

ARTICLE 13
HOUSING AND URBAN RENEWAL

(As Last Amended by Ord. 18-130)

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For information – call, write, or fax:

Department of Legislative Reference
626 City Hall
Baltimore, Maryland 21202
Tel: (410) 396-4730 ☒ Fax: (410) 396-8483

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HOUSING AND URBAN RENEWAL

DIVISION I: GENERAL ADMINISTRATION

SUBTITLE 1
{VACANT}

NOTE: Ordinance 11-519 decodified, with corrective and conforming amendments, the provisions of former Subtitle 1 {"Baltimore Housing Authority"}.

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SUBTITLE 2
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

§ 2-1. Determinations, declarations, and definitions.

(a) *Determinations.*

It is hereby found and determined:

- (1) that there exist within the City of Baltimore slum, blighted, deteriorated, or deteriorating areas, which constitute a serious and growing menace, injurious and inimical to the public health, safety, morals and general welfare of the residents of the City of Baltimore;
- (2) that the existence of such areas and the growth and spread thereof and the deterioration or threatened deterioration of other areas:
 - (i) contribute substantially and increasingly to the spread of disease and crime, and to losses by fire and accident;
 - (ii) necessitate excessive and disproportionate expenditures of public funds for the preservation of the public health and safety, for crime prevention, correction, prosecution, and punishment, for the treatment of juvenile delinquency, for the maintenance of adequate police, fire, and accident protection, and for other public services and facilities;
 - (iii) constitute an economic and social liability;
 - (iv) substantially impair or arrest the sound growth of the community;
 - (v) retard the provision of decent, safe, and sanitary housing accommodations;
 - (vi) aggravate traffic problems and substantially impair or arrest the elimination of traffic hazards and the improvement of traffic facilities;
 - (vii) depreciate assessable values;
 - (viii) cause an abnormal exodus of families from the city; and
 - (ix) are detrimental to the health, the well-being and the dignity of many of the residents of the City of Baltimore;
- (3) that such areas cannot be dealt with effectively by the ordinary operations of private enterprise without the aids herein provided;
- (4) that the rehabilitation or elimination, in whole or in part, of slum, blighted, deteriorated, and deteriorating areas and the prevention of the spread or development of blight in, and the deterioration of, areas which are free of blight are public uses and purposes requiring the exercise of the governmental powers of the City of Baltimore in the public interest.

(b) *Declarations.*

- (1) It is further found and declared that some slum or blighted or deteriorated areas, or portions thereof, may require comprehensive acquisition, clearance, and disposition with or without prior development or redevelopment, since the prevailing conditions of decay may make impracticable the reclamation of the area by conservation or rehabilitation; that some such areas or portions thereof and some deterioration areas or portions thereof may be susceptible of conservation or rehabilitation in such a manner that the conditions and evils hereinbefore enumerated may be eliminated, remedied, or prevented without comprehensive acquisition and clearance; that other areas not yet deteriorated or deteriorating, or portions thereof, may be conserved so that the conditions and evils hereinbefore enumerated may be prevented from spreading thereto or arising therein; and that all such areas within the boundaries of the City of Baltimore may be benefitted through the enforcement of applicable regulatory codes relating to buildings, housing, sanitation or safety, the rendering of services to community organizations or through a combination of other means provided in this ordinance.
- (2) It is further found and declared that the elimination, correction, and prevention of the conditions and evils hereinbefore enumerated must be undertaken through the use of a comprehensive and integrated program; that this program should involve whatever range of municipal powers and resources is required to enable the City of Baltimore to act affirmatively in fulfilling its responsibilities to its citizens; that this program requires a suitable administrative structure to undertake adequately a coordinated and purposeful attack on urban slums and blight and the prevention of new areas of slums and blight; and that a comprehensive program should be undertaken within the boundaries of the City of Baltimore.
- (3) It is further found and declared that the powers conferred by this ordinance *{subtitle}* are for public uses and purposes for which public money may be expended and the power of eminent domain exercised and that the necessity in the public interest for the provisions herein enacted is hereby declared and determined.

(c) *Definitions.*

(1) *Slum, blighted, or deteriorated area.*

As used herein, a slum, blighted, or deteriorated area is an area in which:

- (i) a preponderance of the structures or the dwelling units therein is detrimental to the public health, safety, or general welfare by reason of age, dilapidation, depreciation, overcrowding, excessive land coverage, faulty arrangement, lack of ventilation or sanitary facilities, failure to conform with the provisions of the ordinances or regulatory codes of the City of Baltimore relating to buildings, housing, or sanitation, neighborhood obsolescence or deterioration, *{or}* inadequate open space, parking, or access to transportation; or
- (ii) there is a preponderance of defective or inadequate street layouts, or of faulty lot layouts in relation to size, adequacy, accessibility or usefulness, or of unsanitary or unsafe conditions, or of deteriorated or inadequate site improvements or community facilities, or of conditions which endanger life or property by fire or other cause or which retard development of the area, or any combination of these factors; or

- (iii) the land is suitable for development but has not been developed to an appreciable extent because of obsolete platting, diversity of ownership, deterioration of structures or site improvements, a high rate of tax delinquency or mortgage foreclosures, or spoiling of the land as a result of excavation or usage, or any combination of these factors.

