

ENROLLED

**CITY OF BALTIMORE
ORDINANCE _____
Council Bill 18-0185**

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

Introduced and read first time: January 22, 2018

Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: March 26, 2018

AN ORDINANCE CONCERNING

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

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

17 BY repealing and reordaining, with amendments
18 Article 13 - Housing and Urban Renewal
19 Sections 4-1, 4-6, 4-8, and 4-9
20 Baltimore City Code
21 (Edition 2000)

22 BY adding
23 Article 13 - Housing and Urban Renewal
24 New Section 4-12
25 Baltimore City Code
26 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.
Underlined italics indicate matter added to the bill
by amendment after printing for third reading.

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- 1 BY renumbering
- 2 Article 13 - Housing and Urban Renewal
- 3 Current Sections 4-12 and 4-13
- 4 to be
- 5 New Sections 4-13 and 4-14
- 6 Baltimore City Code
- 7 (Edition 2000)

- 8 BY repealing and reordaining, with amendments
- 9 Article 13 - Housing and Urban Renewal
- 10 Subtitle 5, to be under the revised subtitle name,
- 11 "Subtitle 5. Licensing of Rental Dwellings"
- 12 Baltimore City Code
- 13 (Edition 2000)

- 14 BY repealing and reordaining, with amendments
- 15 Article 13 - Housing and Urban Renewal
- 16 Section 8A-5(b)(2)
- 17 Baltimore City Code
- 18 (Edition 2000)

- 19 BY repealing and reordaining, with amendments
- 20 Article 1 - Mayor, City Council, and Municipal Agencies
- 21 Section 40-14(e)(1)
- 22 Baltimore City Code
- 23 (Edition 2000)

- 24 BY repealing and reordaining, with amendments
- 25 Article 19 - Police Ordinances
- 26 Sections 43-4(c)(1) and 43A-3(c)(1)
- 27 Baltimore City Code
- 28 (Edition 2000)

- 29 BY repealing and reordaining, with amendments
- 30 Article - Building, Fire, and Related Codes
- 31 Section 2-103 (BC §§ 114.21.2b and 202.48-2c) and
- 32 Section 7-102 (PMC § 202.2.14.1)
- 33 Baltimore City Revised Code
- 34 (2015 Edition)

- 35 BY repealing and reordaining, without amendments
- 36 Article - Building, Fire, and Related Codes
- 37 Section 7-102 (PMC §§ 202.2.3, 202.2.6, and 202.2.15)
- 38 Baltimore City Revised Code
- 39 (2015 Edition)

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1 BY repealing and reordaining, with amendments

2 Article - Health

3 Section 6-603.1(b)(1)(Article 13)

4 Baltimore City Revised Code

5 (Edition 2000)

6 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
7 Laws of Baltimore City read as follows:

8 **Baltimore City Code**

9 **Article 13. Housing and Urban Renewal**

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

12 **§ 4-1. Definitions.**

13 (a) *In general.*

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

15 (b) *Commissioner.*

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

18 (c) *Dwelling unit.*

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

21 (d) *Multiple-family dwelling.*

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

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

25 (1) *In general.*

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

27 (i) dwelling unit that is unoccupied;

28 (ii) dwelling unit that, even if occupied, is not occupied by an owner of record; or

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1 (iii) dwelling unit that, even if occupied, is not designated by the State
2 Department of Assessments and Taxation as the owner’s principle
3 residence in accordance with the criteria governing the State Homestead
4 Tax Credit.

5 (2) *Qualifications.*

6 For purposes of this definition:

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

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

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

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

13 (G) [(f-2)] *Rooming unit.*

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

16 (H) [(g)] *Vacant structure.*

17 (1) *In general.*

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

20 (2) *Exclusions.*

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

23 **§ 4-6. Registration statement – Contents.**

24 (a) *In general.*

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

27 (1) [(i)] a description of the premises by street number or by block-and-lot;

28 (2) [(ii)] the name, street address, telephone number, and email address of the
29 premises’ owner of record;

30 (3) [(iii)] the name, street address, telephone number, and email address of the
31 premises’ managing operator, if other than the owner; AND

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(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.*

(1) BASE FEE.

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.

(2) INCREASED FEE.

