must file the registration statement within 10 days of acquiring title to the unit.

(2) If the previous owner had registered the unit and paid the applicable registration fee for the current registration period, the new owner need not pay any registration fee for that registration period.

(C) NEWLY VACANT STRUCTURE.

THE OWNER OF A VACANT STRUCTURE, WHETHER OR NOT PREVIOUSLY REGISTERED AS A NON-OWNER-OCCUPIED DWELLING UNIT, MUST FILE A NEW REGISTRATION STATEMENT AND PAY THE FEE APPLICABLE TO VACANT STRUCTURES, WITHIN 10 DAYS OF THE PROPERTY'S BECOMING A VACANT STRUCTURE.

§ 4-6. Registration statement - Contents.

(a) In general.

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

- (1) a description of the premises by street number or by block-and-lot;
- (2) the name, street address, [and] telephone number, AND EMAIL ADDRESS of the [unit's] PREMISES' owner of record;
- (3) the name, street address, [and] telephone number, AND EMAIL ADDRESS of the [unit's] PREMISES' managing operator, if other than the owner;
- (4) if the owner is a corporation, limited partnership, limited liability company, or similar entity, the name, street address, [and] telephone number, AND EMAIL ADDRESS of its resident agent; and
- (5) if the owner is a partnership or other similar entity, the name, street address, [and] telephone number, AND EMAIL ADDRESS of a responsible partner or officer.

[(b) Authorized agent.

(1) The statement must also contain the name, local street address, and telephone number of an adult individual designated by the owner as the owner's authorized agent for receiving notices and service of process in connection with the dwelling unit.

(2) An individual may be designated as an authorized agent only if he or she:

- (i) resides in the City; or
 - (ii) customarily transacts business in an office in the City.
- (3) A tenant of a dwelling unit may not be designated as an authorized agent for receiving notices or service of process relating to that tenant's unit.]

(B) [(c)] Change of operator or agent.

[(1)] The Commissioner must be notified within 10 days of any change in the managing operator or [authorized]

RESIDENT agent.

[(2) Service on an individual previously designated as an authorized agent is legal and sufficient service until the owner notifies the Commissioner of a new authorized agent.]

§ 4-7. Registration statement - Confidentiality.

(b) Exception - Neighboring property owners, residents, etc.

For a specified property, the Commissioner must furnish the name, address, [and] 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; or
- (2) the neighborhood association for the area in which the specified property is located.

§ 4-8. Registration fees.

(a) [In general] NON-OWNER-OCCUPIED DWELLING UNITS.

[(1)] Except as otherwise specified in this section, an annual registration fee must be paid FOR NON-OWNER-OCCUPIED DWELLING UNITS at the [rate of \$30 for each dwelling unit, with a maximum of \$5,000 for each owner of record] 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.

(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.

(C) WHEN PAYABLE.

[(2) This fee] THESE FEES must ALL be paid at the time of registration.

(D) [(b)] Exceptions.

No fee is charged for [any dwelling unit that is]:

(1) ANY DWELLING UNIT 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.

[(1) part of a multi-unit rental property licensed under subtitle 5 of this article;]

[(2) an unoccupied, habitable dwelling unit last occupied by its current owner as his or her residence;]

[(3) owned by a nonprofit religious, charitable, or educational institution or organization; or]

[(4) owned by a governmental entity or an instrumentality or unit of a governmental entity.]

[(c) Fees to support inspections.

(1) All registration fees paid under this section must be accounted for in a special fund entitled “Housing Inspection Services”.

(2) Revenues credited to the fund must be available for the purpose of supporting the inspection of housing.

(3) The Director of Finance must submit a quarterly accounting of this fund to the chair of the City Council’s Budget and Appropriations Committee.]

Subtitle 5. Multiple-Family Dwellings and Rooming Houses

§ 5-1. Definitions.

(e) Person.

(1) In general.