(2) *Deteriorating area.*

As used herein, a deteriorating area is an area, whether within or apart from a slum, blighted, or deteriorated area, which contains obsolete or substandard structures, or inadequate community facilities or incompatible land uses, or any combination of these factors which substantially impair or arrest the sound growth of the area, retard the provision of necessary housing accommodations, or constitute an economic or social liability or constitute a detriment to the public health, safety, morals, or general welfare, in its present condition and use.

(3) *Zoning change.*

In this subtitle, “zoning change”:

- (i) means any “legislative authorization”, as defined in Baltimore City Zoning Code, § 5-501 {“Legislative Authorizations”}; but

- (ii) does not include any use or bulk regulation restriction that is imposed by a Renewal Plan or Conservation Plan.

(City Code, 1976/83, art.13, §20.) (Ord. 68-152; Ord. 01-165; Ord. 16-581; Ord. 17-068.)

§ 2-2. Department; Commissioner.

(a) *Department established.*

There shall be a Department of Housing and Community Development, the head of which shall be the Commissioner of Housing and Community Development, who shall be appointed by the Mayor in the manner prescribed in Article IV, § 6 of the Charter of Baltimore City (1964 Revision) and shall hold office as therein provided.

(b) *Staff.*

- (1) The Commissioner may appoint or employ such assistants and employees as may be necessary for the proper performance of the duties and functions of the Department of Housing and Community Development and may delegate to them such powers and duties as he may deem proper.

- (2) The compensation of the said Commissioner of Housing and Community Development and of the said assistants and employees shall be subject to the approval of the Board of Estimates and shall be paid as provided in the annual Ordinance of Estimates.

(City Code, 1976/83, art.13, §21.) (Ord. 68-152.)

§ 2-3. General powers.(a) *Enumerated.*

The Department of Housing and Community Development is authorized to:

- (1) recommend areas of operation to the Planning Commission;
- (2) prepare Renewal Plans and to plan and to undertake Renewal Projects in Renewal Areas;
- (3) prepare Conservation Plans and to plan and to undertake Conservation Projects in Conservation Areas;
- (4) furnish technical and other services to community organizations concerned with housing or community development;
- (5) prepare plans and to provide reasonable assistance for the relocation of persons, families, and businesses displaced by reason of the acquisition of property for public purposes;
- (6) encourage and facilitate private investment in the City of Baltimore;
- (7) engage in studies, experimentation, and research pertaining to housing, community development, *{and}* the existence of and the problems of correcting, eliminating, and preventing slums, blight, and urban deterioration; disseminate public information with respect thereto, and cooperate with other agencies of the City, the State, the Federal Government, or any agency thereof, in activities undertaken in connection therewith;
- (8) encourage and facilitate the cooperation, interest, and participation of citizens and citizens' groups in the development and execution of Renewal Plans and Conservation Plans, in the urban renewal and conservation programs generally, and in other programs or undertakings of the Department concerning housing or community development;
- (9) exercise the powers and perform the duties conferred and imposed upon the Zoning Commissioner by Ordinance No. 1247, approved March 30, 1931, as amended from time to time, and as are now or may hereafter be conferred upon him by law or ordinance;
- (10) administer and enforce the City's Building, Fire, and Related Codes Article and all other regulatory codes of Baltimore City that relate to buildings, housing, or sanitation, except where that administration and enforcement is required by the City Charter or by State law to be exercised exclusively by some other officer, department, bureau, or agency of the City;
- (11) assist the several City departments involved in activities related to housing and community development for the purpose of coordinating such activities and establishing consistent policies and procedures with respect thereto; *{and}*
- (12) exercise the powers and perform the duties and responsibilities conferred and imposed upon the Economic Development Commission.

(b) *Scope of Renewal Project.*

As used in this ordinance *{subtitle}*, a Renewal Project:

- (1) may include undertakings and activities for the elimination, the correction, or the prevention of the development or the spread of slum, blighted, deteriorated, or deteriorating areas; and
- (2) may involve but shall not be limited to a program or programs of slum clearance, development, redevelopment, renovation, or rehabilitation, voluntary or compulsory rehabilitation or conservation by owners of property, or any combination or part thereof.