FOR ANY ROOMING HOUSE THAT HAS HAD THE TERM OF ITS RENTAL DWELLING LICENSE REDUCED UNDER § 5-9 (C) OR (D) {“TIERED [LICENSE] TERMS”} OF THIS ARTICLE TO A 1-YEAR TERM, THE ANNUAL REGISTRATION FEE UNDER THIS SECTION FOR EACH SUCCEEDING REGISTRATION YEAR BEGINNING AFTER THE START OF EACH 1-YEAR RENTAL DWELLING LICENSE TERM IS INCREASED BY AN ADDITIONAL \$15 PER ROOMING UNIT, WHICH ADDITIONAL AMOUNT SHALL BE DEPOSITED IN THE CONTINUING, NONLAPSING FUND CREATED BY CITY CHARTER ARTICLE I, § 14 {“AFFORDABLE HOUSING TRUST FUND”}.

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

(1) BASE FEE.

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.

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(2) INCREASED FEE.

FOR ANY DWELLING THAT HAS HAD THE TERM OF ITS RENTAL DWELLING LICENSE REDUCED UNDER § 5-9 (C) OR (D) {"RENTAL DWELLINGS: TIERED [LICENSE] TERMS"} OF THIS ARTICLE TO A 1-YEAR TERM, THE ANNUAL REGISTRATION FEE UNDER THIS SECTION FOR EACH SUCCEEDING REGISTRATION YEAR BEGINNING AFTER THE START OF EACH 1-YEAR RENTAL DWELLING LICENSE TERM IS INCREASED BY AN ADDITIONAL \$15 PER DWELLING OR ROOMING UNIT, WHICH ADDITIONAL AMOUNT SHALL BE DEPOSITED IN THE CONTINUING, NONLAPSING FUND CREATED BY CITY CHARTER ARTICLE I, § 14 {"AFFORDABLE HOUSING TRUST FUND"}.

(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.~~

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1 ~~(B) STAYS.~~

2 ~~(1) THE FILING OF A PETITION FOR JUDICIAL REVIEW DOES NOT STAY THE DECISION OF THE~~
3 ~~COMMISSIONER.~~

4 ~~(2) HOWEVER, ON MOTION AND AFTER HEARING, THE COURT MAY GRANT A STAY AS~~
5 ~~PROVIDED IN THE MARYLAND RULES OF PROCEDURE.~~

6 ~~(C) APPELLATE REVIEW.~~

7 ~~A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE~~
8 ~~COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF~~
9 ~~PROCEDURE.~~

10 **§ 4-12. {RESERVED}**

11 **§ 4-13. [§ 4-12.] Enforcement by citation.**

12 (a) *In general.*

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

16 (b) *Process not exclusive.*

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

19 **§ 4-14. [§ 4-13.] Penalties.**

20 (a) *In general.*

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

24 (b) *Each day a separate offense.*

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

26 **Subtitle 5. Licensing of RENTAL DWELLINGS**
27 **[Multiple-Family Dwellings and Rooming Houses]**

28 **§ 5-1. Definitions.**

29 (a) *In general.*

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

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1 (B) [(c)] *Dwelling unit.*

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

4 (C) [(b)] *HOUSING COMMISSIONER; Commissioner.*

5 “HOUSING COMMISSIONER” OR “Commissioner” means the Commissioner of Housing
6 and Community Development or the Commissioner’s designee.

7 (d) *Multiple-family dwelling.*

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

10 (E) *NON-OWNER-OCCUPIED DWELLING UNIT.*

11 “NON-OWNER-OCCUPIED DWELLING UNIT” HAS THE MEANING STATED IN § 4-1 OF THIS
12 ARTICLE.

13 (F) [(e)] *Person.*

14 (1) *In general.*

15 “Person” means:

16 (i) an individual;

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

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

20 (2) *Inclusions.*

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

23 (G) *RENTAL DWELLING.*

24 “RENTAL DWELLING” MEANS:

25 (1) ANY MULTIPLE-FAMILY DWELLING;

26 (2) ANY ROOMING HOUSE; AND

27 (3) ANY NON-OWNER-OCCUPIED DWELLING UNIT IN A 1- OR 2-FAMILY DWELLING THAT
28 IS LEASED OR RENTED OR OFFERED OR AVAILABLE FOR LEASE OR RENTAL IN
29 EXCHANGE FOR ANY FORM OF CONSIDERATION.

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

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

4 (I) [(g)] *Rooming unit.*

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

7 **§ 5-2. Rules and regulations.**

8 (a) *Commissioner [may] TO adopt.*

9 The HOUSING Commissioner [may] MUST adopt rules and regulations to carry out this
10 subtitle.

11 (b) *Filing with Legislative Reference.*

12 A copy of all rules and regulations adopted under this subtitle must be filed with the
13 Department of Legislative Reference BEFORE THEY TAKE EFFECT.