“Person” means:

(i) an individual;

(II) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY KIND; AND

(III) [(ii)] a receiver, trustee, guardian, personal [representative, fiduciary, or representative of any kind]; and

(iii) a partnership, firm, association, corporation, or other entity of any kind].

(2) Inclusions.

“Person” includes, except as used in § 521 {“Penalties”} of this subtitle, a governmental entity or an instrumentality or unit of a governmental entity.

§ 5-6. Prerequisites for license.

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

- (3) all dwelling units are currently registered under Subtitle 4 {"Registration of Residential Properties"} of this article;
- (4) the [license fee] REGISTRATION FEES AND ALL OUTSTANDING INTEREST AND LATE FEES required by [§ 5-7 of this subtitle has] SUBTITLE 4 HAVE been paid; [and]
- (5) the premises have been inspected by the Commissioner;
- (6) the premises are in compliance with State and Federal laws and regulations governing lead paint; and
- (7) the premises are not subject to an unabated violation notice issued under § 115 {"Unsafe Structures"} of the Building Code of Baltimore City.

§ 5-7. License fees.

NO FEE IS IMPOSED FOR A LICENSE ISSUED UNDER THIS SUBTITLE.

[(a) In general.

(8) Except as otherwise specified in this section, an annual license fee must be paid at the rate of:

(i) \$25 per rooming unit; and

(ii) \$35 per dwelling unit.

(2) This fee is nonrefundable, notwithstanding any termination of operations, sale of premises, revocation of license, or otherwise.

(b) Exceptions - owner-occupied unit.

No fee is charged for a rooming unit or a dwelling unit if:

(1) an owner of the multiple-family dwelling or rooming house resides in the unit; and

(2) with the current application for an original or renewal license, the owner files a certificate of residency.

(c) Exceptions - charitable entities.

No fee is charged to a nonprofit religious, charitable, or educational institution or organization that both owns and operates the multiple-family dwelling or rooming house.

(d) Exceptions - governmental entities.

No fee is charged to a governmental entity or an instrumentality or unit of a governmental entity that both owns and operates the multiple-family dwelling or rooming house.

(e) Fees to support inspections.

- (1) All license fees paid under this section must be accounted for in a special fund entitled “Housing Inspection Services”.
- (2) Revenues credited to the fund must be available for the purpose of supporting the inspection of housing.
- (3) The Director of Finance must submit a quarterly accounting of this fund to the chair of the City Council’s Budget and Appropriations Committee.]

§ 5-8. Term and renewal.

- (b) Stagger.

[(1)] The Commissioner may [provided] 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.

[(2)] The annual license fee will be prorated for any license period established under this subsection for less or more than 1 year.]

[§ 5-19. Interest and late fees.

- (a) In general.

If a person fails to pay the license fee imposed by this subtitle within 30 days of the date on which it is due, the person is liable for the following, in addition to the license fee:

- (1) interest at the rate of 1% for each month or fraction of a month that the license fee is overdue; and
- (2) a late fee at the rate of 1% for each month or fraction of a month that the license fee is overdue.

- (b) Unpaid sum a personal debt and lien.

(1) All license fees, interest, and late fees provided for in this section are a personal debt owed by the owner and the lessee of the multiple-family dwelling or rooming house.

- (2) These fees and interest:

(i) are a lien in favor of the Mayor and City Council of Baltimore on the multiple-family dwelling or rooming house; and

(ii) may be collected or enforced the same as any other debts or liens due to or in favor of the Mayor and City Council of Baltimore.]

§ 5-22. Constitutional rights.

- (b) Prohibited conduct.

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

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40I4. Violations to which subtitle applies.

(e) Provisions and penalties enumerated.

(1) Article 13. Housing and Urban Renewal

Subtitle 4. Non-Owner-Occupied Dwellings; VACANT STRUCTURES

Non-Owner-Occupied Dwelling Unit	\$100	
VACANT STRUCTURES		\$500

Subtitle 5. Multiple-Family Dwellings and Rooming Houses	\$500
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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 this Ordinance takes effect on the 30th day after the date it is enacted.

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