

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2007, Legislative Day No. 21

Bill No. 87-07

Councilmembers Olszewski, Gardina & Oliver

By the County Council, November 19, 2007

A BILL
ENTITLED

AN ACT concerning

Rental Housing License Program

FOR the purpose of applying the rental housing license program to the entire county; requiring property owners to obtain home inspections by certain home inspectors at the property owners' expense; requiring compliance with certain state law regarding lead paint; requiring renewal of a license after three years; repealing certain civil penalties; altering a certain civil penalty; clarifying certain provisions regarding denial of a license and appeals; providing for notification to property owners; defining certain terms; providing for the application of this Act; and generally relating to the Rental Housing License Program.

By repealing and reenacting, with amendments

Sections 35-6-101, 35-6-102, 35-6-103, 35-6-105, 35-6-106(c) and (d), 35-6-107, 35-6-108(a) and (b), 35-6-110, 35-6-111(a)(1) and (b), and 35-6-112
Article 35. Buildings and Housing
Title 6. Rental Housing Licenses - Pilot Program
Baltimore County Code, 2003

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that Sections 35-6-101, 35-6-102, 35-6-103, 35-6-105, 35-6-106(c) and
3 (d), 35-6-107, 35-6-108(a) and (b), 35-6-110, 35-6-111(a)(1) and (b), and 35-6-112 of Article 35.
4 Buildings and Housing, Title 6. Rental Housing Licenses - Pilot Program, of the Baltimore County
5 Code, 2003, as amended, be and they are hereby repealed and reenacted, with amendments, to read
6 as follows:

7 § 35-6-101.

8 (a) In this title the following words have the meanings indicated.

9 (b) “Apartment complex” means a group of 2 or more related buildings that:

10 (1) Have the same owner; and

11 (2) Contain at least 4 dwelling units in each building that:

12 (i) Share a common entrance from the outside with other dwelling units
13 in the same building; or

14 (ii) Are arranged above or below, or next to, another dwelling unit.

15 (c) (1) “Applicant” means the property owner of a dwelling unit.

16 (2) “APPLICANT” INCLUDES A TENANT OF A DWELLING WHEN THE
17 TENANT RENTS A DWELLING UNIT OR A PORTION OF A DWELLING UNIT TO
18 ANOTHER TENANT.

19 (d) “Boarding or rooming house” has the meaning stated in §101 of the Baltimore
20 County Zoning Regulations.

21 (e) “Code Official” means the Director or the Director’s designee.

22 (f) “Department” means the Department of Permits and Development Management.

1 (g) “Director” means the Director of the Department.

2 (h) [(1)] “Dwelling” means a building or a portion of a building [which provides living
3 facilities for one or more persons, as defined in the Baltimore County Zoning Regulations.

4 (2) “Dwelling” is intended to have the same meaning as dwellings as defined in
5 the BOCA National Building Code, 1996 Edition] THAT CONTAINS ONE OR MORE
6 DWELLING UNITS USED, INTENDED, OR DESIGNED TO BE BUILT, USED, RENTED,
7 LEASED, LET OR HIRED OUT TO BE OCCUPIED, OR THAT ARE OCCUPIED FOR LIVING
8 PURPOSES.

9 (i) “Dwelling unit” means a single unit providing complete, independent living facilities
10 for one or more persons that has permanent provisions for living, sleeping, eating, cooking, [or]
11 AND sanitation.

12 (j) (1) “Group house” means a group of not less than 3 attached dwelling units
13 which:

14 (i) Have been constructed together in a lateral row surrounded by yard
15 space;

16 (ii) Are separated from another by a party wall; and

17 (iii) Have the same owner.

18 (2) “Group house” includes townhouse apartment complexes, group house
19 apartment buildings, and back to back group houses.

20 (3) “Group house” does not include a duplex or semidetached dwelling.

21 (K) “HEARING OFFICER” HAS THE MEANING STATED IN § 3-6-101 OF THE
22 CODE.