14 **§ 5-3. {Reserved}**

15 **§ 5-4. License required.**

16 (A) *IN GENERAL.*

17 [No] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, NO person may:

18 (1) [operate] RENT OR OFFER TO RENT TO ANOTHER ALL OR ANY PART OF any
19 [multiple-family dwelling or rooming house] RENTAL DWELLING without a
20 CURRENTLY EFFECTIVE license to do so from the HOUSING Commissioner; OR

21 (2) CHARGE, ACCEPT, RETAIN, OR SEEK TO COLLECT ANY RENTAL PAYMENT OR OTHER
22 COMPENSATION FOR PROVIDING TO ANOTHER THE OCCUPANCY OF ALL OR ANY
23 PART OF ANY RENTAL DWELLING UNLESS THE PERSON WAS LICENSED UNDER THIS
24 SUBTITLE AT BOTH THE TIME OF OFFERING TO PROVIDE AND THE TIME OF
25 PROVIDING THIS OCCUPANCY.

26 (B) *EXCEPTION.*

27 A LICENSE IS NOT REQUIRED UNDER THIS SUBTITLE FOR ANY RENTAL DWELLING THAT IS
28 OWNED AND OPERATED BY THE HOUSING AUTHORITY OF BALTIMORE CITY.

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§ 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~~ 120 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~~ AN 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:

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1 (I) HAS BEEN issued under [§ 116 {"Unsafe Structures"} of] the Baltimore City
2 [Building Code] BUILDING, FIRE, AND RELATED CODES ARTICLE; AND

3 (II) NOTWITHSTANDING THE PASSAGE OF MORE THAN 90 DAYS SINCE ITS ISSUANCE,
4 HAS NOT BEEN ABATED BEFORE THE LICENSE ISSUANCE OR RENEWAL[; and].

5 **§ 5-7. PREREQUISITES FOR NEW OR RENEWAL LICENSE – INSPECTION.**

6 (A) *IN GENERAL.*

7 THE INSPECTION REQUIRED BY § 5-6 {"PREREQUISITES ... – IN GENERAL"} OF THIS
8 SUBTITLE MUST COMPLY WITH EITHER:

9 (1) SUBSECTION (B) {"THIRD-PARTY HOME INSPECTIONS"} OF THIS SECTION; OR

10 (2) SUBSECTION (C) {"GOVERNMENTAL AGENCY INSPECTIONS"} OF THIS SECTION.

11 (B) *THIRD-PARTY HOME INSPECTIONS.*

12 (1) *DEFINITIONS.*

13 (i) *IN GENERAL.*

14 IN THIS SUBSECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

15 (ii) *HOME INSPECTION.*

16 "HOME INSPECTION" MEANS A HOME INSPECTOR'S WRITTEN EVALUATION OF A
17 RENTAL DWELLING'S COMPLIANCE WITH THE CITY'S HEALTH AND SAFETY
18 STANDARDS SPECIFIED IN THE HOUSING COMMISSIONER'S RULES AND
19 REGULATIONS ADOPTED UNDER THIS SUBTITLE.

20 (iii) *HOME INSPECTOR.*

21 "HOME INSPECTOR" MEANS AN INDIVIDUAL:

22 (A) WHO IS LICENSED AS A HOME INSPECTOR UNDER TITLE 16, SUBTITLE 3A OF
23 THE STATE BUSINESS OCCUPATION AND PROFESSIONS ARTICLE; AND

24 (B) WHO, AS REQUIRED BY THE RULES AND REGULATIONS ADOPTED UNDER
25 THIS SUBTITLE:

26 1. HAS REGISTERED WITH THE HOUSING COMMISSIONER AS
27 GENERALLY AVAILABLE TO INSPECT AND CERTIFY RENTAL
28 DWELLINGS UNDER THIS SUBSECTION; ~~AND~~

29 2. HAS, AS SPECIFIED BY THE RULES AND REGULATIONS ADOPTED
30 UNDER THIS SUBTITLE, SUBMITTED TO THE COMMISSIONER A
31 FINANCIAL DISCLOSURE CONFLICT-OF-INTEREST STATEMENT; AND

