



Legislation Details (With Text)

File #: 23-0357 **Version:** 0 **Name:** Strengthening Renters' Safety Act
Type: Ordinance **Status:** In Committee
File created: 2/27/2023 **In control:** Economic and Community Development
On agenda: **Final action:**
Enactment date: **Enactment #:**

Title: Strengthening Renters' Safety Act
For the purpose of establishing a priority inspection; establishing criteria for priority dwellings and priority inspections; requiring the Commissioner of the Department of Housing and Community Development to post certain notices; amending certain rental dwelling license application requirements; amending certain prerequisites for new and renewed rental dwelling licenses; amending license fees; updating inspection requirements; requiring the posting of license numbers; updating causes for denial, suspension, or revocation of a license; bolstering public access to information; authorizing the initiation of enforcement of the subtitle by complaint; providing for certain data collection; establishing the Baltimore City Rental Licensing and Inspection Task Force; providing for the composition, terms, and organization of the Task Force, establishing the duties of the Task Force, adding a civil citation fine for violating of licensing requirements; requiring annual reporting; amending certain definitions; providing a time period when the Task Force shall first convene; and providing for a special effective date.

Sponsors: Zeke Cohen, James Torrence, Odette Ramos, Kristerfer Burnett, Ryan Dorsey, John T. Bullock, Antonio Glover

Indexes: Act, Rental, Safety

Code sections:

Attachments: 1. 23-0357~1st Reader, 2. Law 23-0357, 3. 23-0357 HABC, 4. Finance 23-0357, 5. DHCD 23-0357, 6. MOHS 23-0357

Date	Ver.	Action By	Action	Result
4/5/2024	0	Economic and Community Development	Scheduled for a Public Hearing	
3/4/2024	0	Economic and Community Development	Scheduled for a Public Hearing	
2/26/2024	0	Economic and Community Development	Scheduled for a Public Hearing	
2/12/2024	0	Economic and Community Development	Scheduled for a Public Hearing	
10/16/2023	0	Economic and Community Development	Scheduled for a Public Hearing	
9/18/2023	0	Economic and Community Development	Scheduled for a Public Hearing	
3/2/2023	0	Baltimore City Council	Refer to Dept. of Finance	
3/2/2023	0	Baltimore City Council	Refer to City Solicitor	
3/2/2023	0	Baltimore City Council	Refer to Dept. of Housing and Community Development	
3/2/2023	0	Baltimore City Council	Refer to Housing Authority of Baltimore City	
3/2/2023	0	Baltimore City Council	Refer to Homeless Services Program	

2/27/2023	0	Baltimore City Council	Assigned
2/27/2023	0	Baltimore City Council	Introduced

DLR Draft XVI 22Feb23

DLR Draft XVI 22Feb23

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 Cohen

A Bill Entitled

An Ordinance concerning

Strengthening Renters' Safety Act

For the purpose of establishing a priority inspection; establishing criteria for priority dwellings and priority inspections; requiring the Commissioner of the Department of Housing and Community Development to post certain notices; amending certain rental dwelling license application requirements; amending certain prerequisites for new and renewed rental dwelling licenses; amending license fees; updating inspection requirements; requiring the posting of license numbers; updating causes for denial, suspension, or revocation of a license; bolstering public access to information; authorizing the initiation of enforcement of the subtitle by complaint; providing for certain data collection; establishing the Baltimore City Rental Licensing and Inspection Task Force; providing for the composition, terms, and organization of the Task Force, establishing the duties of the Task Force, adding a civil citation fine for violating of licensing requirements; requiring annual reporting; amending certain definitions; providing a time period when the Task Force shall first convene; and providing for a special effective date.