1 (L) ~~(1) “HOME INSPECTION” HAS THE MEANING STATED IN § 16-101 OF THE~~
2 ~~BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE OF THE ANNOTATED CODE OF~~
3 ~~MARYLAND.~~

4 ~~—————(2) “HOME INSPECTION” INCLUDES MEANS A WRITTEN EVALUATION~~
5 ~~OF THE COMPLIANCE OF ONE OR MORE OF THE COMPONENTS OF AN EXISTING~~
6 ~~RESIDENTIAL BUILDING INCLUDING A CODE AS DEFINED IN § 3-6-101(B) OF THE~~
7 ~~CODE WITH THE HEALTH AND SAFETY REQUIREMENTS ESTABLISHED BY THE~~
8 ~~DIRECTOR IN ACCORDANCE WITH § 35-6-107 OF THIS TITLE.~~

9 (M) “HOME INSPECTOR” HAS THE MEANING STATED IN § 16-101 OF THE
10 BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE OF THE ANNOTATED CODE OF
11 MARYLAND.

12 (N) “OCCUPANT” MEANS AN INDIVIDUAL WHO INHABITS A SPACE WITHIN
13 A DWELLING UNIT.

14 [(k)] (O) “Owner” means a person who:

- 15 (1) Has more than a 25% legal or equitable interest in a property; or
- 16 (2) Shares in more than 25% of the profits or losses from the rental property.

17 [(l)] (P) “Person” has the meaning stated in § 1-2-107 of the Code.

18 [(m) “Pilot program area” means:

19 (1) The peninsula known as Hawthorne Park and bounded by Eastern Avenue,
20 Middle River, Dark Head Creek, Cowpens Creek, and the western boundary of the Chesapeake
21 Industrial Park;

22 (2) The area known as Middlesex, bounded by the following streets and roads:

1 Eastern Boulevard, Stemmers Run Road, Middlesex Road, and Orville Road;

2 (3) The area known as Colgate, bounded by the following streets and roads:
3 Rolling Hill Road, Eastern Avenue, and North Point Boulevard;

4 (4) The area known as St. Helena, bounded by the following streets and roads:
5 Dundalk Avenue, Dunhill Road, the rail line that borders the Dundalk Marine Terminal, the
6 Baltimore City Boundary Line, and Oak Avenue;

7 (5) The area known as Old Dundalk, bounded by the following streets and roads:
8 Dundalk Avenue, York Way, and Belclare Road;

9 (6) The area known as Loch Raven Village/Knettishall, bounded by the following
10 streets and roads: Loch Raven Boulevard, Joppa Road, LaSalle Road, Glen Keith Boulevard,
11 Barksdale Road, Pleasant Plains Road, Goucher Boulevard, the western boundary of the Loch Raven
12 School property, Glen Keith Boulevard, Edgewood Road, Clearwood Road, Oakleigh Road, and
13 Putty Hill Avenue;

14 (7) The area known as Ridgeleigh, bounded by the following streets and roads:
15 Oakleigh Road, Joppa Road, Loch Raven Boulevard, Joan Avenue, and Weston Avenue;

16 (8) The area known as Rodgers Forge, bounded by the following streets and
17 roads: Bellona Avenue, Stevenson Lane (including Stanmore Road, Stanmore Court, Brandon Road
18 and Lanark Road), York Road, Overbrook Road, Blenheim Road, including the 6400 block of
19 Blenheim Road, Gaywood Road and Dunkirk Road;

20 (9) The following streets and roads in the area known as Perry Hall: Neves Court,
21 Bourbon Court, Hapsburg Court, Plantagenet Circle, Orange Court, Romanoff Court, Bernadotte
22 Court, Cedar Chip Court, Medici Court, Borgia Court, Meadow Bank Court and Mapledale Court;

1 (10) The area known as Towson Manor Village bounded by the following streets
2 and roads: York Road, Towsontowne Boulevard, Hendrickson Lane, Hillen Road, Burke Avenue,
3 Aigburth Avenue, Marburth Avenue, Maryland Avenue, and Aigburth Road;