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1 3. ~~2.~~ FOR EACH HOME INSPECTION TO BE PERFORMED UNDER THIS
2 SUBSECTION, CERTIFIES THAT NEITHER THE HOME INSPECTOR NOR
3 ANY OWNER, PARTNER, DIRECTOR, OFFICER, EMPLOYEE, OR AGENT
4 OF THE HOME INSPECTOR OR OF THE HOME INSPECTOR'S BUSINESS
5 HAS ANY FINANCIAL INTEREST IN:

- 6 A. THE RENTAL DWELLING TO BE INSPECTED;
- 7 B. THE OWNER OR OPERATOR OF THAT RENTAL DWELLING; OR
- 8 C. ANY OWNER, PARTNER, DIRECTOR, OFFICER, EMPLOYEE, OR
9 AGENT OF THE RENTAL DWELLING'S OWNER OR OPERATOR.

10 (2) *APPLICANT TO CONTRACT FOR TIMELY INSPECTION.*

11 (I) BEFORE APPLYING FOR A RENTAL DWELLING LICENSE OR RENEWAL LICENSE, THE
12 APPLICANT MUST, AT THE APPLICANT'S EXPENSE, CONTRACT WITH A HOME
13 INSPECTOR TO PERFORM A HOME INSPECTION UNDER THIS SECTION.

14 (II) THE INSPECTION MUST BE PERFORMED AS FOLLOWS:

15 (A) FOR A MULTIPLE-FAMILY DWELLING, NOT MORE THAN 90 DAYS BEFORE A
16 COMPLETED APPLICATION FOR A LICENSE OR RENEWAL LICENSE IS
17 SUBMITTED TO THE HOUSING COMMISSIONER; AND

18 (B) FOR A 1- OR 2-FAMILY DWELLING, NOT MORE THAN 30 DAYS BEFORE A
19 COMPLETED APPLICATION FOR A LICENSE OR RENEWAL LICENSE IS
20 SUBMITTED TO THE HOUSING COMMISSIONER.

21 (3) *NUMBER OF UNITS TO BE INSPECTED.*

22 (I) FOR ANY RENTAL DWELLING THAT COMPRISES 9 OR FEWER DWELLING OR ROOMING
23 UNITS, ALL DWELLING AND ROOMING UNITS MUST BE INSPECTED UNDER THIS
24 SUBSECTION.

25 (II) FOR ANY MULTIPLE-FAMILY DWELLING OR ROOMING HOUSE THAT COMPRISES 10
26 OR MORE DWELLING OR ROOMING UNITS, THE NUMBER OF UNITS THAT MUST BE
27 INSPECTED ARE AS DETERMINED IN THE RULES AND REGULATIONS ADOPTED UNDER
28 THIS SUBTITLE.

29 (4) *INSPECTOR'S ~~REPORT~~ REPORTS AND CERTIFICATION.*

30 (I) AFTER THE HOME INSPECTION, THE HOME INSPECTOR MUST ISSUE TO THE
31 APPLICANT:

32 (A) ~~A COPY OF THE INSPECTION REPORT~~ A WRITTEN REPORT OF EVERY
33 INSPECTION CONDUCTED UNDER THIS SECTION; AND

34 (B) IF THE RENTAL DWELLING MEETS THE CITY'S HEALTH AND SAFETY
35 STANDARDS SPECIFIED IN THE RULES AND REGULATIONS ADOPTED UNDER

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1 THIS SUBTITLE, A CERTIFICATE OF SATISFACTORY COMPLIANCE WITH THOSE
2 STANDARDS.

3 ~~(H) THE REPORT AND THE CERTIFICATE MUST BE IN THE FORM REQUIRED BY THE~~
4 ~~COMMISSIONER AND UNDER THE HOME INSPECTOR'S SEAL.~~

5 (II) THE REPORTS AND THE CERTIFICATION MUST BE:

6 (A) IN THE FORM REQUIRED BY THE COMMISSIONER; AND

7 (B) SIGNED BY THE HOME INSPECTOR, UNDER OATH AND
8 UNDER THE HOME INSPECTOR'S SEAL.

9 (C) *GOVERNMENTAL AGENCY INSPECTIONS.*

10 (1) *SCOPE OF SUBSECTION.*

11 THIS SUBSECTION APPLIES TO ANY RENTAL DWELLING UNIT THAT IS REQUIRED TO
12 UNDERGO PERIODIC INSPECTIONS CONDUCTED BY A GOVERNMENTAL AGENCY IN
13 ACCORDANCE WITH FEDERAL OR STATE INSPECTION STANDARDS.