By repealing, and re-ordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies
Section 41-14
Baltimore City Code
(Edition 2000)

By renumbering current

Article 13 - Housing and Urban Renewal
Current Sections 5-1(g) through (i), respectively, to be New Sections 5-1(i) through (k),
respectively
Baltimore City Code
(Edition 2000)

By adding

Article 13 - Housing and Urban Renewal
New Sections 5-1(g), 5-1(h), and 5-1(l)
Baltimore City Code
(Edition 2000)

By repealing, and re-ordaining, without amendments

Article 13 - Housing and Urban Renewal

Sections 5-2, 5-13, 5-16, 5-17, 5-19, 5-20, 5-24, and 5-26
Baltimore City Code
(Edition 2000)

By repealing, and re-ordaining, with amendments

Article 13 - Housing and Urban Renewal
Sections 5-4, 5-5 through 5-9, 5-11, 5-12, 5-15, 5-20, 5-22, and 5-25
Baltimore City Code
(Edition 2000)

By adding

Article 13 - Housing and Urban Renewal
Sections 5-10, 5-14, and 5-27 through 5-33
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

Subtitle 5. Licensing of Rental Dwellings

§ 5-1. Definitions.

(g)*Priority dwelling.*

“Priority dwelling” means a rental dwelling:

- (1) with 20 or more dwelling units or rooming units; and
- (2) to which 2 or more of the following criteria applied in the preceding calendar year:
 - (i) the rental dwelling was issued a notice, order, or citation that remained unabated for more than 60 days under the City Building, Fire, and Related Codes Article or Title 12, Subtitle 8 {“Elevator Safety”} of the Maryland Public Safety Article, pertaining to:
 - (A) heating;
 - (B) ventilation;
 - (C) fire protection;
 - (D) plumbing;
 - (E) roof leaks;

- (F) electrical systems;
 - (G) water supply;
 - (H) structural deficiencies;
 - (I) bed bugs; or
 - (J) rodents;
- (ii) the rental dwelling was issued notices or orders that remained unabated for more than 30 days relating to:
- (A) peeling, chipping, or flaking lead paint; or
 - (B) elevators;
- (iii) the number of recorded 311 calls related to health and habitability for the rental dwelling divided by the total number of dwelling and rooming units in the rental dwelling exceeded the minimum value displayed in the table below;

Total Number of Units	Minimum Value
20 - 50	0.75
51 - 150	0.5
151+	0.25

- (iv) the rental dwelling is operated under a 1 year renewal term as provided for and detailed in §§ 5-9(c)(3) and 5-9(d)(3) of this subtitle; and
- (v) the rental dwelling's U.S. Department of Housing and Urban Development (HUD) Real Estate Assessment Center (REAC) inspection score for either of the 2 most recent REAC inspections was less than or equal to 79.

(h) *Priority inspection.*

“Priority inspection” means:

- (1) the physical inspection of a priority dwelling conducted by a multi-family dwelling certified Senior Inspector employed by the Department of Housing and Community Development; and
- (2) the Senior Inspector's written evaluation of the rental dwelling's compliance with the City's health and safety standards specified in the rules and regulations adopted by the Commissioner under this subtitle.

(i) [(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.

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

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

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

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

(l) *Task force.*

“Task force” means the Baltimore City Rental Licensing and Inspection Task Force.

§ 5-2. Rules and regulations.

Subject to Title 4 {“Administrative Procedure Act - Regulations”} of the City General Provisions Article, the Commissioner must adopt rules and regulations to carry out this subtitle.

§ 5-3. {Reserved}

§ 5-4. License required.

(a) *In general.*

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

(1) rent or offer to rent to another all or any part of any 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.

(c) *Notice to all occupants.*

(1) When the Department of Housing and Community Development has notice or actual knowledge that a rental dwelling is rented without a currently effective license as required in this section, the Commissioner shall promptly post a notice in the rental dwelling in an area accessible to all occupants.

(2) The notice required in paragraph (1) of this subsection shall include:

- (i) a description of the duties and obligations of the record owner and managing operator of the rental dwelling regarding compliance with this subtitle;
- (ii) the civil citations and criminal penalties that may arise under §§ 5-25 and 5-26 of this subtitle;
- (iii) a statement that each day the violation continues is a separate offense; and
- (iv) any additional information the Commissioner deems necessary to include.

(3) The notice must remain posted for at least 90 days or until the building is licensed, whichever is longer.

§ 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 record owner of the premises; and
- (2) the managing operator of the premises, if other than the record owner.