4 (11) The area known as Eastwood bounded by the following streets and roads:
5 Eastern Avenue, Old North Point Road, Baltimore Street, and the Baltimore City Boundary Line;

6 (12) The area known as Holland Hills bounded by the following streets and roads:
7 Hazelwood Avenue, I-95, Radecke Avenue, and the Baltimore City Boundary Line; and:

8 (13) That portion of the Hillendale area bounded by Taylor Avenue, Hillendale
9 Road, Dartmouth Avenue, and Hillsway Avenue; and

10 (14) The area known as Berkshire, bounded by the following streets and roads:
11 Old North Point Road, Merritt Boulevard, German Hill Road, Beverly Road, the eastern boundary
12 of the Oak Lawn Cemetery, and Poplar Avenue.]

13 [(n)] (Q) (1) “Premises” means a lot, plot, or parcel of land on which there is a
14 dwelling.

15 (2) “Premises” includes all dwellings on the lot, plot, or parcel of land.

16 [(o)] (R) (1) “Property owner” means an owner.

17 (2) “Property owner” includes a:

18 (i) Limited liability company; and

19 (ii) The guardian of an estate or the personal representative of an estate,
20 if ordered to take possession of the premises by a court.

21 [(p)] (S) “Tenant” means an occupant of a rental property who is not an owner of the
22 rental property.

1 § 35-6-102.

2 The purpose of this title is to establish a licensing program [on a pilot program basis] in the
3 county in order to:

4 (1) Create an additional procedure for the enforcement of county codes and regulations
5 TO PROTECT AND PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE; and

6 (2) Reverse the physical decline of [the pilot program area that has] AREAS OF THE
7 COUNTY THAT HAVE:

8 (i) A high number of rental properties;

9 (ii) Older rental properties;

10 (iii) High crime rates; or

11 (iv) Experienced a significant shift from single family owner-occupied homes to
12 multiple family rental properties.

13 § 35-6-103.

14 (a) This title applies to:

15 (1) Boarding or rooming houses [in the pilot program area]; and

16 (2) Dwellings] ~~TO DWELLINGS~~ with six or less dwelling units [in the pilot
17 program area].

18 (b) This title does not apply to:

19 (1) Dwellings that are solely ~~owner-occupied, including individuals~~ OWNER-
20 OCCUPIED, INCLUDING:

21 (I) ONE ADDITIONAL INDIVIDUAL WHO IS NOT A MINOR

22 WITHOUT REGARD TO THE RELATIONSHIP OF THE INDIVIDUAL

1 AND WITHOUT REGARD TO THE NUMBER OF MINORS IN THE
2 DWELLING UNIT RELATED BY BLOOD, MARRIAGE OR ADOPTION
3 TO THE ADDITIONAL INDIVIDUAL OR UNDER THE LEGAL
4 CUSTODY OF THE INDIVIDUAL; AND

5 (II) INDIVIDUALS related by blood, marriage, or adoption to or under the
6 legal custody of the owner;

7 (2) Dwellings with seven or more dwelling units;

8 (3) Apartment complexes;

9 (4) Group houses;

10 (5) Dwelling units exempted by the Department as required by federal or state
11 law or regulation;

12 (6) Dwelling units occupied by a former owner of the dwelling unit who, after
13 having sold the dwelling unit to a new owner, continues to reside in the dwelling unit and pays rent
14 to the new owner, provided the residency lasts not more than 12 months;

15 (7) Subject to regulations adopted by the Department, dwellings occupied by an
16 owner and an individual paid directly or indirectly by the owner, including a nurse, nanny, or other
17 household assistant; or

18 (8) Dwelling units SOLELY occupied by a person related by blood, marriage,
19 or adoption to or under the legal custody of the owner of the dwelling [unit] UNIT, WHICH MAY
20 INCLUDE ONE ADDITIONAL INDIVIDUAL WHO IS NOT A MINOR WITHOUT REGARD
21 TO THE RELATIONSHIP OF THE INDIVIDUAL AND WITHOUT REGARD TO THE
22 NUMBER OF MINORS IN THE DWELLING UNIT RELATED BY BLOOD, MARRIAGE OR

1 ADOPTION TO THE ADDITIONAL INDIVIDUAL OR UNDER THE LEGAL CUSTODY OF
2 THE INDIVIDUAL.

3 § 35-6-105.