14 (2) *REQUIRED EVIDENCE OF COMPLIANCE WITH MOST RECENT INSPECTION.*

15 FOR A RENTAL DWELLING UNIT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION,
16 THE APPLICANT FOR A LICENSE OR RENEWAL LICENSE MAY, IN LIEU OF THE
17 REQUIREMENTS OF SUBSECTION (B) {"THIRD-PARTY HOME INSPECTIONS"} OF THIS
18 SECTION, SUBMIT EVIDENCE SATISFACTORY TO THE HOUSING COMMISSIONER THAT
19 THE UNIT HAS PASSED THE MOST RECENT PERIODIC INSPECTION BY THE APPLICABLE
20 GOVERNMENTAL AGENCY.

21 (D) COMMISSIONER TO AUDIT INSPECTIONS.

22 AS PRESCRIBED BY THE RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE, THE
23 HOUSING COMMISSIONER MUST CONDUCT AN ANNUAL AUDIT OF INSPECTIONS
24 CONDUCTED UNDER THIS SECTION.

25 (E) ~~(H)~~ COMMISSIONER'S INSPECTION AUTHORITY NOT AFFECTED.

26 THIS SECTION DOES NOT IN ANY WAY PREVENT OR LIMIT THE AUTHORITY OF THE HOUSING
27 COMMISSIONER TO CONDUCT ROUTINE, SPOT, QUALITY-CONTROL, OR OTHER INSPECTIONS
28 OF RENTAL DWELLINGS UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE

29 **§ 5-8. [§ 5-7.] License fees.**

30 No fee is imposed for a RENTAL DWELLING license issued under this subtitle.

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1 § 5-9. [§ 5-8.] [Term and renewal] TIERED TERMS OF LICENSES.

2 (a) *In general.*

3 [Except as otherwise provided under this section,] UNLESS TIMELY RENEWED, each
4 RENTAL DWELLING license ISSUED UNDER THIS SUBTITLE expires [1 year from] ON THE 1ST,
5 2ND, OR 3RD ANNIVERSARY OF [the date of] its issuance [and may be renewed annually], AS
6 PROVIDED IN THIS SECTION.

7 [(b) *Stagger.*]

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

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

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

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

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

20 [(d) *Vacant dwellings.*]

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

24 (B) *INITIAL LICENSE.*

25 A DWELLING UNIT LICENSE INITIALLY ISSUED UNDER THIS SUBTITLE TO ANY RENTAL
26 DWELLING EXPIRES 2 YEARS FROM THE DATE OF ITS ISSUANCE, UNLESS TIMELY RENEWED.

27 (C) *1ST RENEWAL OF INITIAL LICENSE.*

28 SUBJECT TO COMPLIANCE WITH § 5-6 {“PREREQUISITES FOR ... RENEWAL LICENSE – IN
29 GENERAL”} OF THIS SUBTITLE, THE 1ST RENEWAL OF AN INITIAL 2-YEAR LICENSE WILL BE
30 FOR A 3-, 2-, OR 1-YEAR RENEWAL TERM, BASED ON THE FOLLOWING RISK FACTORS:

31 (1) *3-YEAR TERM:* THE RENEWAL LICENSE WILL BE FOR A 3-YEAR TERM IF, DURING THE
32 24 MONTHS IMMEDIATELY PRECEDING SUBMISSION OF A COMPLETED RENEWAL
33 APPLICATION, ALL VIOLATION NOTICES OR ORDERS ISSUED DURING THOSE MONTHS
34 UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE HAVE BEEN
35 ABATED WITHIN 60 DAYS OF THEIR ISSUANCE.

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1 (2) *2-YEAR TERM:* THE RENEWAL LICENSE WILL BE FOR A 2-YEAR TERM IF, DURING THE
2 24 MONTHS IMMEDIATELY PRECEDING SUBMISSION OF A COMPLETED RENEWAL
3 APPLICATION, ALL VIOLATION NOTICES OR ORDERS ISSUED DURING THOSE MONTHS
4 UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE HAVE BEEN
5 ABATED WITHIN 90 DAYS OF THEIR ISSUANCE.

6 (3) *1-YEAR TERM:* THE RENEWAL LICENSE WILL BE FOR A 1-YEAR TERM IF THE RENTAL
7 DWELLING DOES NOT QUALIFY UNDER THIS SUBSECTION FOR A 2- OR 3-YEAR
8 RENEWAL.