(1)(c) *Application period for renewal.*

To renew a license issued under this subtitle, an application for renewal must be submitted to the Commissioner no more than 120 days before the license expires.

(d) *License application - Form and contents.*

Each application for a new or renewed license, must contain the following information:

- (1) a description of the premises by street number and by block-and-lot numbers;
- (2) the name, street address, telephone number, and email address of the rental dwelling's record owner; and

- (3) the name, street address, telephone number, and email address of the rental dwelling's managing operator, if other than the record owner.

§ 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 as required by Subtitle 4 {"Registration of Non-Owner-Occupied Dwellings, Rooming Houses, and Vacant Structures"} of this article;
- (2) all registration fees for these units and all related interest and late fees required by Subtitle 4 have been paid;
- (3) the premises have passed an inspection, as required by § 5-7 {"Prerequisites ... - Inspection"} or § 5-10 {"Priority inspections"} of this subtitle;
- (4) the premises are in compliance with all Federal, State, and City laws and regulations governing lead paint;
- (5) for 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; and
- (6) the premises are not subject to any violation notice or order that:
 - (i) has been issued under the Baltimore City 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.

§ 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[.]; or
- (3) § 5-10 {"Priority inspections"} of this subtitle.

(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;
 - 2. has, as specified by the rules and regulations adopted under this subtitle, submitted to the Commissioner a conflict-of-interest statement; and
 - 3. 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 record owner or operator of that rental dwelling; or
 - c. any owner, partner, director, officer, employee, or agent of the rental dwelling’s record 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 as follows:
 - (A) for a multiple-family dwelling, not more than 90 days before a completed application for a license or renewal license is submitted to the Housing Commissioner; and
 - (B) for a 1- or 2-family dwelling, not more than 30 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 reports and certification.*

- (i) After the home inspection, the home inspector must issue to the applicant:
 - (A) a written report of every inspection conducted under this section;
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 reports and the certification must be:
 - (A) in the form required by the Commissioner; and
 - (B) signed by the home inspector, under oath 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] an inspection by the applicable governmental agency within the past 6 months.

(d) *Commissioner to audit inspections.*

As prescribed by the rules and regulations adopted under this subtitle, the Housing Commissioner must conduct an annual audit of inspections conducted under this section.

(e) *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.

(f) *Inspection reports - Distribution.*

Inspection reports used to satisfy § 5-6 {"Prerequisites . . . - In general"} of this subtitle must be distributed to each resident of the rental dwelling for which a person is applying for a new or renewed rental license at the time the application for a new or renewed license is submitted.

§ 5-8. License fees.

(a) *In general.*

[No] Except as otherwise provided in this section, no fee is imposed for a rental dwelling license issued under this subtitle.

(b) *Exceptions.*

For all priority dwellings a license fee must be paid at the rate of \$100 per dwelling unit and \$75 per rooming unit.

(c) *When payable.*

The fees established by subsection (b) must be paid each year, at the time a rental dwelling is designated as a priority dwelling.

§ 5-9. Tiered license terms.

(a) *In general.*

Unless timely renewed, each rental dwelling license issued under this subtitle expires on the [1st, 2nd, or 3rd] anniversary of its issuance, as provided in this section.

(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:

- (1) *3-Year Renewal Term:* The renewal license will be for a 3-year renewal 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 Renewal Term:* The renewal license will be for a 2-year renewal 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 Renewal Term:* The renewal license will be for a 1-year renewal term if the rental dwelling does not qualify under this subsection for a 2- or 3-year renewal term.

(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 Renewal Term:* The renewal license will be for a 3-year renewal 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 Renewal Term:* The renewal license will be for a 2-year renewal 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 Renewal Term:* The renewal license will be for a 1-year renewal term if the rental dwelling does not qualify under this subsection for a 2- or 3-year renewal term.

(e)*1-year renewal term: Abatement; Failure to abate.*

(1)*Abatement required*

Any active violation or notice issued during a 1-year renewal term must be abated by the date the 1-year renewal license expires.

(2)*Report abatement.*

Each violation notice or order abated must be reported to the Department of Housing and Community Development with accompanying written and photographic evidence that satisfies requirements as may be established by the Department.