4 (a) (1) A property owner may not rent a dwelling unit OR A PORTION OF A
5 DWELLING UNIT [in the pilot program area] unless the property owner has been issued a license
6 as provided for in this title.

7 (2) A TENANT MAY NOT RENT A DWELLING UNIT OR A PORTION OF A
8 DWELLING UNIT TO ANOTHER TENANT OR A SUB-TENANT UNLESS THE TENANT
9 HAS BEEN ISSUED A LICENSE AS PROVIDED FOR IN THIS TITLE.

10 (b) (1) A license is required for each dwelling unit.

11 (2) The Director shall determine at the sole discretion of the Director the number
12 of dwelling units that are contained in a dwelling.

13 (C) THE DIRECTOR SHALL ISSUE A LICENSE TO EACH APPLICANT THAT
14 MEETS THE REQUIREMENTS OF THIS TITLE.

15 (D) A LICENSE AUTHORIZES A PROPERTY OWNER OR A TENANT TO RENT
16 A DWELLING UNIT OR, ~~IN THE CASE OF A TENANT,~~ A PORTION OF A DWELLING UNIT.

17
18 § 35-6-106.

19 (c) (1) In addition to any other information required on an application form, the
20 application form shall require:

21 [(1)] (I) The name of the applicant and the address of the principal place of
22 business of the applicant;

- 1 [(2)] (II) A description of the dwelling unit and the address of the dwelling unit
2 by house or unit number;
- 3 [(3)] (III) The name and address of the managing operator, resident agent, or
4 trustee, when applicable;
- 5 [(4)] (IV) The name and address of an adult individual who is a resident of
6 Maryland and is designated as the applicant’s agent for receiving service of process, notices, or any
7 other papers from the county;
- 8 [(5)] (V) The number of adult individuals authorized to occupy the dwelling
9 unit;
- 10 [(6)] (VI) The type of dwelling, including the number of stories, in which the
11 dwelling unit is located;
- 12 [(7)] (VII) The year the dwelling in which the dwelling unit is located was
13 constructed;
- 14 (VIII) IF APPLICABLE, PROOF THAT THE DWELLING UNIT IS
15 REGISTERED WITH THE MARYLAND DEPARTMENT OF THE ENVIRONMENT UNDER
16 TITLE 6, SUBTITLE 8 OF THE ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF
17 MARYLAND AND COPIES OF ANY APPLICABLE LEAD INSPECTION CERTIFICATE;
- 18 [(8)] (IX) The type and number of smoke detectors in the dwelling unit;
- 19 [(9)] (X) The type of heating system in the dwelling unit;
- 20 [(10)] (XI) The type of hot water heating system in the dwelling unit;
- 21 [(11)] (XII) The source of water; and
- 22 [(12)] (XIII) The type of sewage disposal.

1 (2) THE APPLICANT SHALL SUBMIT A CERTIFICATE OF SATISFACTORY
2 COMPLETION OF A HOME INSPECTION ISSUED BY A HOME INSPECTOR AS PROVIDED
3 FOR UNDER § 35-6-107 OF THIS TITLE CERTIFYING AN INSPECTION THAT WAS
4 PERFORMED NOT MORE THAN 90 DAYS BEFORE THE APPLICATION DATE.

5 (d) The applicant shall inform the Director in writing of any change in the information
6 provided under subsection (c)[(1), (3), or (4)](1)(I), III, OR (IV) of this section not more than 30
7 days after the change is made.
8 § 35-6-107.