(c) *Scope of Conservation Project.*

As used in this ordinance *{subtitle}*, a Conservation Project:

- (1) may include undertakings and activities for the elimination, the correction or the prevention of the development or the spread of slum, blighted, deteriorated, or deteriorating areas; and
- (2) may involve but shall not be limited to a program or programs of renovation or rehabilitation, voluntary or compulsory rehabilitation or conservation by owners of property or any combination or part thereof; but
- (3) shall not include property acquisition by use of the power of eminent domain except where the Conservation Plan permits the acquisition of property for failure to meet minimum standards or authorizes the acquisition of vacant property or property on which structures have been razed for reasons of health or safety.

(City Code, 1976/83, art.13, §22.) (Ord. 68-152; Ord. 02-475; Ord. 13-093.)

§ 2-4. Areas of operation.

(a) *Renewal areas.*

- (1) Renewal areas shall be areas within the boundary lines of the City of Baltimore which may be benefitted through the exercise of the functions and powers vested in the Department of Housing and Community Development by this ordinance *{subtitle}*, on a comprehensive basis, including the acquisition or disposition of property or the undertaking of activities to effect substantial environmental change.
- (2) The Department of Housing and Community Development, after consultation with the Director of the Department of Planning, shall determine such areas and shall make recommendations to the City Council for the introduction of ordinances designating them as “Renewal Areas”.
- (3) The Planning Commission shall make recommendations to the City Council for passage of said ordinances.

(b) *Conservation areas.*

- (1) Conservation areas shall be areas within the boundary lines of the City of Baltimore which may be benefitted through the exercise of the functions and powers vested in the Department of Housing and Community Development by this ordinance *{subtitle}*, on a comprehensive basis, exclusive of property acquisition by use of the power of eminent domain except where the Conservation Plan permits the acquisition by use of the power of eminent domain of property for failure to comply with applicable regulatory codes or for failure to meet minimum standards or authorizes the acquisition by use of the power of eminent domain of vacant property or property on which structures have been razed for reasons of health and safety.
- (2) The Department of Housing and Community Development shall determine such areas and upon approval of the Director of the Department of Planning and the Board of Estimates shall designate them as “Conservation Areas”; provided, however, that when the powers of property acquisition by use of the power of eminent domain or disposition are required in a Conservation Area, the Department of Housing and Community Development shall make a recommendation to the City Council for the introduction of, and the Planning Commission shall make recommendations to the City Council for the passage of, an ordinance authorizing the exercise of such powers.

(c) *Conformance to Master Plan or Official Detailed Plan.*

Nothing herein contained shall preclude the Department of Housing and Community Development from exercising General Powers (4) through (11) of § 2-3(a) of this ordinance *{subtitle}* in any area within the boundary lines of the City of Baltimore so long as the exercise of such powers shall be in conformity with the Master Plan or Official Detailed Plan, if any, applicable to the area of the City involved.

(City Code, 1976/83, art.13, §23.) (Ord. 68-152; Ord. 77-325.)

§ 2-5. Renewal and Conservation Plans.(a) *Project must conform to Plan.*

No Renewal Project or Conservation Project shall be undertaken by the Department of Housing and Community Development except in accordance with the Renewal or Conservation Plan applicable to the area in which the project is to be undertaken.

(b) *Renewal Plans.*

- (1) As used herein a Renewal Plan means a plan, as it exists from time to time, for the elimination, correction, or the prevention of the development or the spread of slums, blight, or deterioration in an entire Renewal Area or a portion thereof. When a plan is applicable to less than an entire Renewal Area, it shall include a description of the boundaries of the area to which it applies.
- (2) The plan shall include a land use map showing the proposed use of all land within the area to which the plan is applicable, including the location, character, and extent of the proposed public and private ownership.

- (3) The plan shall be sufficiently complete to define such land or property acquisition, acquisition of interests therein, demolition and removal of structures, disposition of land or property or interests therein, improvements, and programs of renovation or rehabilitation and conservation, and activities to effect substantial environmental change, as may be proposed to be undertaken or carried out in the area to which the plan is applicable; and the plan shall include a statement of the methods and standards under which the same is to be accomplished and the necessary controls to be applied in order to effect rehabilitation and conservation by owners of existing properties.
- (4) The plan shall set out zoning changes, if any.
- (5) The plan also shall indicate the nature of the restrictions, conditions, or covenants, if any, which are to be incorporated in deeds or contracts for the sale, lease, use or redevelopment of land or property within the area to which the plan is applicable.
- (6) In addition, the plan shall state the reasons for the various provisions which it contains.