(3)*Failure to abate - license revocation.*

If any violation or notice remains unabated at the time the 1-year renewal license expires the rental dwelling is not eligible for any renewal licenses under this subtitle.

§ 5-10. Priority inspections.

(a) *In general.*

A Department of Housing and Community Development multi-family dwelling certified Senior Inspector must conduct priority inspections of at least 30 priority dwellings each inspection year.

(b) *Definition - Inspection year.*

In this subsection, the term “inspection year” means the calendar year.

(c) *Identification of priority dwellings.*

Based on data from the previous inspection year, the Department of Housing and Community Development shall identify all priority dwellings in the City by January 31st of each inspection year.

(d) *Notification of priority dwelling status.*

Upon identifying a priority dwelling, the Department of Housing and Community Development must notify the record owner and, if one exists, the managing operator, of the following:

- (i) the factors that justify the rental dwelling’s identification as a priority dwelling;
- (ii) the license fee that must be paid by a priority dwelling in accordance with § 5-8 of this subtitle;
- (iii) whether the Department of Housing and Community Development has selected the priority dwelling for inspection; and
- (iv) if the priority dwelling has been selected for inspection:
 - (A) the Department of Housing and Community Development’s obligation to inspect the priority dwelling at least 2 times during the calendar year;
 - (B) the number of dwelling units and rooming units that will be inspected during each inspection; and
 - (C) the causes that may lead to the denial, suspension, or revocation of a rental dwelling license.

(e) *Number and frequency of inspections.*

During each inspection year, at least 2 priority inspections must be conducted:

- (1) at least 4 months apart; and
- (2) between the months of February and November.

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

The Department of Housing and Community Development multi-family dwelling certified Senior Inspector must inspect a certain percentage of the total dwelling and rooming units in the priority dwelling, as provided for in the table below.

Total Number of Units Percentage of Total Units That Must be Inspected	
20 - 50	50%
51 - 150	30%
151+	20%

(g) *Notice of priority inspection.*

(1) *In general.*

The Department of Housing and Community Development must notify the record owner, the managing operator, if one exists, and all tenants of a priority dwelling of a scheduled priority inspection no fewer than 30 days prior to the date of the inspection.

(2) *Mandatory information.*

The notice required under paragraph (1) of this subsection must include:

- (i) the date and time of the scheduled inspection;
- (ii) the inspection office's email address and telephone number; and
- (iii) instructions on how a resident may anonymously request that the Department inspect the resident's dwelling unit as part of the priority inspection.

§ 5-11. Posting license; license number.

(a) *Dwellings.*

The license issued under this subtitle must be prominently [displayed] posted:

- (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.

(b) *Lease agreements.*

A license issued under this subtitle must be provided to:

- (1) any prospective tenant who requests an application; and
- (2) all existing or future tenants at the time a rental dwelling lease agreement or renewal lease agreement is:

- (i) offered;
- (ii) executed; or
- (iii) renewed.

(c) *Advertising materials.*

(1) *In general.*

Any material advertising a rental dwelling for rent covered by this subtitle must include the rental license number for the advertised rental dwelling.

(2) *Prohibitions.*

Any material advertising a rental dwelling for rent that is covered by this subtitle may not include a rental license number that is, pursuant to this subtitle:

- (i) expired;
- (ii) suspended; or
- (iii) revoked.

§ 5-12. Transfer of license.

(a) *In general.*

Any person who assumes [the] record ownership or the operation of a licensed rental dwelling must[,]:

- (1) comply with § 5-6 {“Prerequisites for . . . In general”} of this subtitle; and
- (2) within 15 days of assuming record ownership or operation, apply to the Housing Commissioner for transfer of the license.

(b) *Fee.*

The fee for a transfer is \$25.

§ 5-13. Discontinuance of multiple-family or rooming-house operations.