9 (D) *SUBSEQUENT RENEWALS.*

10 SUBJECT TO COMPLIANCE WITH § 5-6 {“PREREQUISITES FOR ... RENEWAL LICENSE – IN
11 GENERAL”} OF THIS SUBTITLE, ALL SUBSEQUENT RENEWAL TERMS WILL BE BASED ON THE
12 FOLLOWING RISK FACTORS:

13 (1) *3-YEAR TERM:* THE RENEWAL LICENSE WILL BE FOR A 3-YEAR TERM IF, DURING THE
14 36 MONTHS IMMEDIATELY PRECEDING SUBMISSION OF A COMPLETED RENEWAL
15 APPLICATION, ALL VIOLATION NOTICES OR ORDERS ISSUED DURING THOSE MONTHS
16 UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE HAVE BEEN
17 ABATED WITHIN 60 DAYS OF THEIR ISSUANCE.

18 (2) *2-YEAR TERM:* THE RENEWAL LICENSE WILL BE FOR A 2-YEAR TERM IF, DURING THE
19 24 MONTHS IMMEDIATELY PRECEDING SUBMISSION OF A COMPLETED RENEWAL
20 APPLICATION, ALL VIOLATION NOTICES OR ORDERS ISSUED DURING THOSE MONTHS
21 UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE HAVE BEEN
22 ABATED WITHIN 90 DAYS OF THEIR ISSUANCE.

23 (3) *1-YEAR TERM:* THE RENEWAL LICENSE WILL BE FOR A 1-YEAR TERM IF THE RENTAL
24 DWELLING DOES NOT QUALIFY UNDER THIS SUBSECTION FOR A 2- OR 3-YEAR
25 RENEWAL.

26 **§ 5-10. [§ 5-9.] {Reserved}**

27 **§ 5-11. [§ 5-10.] Posting license.**

28 The license issued under this subtitle must be prominently displayed:

29 (1) FOR A MULTIPLE-FAMILY DWELLING OR ROOMING HOUSE, in the vestibule, lobby, or
30 other public place on the premises; AND

31 (2) FOR A 1- OR 2-FAMILY DWELLING, IN AN AREA OF EACH DWELLING UNIT THAT IS
32 ACCESSIBLE TO THAT UNIT’S OCCUPANTS AND TO HOUSING INSPECTORS.

33 **§ 5-12. [§ 5-11.] Transfer of license.**

34 (a) *In general.*

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

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(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”)}.~~

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”}.

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1 (B) *CAUSES FOR DENIAL, SUSPENSION, OR REVOCATION.*

2
3 Subject to the hearing provisions of § 5-16 of this subtitle, the HOUSING Commissioner
4 may DENY, SUSPEND, OR revoke a RENTAL DWELLING license OR RENEWAL LICENSE FOR
5 ANY OF THE FOLLOWING CAUSES:

6 (1) MAKING ANY MATERIAL FALSE STATEMENT IN AN APPLICATION FOR AN INITIAL OR
7 RENEWAL LICENSE;

8 (2) FRAUDULENTLY OR DECEPTIVELY OBTAINING A RENTAL DWELLING LICENSE FOR
9 ONESELF OR FOR ANOTHER;

10 (3) FRAUDULENTLY OR DECEPTIVELY USING A RENTAL DWELLING LICENSE;

11 (4) FALSIFYING ANY INSPECTION REPORT OR CERTIFICATE;

12 (5) REFUSAL BY AN OWNER OR OPERATOR OF A RENTAL DWELLING TO ALLOW THE
13 COMMISSIONER TO CONDUCT A ROUTINE, SPOT, QUALITY-CONTROL, OR OTHER
14 INSPECTION OF THE RENTAL DWELLING AS AUTHORIZED BY THE CITY BUILDING,
15 FIRE, AND RELATED CODES ARTICLE;

16 (6) FAILING TO ABATE WITHIN 120 DAYS OF ISSUANCE ANY VIOLATION NOTICE, ORDER,
17 OR CITATION FOR VIOLATING ANY PROVISION OF THE CITY BUILDING, FIRE, AND
18 RELATED CODES ARTICLE, THE CITY HEALTH ARTICLE, OR THE ZONING CODE OF
19 BALTIMORE CITY;

20 (7) FAILING TO COMPLY WITH ANY PROVISION OF THIS SUBTITLE OR OF ANY RULE OR
21 REGULATION ADOPTED UNDER THIS SUBTITLE; OR