9 (a) [(1)] Before [issuing] APPLYING FOR a license for a dwelling unit, the [Code
10 Official shall] APPLICANT SHALL, AT THE APPLICANT’S EXPENSE, CONTRACT WITH
11 A HOME INSPECTOR TO PERFORM A HOME INSPECTION OF [inspect] the dwelling unit and
12 premises to determine if the dwelling unit and the premises meet [the requirements of the code as
13 defined in § 3-6-101(b) of the code] HEALTH AND SAFETY REQUIREMENTS ESTABLISHED
14 BY THE DIRECTOR BY REGULATION.

15 [(2) The Code Official shall inspect the dwelling unit and premises within a
16 reasonable time after a completed application has been accepted for filing.]

17 (b) [After an application has been accepted for filing and before the issuance of the
18 license, the Code Official may not issue a civil citation under § 35-6-112 of this title if the owner
19 has complied with the requirements set forth in any correction notice issued by the Code Official
20 as a result of the inspection required under subsection (a) of this section within the time period
21 required by the Code Official] THE HOME INSPECTOR MUST BE A LICENSED HOME
22 INSPECTOR UNDER TITLE 16, SUBTITLE 3A OF THE BUSINESS OCCUPATIONS AND

1 PROFESSIONS ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

2 (C) AFTER THE HOME INSPECTION, IF THE DWELLING UNIT AND PREMISES
3 MEET THE HEALTH AND SAFETY REQUIREMENTS OF THE CODE AS DEFINED IN §
4 3-6-101(B) OF THE CODE ESTABLISHED BY THE DIRECTOR, THE HOME INSPECTOR
5 SHALL ISSUE TO THE APPLICANT A CERTIFICATION ON A FORM REQUIRED BY THE
6 DIRECTOR AND UNDER THE HOME INSPECTOR'S SEAL.

7 [(c) (1) The inspections performed and licenses issued under this title are for the
8 protection and promotion of public safety, health, and welfare.

9 (2) Inspections and licenses, which are purely governmental in nature, are solely
10 for the public benefit and may not be construed as providing any warranty or representation
11 concerning the condition of the dwelling unit to the tenant or the public.

12 (d) The Director shall issue a license to each applicant that meets the requirements of this
13 title.

14 (e) A license authorizes a property owner to rent a dwelling unit.

15 (f) As a condition of receiving a license, the property owner agrees to allow the Code
16 Official to inspect the dwelling or dwelling unit to investigate a reasonable belief that there exists
17 a potential code violation within a reasonable time after being notified.]

18 § 35-6-108.

19 (a) Unless a license is renewed for a [2-year] 3-YEAR term as provided for in this
20 section, the license expires on the [second]THIRD anniversary of its effective date.

21 (b) Before a license expires, the licensee may periodically renew it for an additional
22 [2-year] 3-YEAR term, if:

1 (1) The licensee otherwise is entitled to be licensed;

2 (2) The licensee pays to the Director the renewal fee for the dwelling unit
3 established as provided for in § 3-1-202 of the code; and

4 (3) The licensee submits to the Director a renewal application on the form that
5 the Director provides.

6 § 35-6-110.

7 (a) The Director may deny a license to an applicant or suspend or revoke a license if the
8 applicant or licensee:

9 (1) Fraudulently or deceptively obtains or attempts to obtain a license for the
10 applicant or licensee or for another person;

11 (2) Fraudulently or deceptively uses a license;

12 (3) Violates this title;

13 (4) Violates a regulation adopted under this title;

14 (5) Fails to correct a final order issued under Article 3, Title 6 of the code; [or]

15 (6) FAILS TO COMPLY WITH ANY OF THE REQUIREMENTS OF § 35-6-
16 106 OF THIS SUBTITLE; OR

17 [(6)] (7) Except as provided in subsection (b) of this section, refuses to allow
18 an inspection of the dwelling unit by the Department.