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

§ 5-14. {Reserved}

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

(a) *“Nuisance property” defined.*

In this section, “nuisance property” means any property that is maintained or

operated so as to cause or allow a nuisance of the sort described in any 1 or another of the following definitions:

- (1) State Code Real Property Article, § 14-120(a)(5) {defining “nuisance”};
- (2) City Code Article 19, § 43-1(l) {defining “public nuisance”};
- (3) City Code Article 19, § 43B-1(b) {defining “neighborhood nuisance”}; and
- (4) City Code Article 19, § 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] a record owner or operator of a rental dwelling to allow the Commissioner to conduct a routine, spot, quality-control, proactive, or other inspection of the rental dwelling as authorized by this subtitle or 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 abate any violation notice, order, or citation issued during a priority inspection within the time required;
- (8) [(7)] failing to comply with any provision of this subtitle or of any rule or regulation adopted under this subtitle; or
- (9) [(8)] if the Housing Commissioner finds, or if the Fire Chief, Health Commissioner, or Police Commissioner certify to the Housing Commissioner, that:
 - (i) the record owner, operator, or lessee of a rental dwelling has failed to comply with any lawful notice, 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) the record owner, operator, or lessee of a rental dwelling, or any agent of the record owner, operator, or lessee:
 - (A) has allowed the premises to be used as a nuisance property; or
 - (B) knew or should have known that the premises were being used as a nuisance property and failed to prevent them from being so used.

§ 5-16. 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 record owner, the managing operator, and the lessees of any dwelling or rooming unit to which the license applies:

- (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. Vacating premises.

The Commissioner may require a 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. 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 rental dwelling, nor any action or inaction of the governing body or management of a 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 record 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. *{Reserved}*

§ 5-22. Public access to information.

The Housing Commissioner shall make freely available for review on and download from the website of the Department of Housing and Community Development:

- (1) the license number and license status of any rental dwelling subject to this subtitle; [and]
- (2) the following records relating to that rental dwelling:
 - (i) violation notices, orders, or citations issued by the Department of Housing and Community Development under this article or the City Building, Fire, and Related Codes Article;
 - (ii) the rental dwelling's status as a priority dwelling for at least the past 5 years; and
 - (iii) [(ii)] notices of any denial, suspension, or revocation of the rental dwelling's license[.]; and
- (3) the following information:
 - (i) the address of the rental dwelling;
 - (ii) the name of the record owner of the rental dwelling;
 - (iii) the name of the managing operator of the rental dwelling;
 - (iv) phone numbers for both the record owner and the managing operator of the rental dwelling; and
 - (v) email addresses for both the record owner and the managing operator of the rental dwelling.

§ 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. **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"} or a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Initiate by complaint.*

(1) Any person alleging a violation of this subtitle may make, sign, and file a complaint with the Department of Housing and Community Development in writing and under oath to initiate an enforcement action as set forth in subsection (a) of this section.

(2) The complaint submitted under paragraph (1) of this subsection shall state the particulars of the person's allegations and contain such other information as may be required by the Department of Housing and Community Development.

(3) The Commissioner shall ensure that the investigation and, if appropriate, any enforcement action are begun within 30 days after filing a complaint described in paragraph (1) of this subsection.

(c) [(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.

(d) *Separate offenses.*

Each day that a violation continues is a separate offense.

§ 5-26. **Penalties.**

(a) *In general.*

Any person who violates 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 a fine of not more than \$1,000 for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

§ 5-27. Data collection.

(a) *In general.*

The Commissioner, the City's Chief Data Officer, and any other City employee who maintains data pertaining to priority dwellings or priority inspections must collaborate to develop a system to track and analyze priority dwellings and priority inspections.

(b) *Discretion of Commissioner.*

The Department of Housing and Community Development may use existing resources to track and analyze priority dwellings at the discretion of the Commissioner.

§ 5-28. Rental Licensing and Inspection Task Force - Established.

There is a Baltimore City Rental Licensing and Inspection Task Force.

§ 5-29. Rental Licensing and Inspection Task Force - Composition.

(a) *In general.*

The Task Force comprises 13 members, 10 of whom are appointed by the Mayor under Article IV, § 6 of the City Charter, and 3 of whom are ex-officio members.