22 (8) if the HOUSING Commissioner finds, or if the Fire Chief, Health Commissioner, or
23 Police Commissioner certify to the HOUSING Commissioner, that:

24 (I) [(1)] the owner or lessee of a [multiple-family dwelling or rooming house]
25 RENTAL DWELLING has failed to comply with any lawful notice, [or] order,
26 OR CITATION to correct a violation that affects the health, safety, morals, or
27 general welfare of the occupants of the property or of the general public; or

28 (II) [(2)] the owner or lessee of a [multiple-family dwelling or rooming house]
29 RENTAL DWELLING, or any agent of the owner or lessee:

30 (A) [(i)] has allowed the premises to be used [for the purpose
31 prostitution, drug trafficking, or other criminal activity or for any
32 other activity that creates or constitutes] AS a nuisance PROPERTY;
33 or

34 (B) [(ii)] knew or should have known that the premises were being
35 used [for one of these purposes] AS A NUISANCE PROPERTY and
36 failed to prevent them from being so used.

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1 § 5-16. [Revocation] DENIAL, SUSPENSION, OR REVOCATION of license – Notice and hearing.

2 (a) *In general.*

3 No license may be DENIED, SUSPENDED, OR revoked unless the HOUSING Commissioner
4 first gives the licensee OWNER, THE MANAGING OPERATOR, AND THE LESSEES OF ANY
5 DWELLING OR ROOMING UNIT TO WHICH THE LICENSE APPLIES:

6 (1) not less than 10 days notice in writing of the Commissioner’s intent to DENY,
7 SUSPEND, OR revoke the license; and

8 (2) an opportunity to be heard as to why the license should not be DENIED,
9 SUSPENDED, OR revoked.

10 (b) *Exception.*

11 The Commissioner may DENY, SUSPEND, OR revoke a license without prior notice and
12 opportunity to be heard if, in the opinion of the Commissioner or the Fire Chief, Health
13 Commissioner, or Police Commissioner, the health, safety, or welfare of the occupants or
14 of the general public are in imminent danger.

15 § 5-17. [§ 5-18.] Vacating premises.

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

18 (1) the property is being operated without a valid license; and

19 (2) vacating the premises is necessary for the public health, safety, and welfare.

20 § 5-18. {RESERVED}

21 § 5-19. [§ 5-22. Constitutional] IMPAIRING CONSTITUTIONAL rights.

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

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

25 (b) *Prohibited conduct.*

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

29 (1) unreasonably impair any rights guaranteed by the Free-Exercise Clause of the
30 First Amendment to the United States Constitution or by Article 36 of the
31 Maryland Declaration of Rights; or

32 (2) prohibit or deny any reasonable accommodation for religious practices.

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1 § 5-20. SANITATION GUIDE.

2 (A) PREPARATION OF GUIDE.

3 THE OWNER OR MANAGING OPERATOR OF EVERY RENTAL DWELLING, OTHER THAN A
4 HOTEL OR MOTEL, MUST PREPARE, IN THE FORM AND CONTAINING THE INFORMATION
5 REQUIRED BY THE COMMISSIONER, A SANITATION GUIDE FOR THE PREMISES THAT
6 PROVIDES NOTICE TO ALL OCCUPANTS OF THE REQUIREMENTS AND PROCEDURES FOR THE
7 SEPARATION, DISPOSITION, COLLECTION, AND PROPER STORAGE PENDING COLLECTION OF
8 MIXED REFUSE, RECYCLABLE MATERIALS, YARD WASTE, BULK TRASH, AND ALL OTHER
9 FORMS OF GARBAGE, RUBBISH, WASTE, AND TRASH.

10 (B) DISSEMINATION.

11 A COPY OF THE SANITATION GUIDE MUST BE:

- 12 (1) PROVIDED TO EACH DWELLING UNIT ON THE PREMISES; AND
- 13 (2) PROMINENTLY POSTED WITHIN EACH COMMON COLLECTION ROOM, IF ANY, ON THE
14 PREMISES.

15 ~~§§ 5-21 TO 5-23. {RESERVED}~~

16 ~~§ 5-21. {RESERVED}~~

17 § 5-22. PUBLIC ACCESS TO INFORMATION.