19 (b) (1) The Director may not DENY, suspend or revoke a license if:

20 (i) The APPLICANT OR licensee attempts to allow the HOME
21 INSPECTOR [Code Official] to inspect a dwelling unit but the tenant refuses to grant the HOME
22 INSPECTOR [Code Official] access to the dwelling unit; and

1 (ii) The APPLICANT OR licensee makes a bona fide effort, such as filing
2 an action in District Court, to grant the HOME INSPECTOR [Code Official] access to the dwelling
3 unit.

4 (2) The Director may require evidence of a bona fide effort to grant the HOME
5 INSPECTOR [Code Official] access to the dwelling unit.

6 (3) If a court of competent jurisdiction determines that a tenant's refusal to grant
7 the HOME INSPECTOR [Code Official] access to the dwelling unit is not a breach of the
8 underlying lease, the [owner] APPLICANT OR LICENSEE is no longer required to file the action
9 required under paragraph (1)(ii) of this subsection as to that tenant.

10 § 35-6-111.

11 (a) (1) Before the Director takes any final action under § 35-6-110 of this title, the
12 Director shall give the [property owner or tenant or both] TENANT, APPLICANT OR LICENSEE
13 against whom the action is contemplated an opportunity for a hearing in front of the [Code Official]
14 HEARING OFFICER.

15 (b) A [person] TENANT, APPLICANT, OR LICENSEE aggrieved by a decision of the
16 [Code Official] HEARING OFFICER concerning the denial, suspension, or revocation of a license
17 may appeal the decision to the County Board of Appeals in accordance with the appeal procedures
18 in Article 3, Title 6 of the code.

19 § 35-6-112.

20 (a) [Except as provided in subsection (b) of this section, a person who violates any
21 provision of this title or any regulation adopted under the authority of this title is subject to a civil
22 penalty of:

1 (1) \$25 per day for each day that the violation occurs; and

2 (2) \$200 per day for each day that the person does not comply with a correction
3 notice issued under Article 3, Title 6 of the code.

4 (b) (1)] A [property owner] PERSON who rents a dwelling unit OR A PORTION OF
5 A DWELLING UNIT, ~~IF APPLICABLE~~, without a license is subject to a civil penalty of [\$1,000;
6 and] \$1,000.

7 [(2) If the property owner does not receive a license within 5 days after receiving
8 a correction notice for failure to be licensed, the property owner is subject to a civil penalty of \$25
9 per day for each day the person does not comply with the correction notice for failure to be licensed
10 issued under Article 3, Title 6 of the code.]

11 (B) EACH DAY OF A VIOLATION CONSTITUTES A SEPARATE OFFENSE.

12 SECTION 2. AND BE IT FURTHER ENACTED, that a person subject to the requirements
13 of Article 35, Title 6 of the Baltimore County Code, 2003 shall obtain the license required by this
14 Act on or before ~~April~~ July 1, 2008. This Section does not apply to a dwelling unit for which a
15 license was received under Article 35, Title 6 of the Baltimore County Code, 2003 before the
16 effective date of this Act.

17 SECTION 3. AND BE IT FURTHER ENACTED, that the Department of Permits and
18 Development Management shall publish a notice of the requirement of Section 2 of this Act in one
19 newspaper of general circulation in the ~~in each of the communities affected by this act~~ county one
20 ~~time per week for three weeks~~ month each month prior to ~~April~~ July 1, 2008.

1 SECTION 4. AND BE IT FURTHER ENACTED, that the provisions of § 35-6-108(a) and
2 (b) of the Baltimore County Code, 2003, as amended in this Act, shall apply retroactively to a
3 license issued under Article 35, Title 6 of the Baltimore County Code, 2003 before the effective date
4 of this Act.

5 SECTION # 5 . AND BE IT FURTHER ENACTED that this Act, having been passed by
6 the affirmative vote of five members of the County Council, shall take effect on January 1, 2008.

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