(b) *Appointed members.*

Of the 10 members appointed by the Mayor:

- (1) 2 shall be tenants living within the City who either currently or in the past have resided in a priority dwelling;
- (2) 1 shall be a tenant of a rental dwelling within the City of at least 65 years of age and with an annual income below the Area Median Income for the metropolitan region that encompasses Baltimore City, as published and annually updated by the United States Department of Housing and Urban Development;
- (3) 1 shall be a tenant with a disability living within the City;
- (4) 1 shall be a landlord who:
 - (i) has neither:
 - (A) violated any provision of this subtitle; nor
 - (B) had any rental dwellings designated as a priority dwelling;
 - (ii) owns a rental dwelling in the City with at least 20 dwelling or rooming units; and
 - (iii) maintains the landlord's primary residence in the City.
- (5) 1 shall be a representative from a City-based organization focusing on equity and the collection and presentation of data on City neighborhoods; and

- (6) 1 shall be a graduate student in the field of public health, social work, data analysis, or a related field;
- (7) 1 shall be a representative of a City-based organization with an explicit focus on tenant advocacy in its organizational mission statement;
- (8) 1 shall be a representative of a City-based organization with an explicit focus on civil rights for people with disabilities in its organizational mission statement; and
- (9) 1 shall be a representative of a Maryland-based organization with an explicit focus on affordable rental housing in its organizational mission statement.

(c) *Ex-officio members.*

The ex-officio members of the Task Force are:

- (1) the Commissioner of the Department of Housing and Community Development, or the Commissioner's designee;
- (2) the Commissioner of the Baltimore City Health Department, or the Commissioner's designee; and
- (3) the Director of the Baltimore City Office of Aging, or the Director's designee.

§ 5-30. Rental Licensing and Inspection Task Force - Terms, organization, etc.

(a) *Terms.*

Appointed members serve for a term of 4 years concurrent with the Mayor's term of office.

(b) *Compensation.*

Members serve on the Task Force without compensation.

(c) *Vacancies.*

- (1) At the end of a term, an appointed member serves until a successor is appointed and qualifies.
- (2) A member who is appointed after a term has begun serves out the rest of the term and until a successor is appointed and qualifies.

(d) *Task Force chair.*

The Task Force shall elect a member to serve as the Task Force's chair.

(e) *Meetings; quorum.*

- (1) The Task Force shall meet on the call of the Task Force chair as frequently as required to perform its duties, but not less than 4 times a year.
- (2) A majority of the members of the Task Force constitutes a quorum for the transaction of business.

- (3) An affirmative vote by the majority of a quorum is sufficient for any official action.

§ 5-31. Rental Licensing and Inspection Task Force - Staff.

The Department of Housing and Community Development shall provide adequate staff for the Task Force to carry out its duties.

§ 5-32. Rental Licensing and Inspection Task Force - Duties.

The Task Force shall:

- (1) ensure the timely release of the annual priority dwelling list by the Department of Housing and Community Development;
- (2) review the annual priority dwelling list and all data used by the Department of Housing and Community Development to identify priority dwellings for completeness and accuracy;
- (3) review publicly available information and the annual report made available under this subtitle for completeness and accuracy;
- (4) establish metrics, in collaboration with the Department of Housing and Community Development, to evaluate and assess the improvement of rental property conditions and any reduction in unlicensed rental dwellings in the City;
- (5) ensure that a minimum of 30 priority dwellings are each inspected at least 2 times per inspection year;
- (6) ensure that inspections of rental dwellings performed by Department of Housing and Community Development employees are conducted and that appropriate enforcement actions are taken if any deficiencies are discovered during the course of an inspection;
- (7) create an annual report on the progress of the priority dwelling inspection process for review during the Department of Housing and Community Development's annual fiscal budget hearing with either the City Council or one of its committees;
- (8) advise and assist the Mayor and City Council in providing oversight and accountability in implementing the requirements of this subtitle; and
- (9) perform any other duties as required by the Mayor.

§ 5-33. Annual Report.