18 THE HOUSING COMMISSIONER SHALL MAKE FREELY AVAILABLE FOR REVIEW ON AND
19 DOWNLOAD FROM THE WEBSITE OF THE DEPARTMENT OF HOUSING AND COMMUNITY
20 DEVELOPMENT:

21 (1) THE LICENSE STATUS OF ANY RENTAL DWELLING SUBJECT TO THIS SUBTITLE; AND

22 (2) THE FOLLOWING RECORDS RELATING TO THAT RENTAL DWELLING:

23 (I) VIOLATION NOTICES, ORDERS, OR CITATIONS ISSUED BY THE DEPARTMENT
24 UNDER THIS ARTICLE OR THE CITY BUILDING, FIRE, AND RELATED CODES
25 ARTICLE; AND

26 (II) NOTICES OF ANY ~~PROPOSED~~ DENIAL, SUSPENSION, OR REVOCATION OF THE
27 RENTAL DWELLING’S LICENSE.

28 ~~§ 5-23. {RESERVED}~~

29 § 5-24. JUDICIAL AND APPELLATE REVIEW.

30 (A) JUDICIAL REVIEW.

31 A PERSON AGGRIEVED BY A DECISION OF THE HOUSING COMMISSIONER UNDER THIS
32 SUBTITLE MAY SEEK JUDICIAL REVIEW OF THAT DECISION BY PETITION TO THE CIRCUIT

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1 COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF
2 PROCEDURE.

3 (B) *STAYS.*

4 (1) THE FILING OF A PETITION FOR JUDICIAL REVIEW DOES NOT STAY THE DECISION OF THE
5 COMMISSIONER.

6 (2) HOWEVER, ON MOTION AND AFTER HEARING, THE COURT MAY GRANT A STAY AS
7 PROVIDED IN THE MARYLAND RULES OF PROCEDURE.

8 (C) *APPELLATE REVIEW.*

9 A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT’S FINAL JUDGMENT TO THE
10 COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF
11 PROCEDURE.

12 **§ 5-25. [§ 5-20.] Enforcement by citation.**

13 (a) *In general.*

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

17 (b) *Process not exclusive.*

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

20 **§ 5-26. [§ 5-24.] Penalties.**

21 (a) *In general.*

22 Any person who violates [a] ANY provision of this subtitle (INCLUDING ANY OFFENSE
23 LISTED IN § 5-15 OF THIS SUBTITLE AS POTENTIAL CAUSE FOR A DENIAL, SUSPENSION, OR
24 REVOCATION OF A LICENSE) or ANY PROVISION of a rule, regulation, or order adopted or
25 issued under this subtitle is guilty of a misdemeanor and, on conviction, is subject to [the
26 following penalties:]

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

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

30 (b) *Each day a separate offense.*

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

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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	\$500

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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:

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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:

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1 Article 13. Housing and Urban Renewal
2 Subtitle 5 {“[Multiple-Family Dwellings and Rooming Houses] LICENSING OF
3 RENTAL DWELLINGS”}.

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

7 **SECTION 3. AND BE IT FURTHER ORDAINED**, That:

8 (a) On and after the effective date of this Ordinance, a preexisting multiple-family dwelling
9 or rooming house operating under an unexpired license that was issued under former City
10 Code Article 13, Subtitle 5, may continue to operate under that license: (i) until the
11 license expires at the end of its stated term or (ii) if the end of its stated term is fewer than
12 90 days after the effective date of this Ordinance, for an extended term that expires on the
13 90th day after the effective date of this Ordinance.

14 (b) The multiple-family dwelling or rooming house may not continue to operate after the
15 preexisting license expires under subsection (a)(i) or (ii) of this Section until the licensee
16 has applied for and obtained a new, initial rental dwelling license under City Code
17 Article 13, Subtitle 5, as amended by this Ordinance.

18 **SECTION 4. AND BE IT FURTHER ORDAINED**, That, on and after the effective date of this
19 Ordinance, a rental dwelling described in Article 13, § 5-1(g)(3), as added by this Ordinance,
20 may preliminarily operate without an initial rental dwelling license, but only as long as:

21 (1) all non-owner-occupied dwelling units are duly registered under Article 13, Subtitle 4,
22 as amended by this Ordinance, and all registration fees and related interest and late
23 fees required by that Subtitle 4 have been paid;

24 (2) within 120 days of the effective date of this Ordinance, the owner submits a
25 completed application under Article 13, Subtitle 5, as amended by this subtitle, for a
26 new, initial rental dwelling license; and

27 (3) the Housing Commissioner has not yet issued an approval or denial of that
28 application.

29 **SECTION 5. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on August 1,
30 2018.

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Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City