- (a) *In general.*

Not later than May 1 of each year, the Department of Housing and Community Development must submit an annual report for the previous calendar year to the Mayor, the City Council, and the Task Force detailing:

- (1) the number of priority dwellings;
- (2) the number of priority dwellings for which the Department of Housing and Community Development conducted 2 priority inspections;

- (3) the number of priority dwellings where at least 1 violation notice was issued during a priority inspection that was not abated within the allowable time;
- (4) the number of priority dwellings where at least 1 violation notice was issued during a priority inspection;
- (5) the number of 1-year rental licenses issued;
- (6) the number of rental licenses revoked under § 5-15(b)(6) of this subtitle;
- (7) the number of rental licenses revoked under § 5-15(b)(7) of this subtitle;
- (8) the total number of rental licenses revoked;
- (9) the total number of complaints initiated under § 5-25(b) of this subtitle;
- (10) the total number of complaints initiated under § 5-25(b) of this subtitle that resulted in an enforcement action; and
- (11) any other information requested by the Mayor or by a Resolution of the City Council.

(b) *Inclusions - All licensed rental dwellings.*

(1) *Totals.*

The annual report required under subsection (a) of this section must include a matrix identifying the following in aggregate for all licensed rental dwellings:

- (i) the total number of 3-1-1 complaints;
- (ii) the total number of notices issued by the Department of Housing and Community Development;
- (iii) the total number of notices abated within the allowable time period;
- (iv) the number of notices for which the Department of Housing and Community Development pursued legal action; and
- (v) the total number of citations issued.

(2) *Specific categories.*

The annual report required under subsection (a) of this section must include a matrix identifying the data required under subsection (b)(1) of this section for all licensed rental dwellings in aggregate, for each of the following categories:

- (i) heating;

- (ii) ventilation;
- (iii) plumbing;
- (iv) roof leaks;
- (v) rodents;
- (vi) lead paint;
- (vii) fire protection;
- (viii) electrical systems;
- (ix) water supply;
- (x) structural deficiencies;
- (xi) bed bugs; and
- (xii) elevators.

(c) *Inclusions - Priority dwellings.*

(1) *Totals.*

The annual report required under subsection (a) of this section must include a matrix identifying the following for all priority dwellings:

- (i) the total number of 3-1-1 complaints;
- (ii) the total number of notices issued by the Department of Housing and Community Development;
- (iii) the total number of notices abated within the allowable time period; and
- (iv) the total number of citations issued.

(2) *Specific categories.*

The annual report required under subsection (a) of this section must, for all priority dwellings, include a matrix identifying the data required under subsection (b)(1) of this section for each of the following categories:

- (i) heating;
- (ii) ventilation;
- (iii) plumbing;
- (iv) roof leaks;

- (v) rodents;
- (vi) lead paint;
- (vii) fire protection;
- (viii) electrical systems;
- (ix) water supply;
- (x) structural deficiencies;
- (xi) bed bugs; and
- (xii) elevators.

Article 1. Mayor, City council, and Municipal Agencies

Subtitle 41. Civil Citations

§ 41-14. Offenses to which subtitle applies - Listing.

(1) [(25)] *Article 1. Mayor, City Council, and Municipal Agencies*

...

(2) [(5)] *Article 2. Consumer Protections*

...

(3) [(5a)] *Article 5. Finance, Property, and Procurement*

...

(4) [(5b)] *Article 7. Natural Resources*

...

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

§ 5-4. License Required

\$1,000

(6) [(1)] *Article 15. Licensing and Regulation*

...

(7) [(2)] *Article 19. Police Ordinances*

...

(8) [(3)] *Article 24. Water*

...

(9) [(3a)] *Article 26. Surveys, Streets, and Highways*

...

(10) [(4)] *Article 31. Transit and Traffic*

...

(11) [(4a)] *Article 32. Zoning*

...

(12) [(5)] *Building, Fire, and Related Codes Article -
Fire Code*

...

(13) [(5a)] *Building, Fire, and Related Codes Article -
Property Maintenance Code*

...

(14) [(6)] *Health Code*

...

Section 3. And be it further ordained, That the Baltimore City Rental Licensing and Inspection Task Force shall first convene on or after January 1, 2025, but no later than June 30, 2025.

Section 2. And be it further ordained, That this Ordinance takes effect on January 1, 2024.