(c) *Conservation Plan.*

- (1) As used herein a Conservation Plan means a plan, as it exists from time to time, for the elimination, correction or the prevention of the development or the spread of slums, blight, or deterioration in an entire Conservation Area or a portion thereof. When a plan is applicable to less than an entire Conservation Area, it shall include a description of the boundaries of the area to which it applies.
- (2) The plan shall set forth such programs of renovation or rehabilitation and conservation as may be proposed to be undertaken or carried out in the area to which the plan is applicable, and shall include a statement of the methods and standards under which the plan is to be accomplished and the necessary controls to be applied in order to effect rehabilitation and conservation by owners of existing properties.
- (3) If the plan permits or authorizes the acquisition of property by the power of eminent domain it shall so state and shall set forth the conditions under which such power may be exercised.
- (4) The plan shall set out zoning changes, if any.
- (5) In addition, the plan shall state the reasons for the various provisions which it contains.

(d) *Conformance to Master Plan or Official Detailed Plan.*

Every Renewal Plan and Conservation Plan shall conform to the Master Plan or the Official Detailed Plan, if any, applicable to the area of the City involved.

(City Code, 1976/83, art.13, §24.) (Ord. 68-152.)

§ 2-6. Adoption and approval of plan.*(a) Department to prepare.*

(1) The Department of Housing and Community Development shall prepare:

- (i) a Renewal Plan or Plans for each area of the City designated as a Renewal Area; and
- (ii) a Conservation Plan or Plans for each area of the City designated as a Conservation Area.

(2) The order in which said Plans are to be prepared shall be determined by said Department.

(b) How effective.

- (1) A Renewal Plan becomes effective on approval by the Director of Planning, as required by subsection (c) of this section, and the enactment of an appropriate ordinance. The Planning Commission shall recommend the appropriate ordinance to the City Council.
- (2) A Conservation Plan becomes effective on approval by the Director of Planning, as required by subsection (c) of this section. However, if any part of the plan requires a zoning change or authorizes the use of eminent domain for acquisition of any property, that part of the plan is not effective until approved by the Planning Commission and by the enactment of an appropriate ordinance.

(c) Review by Planning.

- (1) The Department of Housing and Community Development shall submit all proposed Renewal Plans and Conservation Plans to the Director of the Department of Planning for review.
- (2) No Renewal Plan or Conservation Plan may be adopted by the Department of Housing and Community Development until the Director of Planning has approved it with respect to:
 - (i) its conformity to the Master Plan or Official Detailed Plan, if any, as applicable to the area involved;
 - (ii) the detailed location of any public improvements proposed in the plan;
 - (iii) its conformity to the rules and regulations for subdivisions; and
 - (iv) all zoning changes proposed in the plan.
- (3) If the Director of the Department of Planning fails to approve a proposed Renewal Plan or Conservation Plan in any of the foregoing respects, he shall promptly report the same to the Department of Housing and Community Development together with the recommendations for modifying the Plan.

(d) *Enabling ordinances.*

- (1) The Department of Housing and Community Development may recommend to the City Council the passage of an ordinance approving a Renewal Plan or, if required by subsection (b) of this section, a Conservation Plan that the Department has adopted.
- (2) This ordinance may not be passed until after a public hearing at which parties in interest and citizens have had an opportunity to be heard.
- (3) Notice of the hearing must be given by:
 - (i) posting notice in the neighborhood of the area involved at least 10 days before the hearing; and
 - (ii) publication once a week for 2 consecutive weeks in a newspaper of general circulation in Baltimore City.
- (4) The notice must:
 - (i) contain the time, date, place, and purpose of the hearing;
 - (ii) generally identify the area covered by the plan;
 - (iii) outline the general scope of the project under consideration; and
 - (iv) state that the documents constituting the plan are available for inspection at a place designated in the notice.
- (5) The public hearing may be adjourned from time to time without further notice.
- (6) Amendments proposed to a plan as a result of a public hearing:
 - (i) do not require further notice or additional hearings; but
 - (ii) must be referred to the Department of Housing and Community Development and to the Director of Planning for their study and report to the City Council.
- (7) Any zoning change proposed by a Renewal Plan or a conservation Plan must be approved by an ordinance enacted in accordance with the State Land Use Article and the Baltimore City Zoning Code.

(e) *Effect of ordinance.*

- (1) The approval by ordinance of a Renewal Plan or a Conservation Plan when required by subsection (b) of this section shall constitute authorization to the Department of Housing and Community Development to:
 - (i) acquire, by condemnation if necessary, all land and improvements thereon or interests therein designated for acquisition in said Renewal Plan or Conservation Plan; and

(ii) subject to the approval of the Board of Estimates as hereinafter provided, to dispose of all land and improvements thereon or interests therein designated for disposition in said Renewal Plan or Conservation Plan.

(2) The standards and controls embodied in a Renewal Plan or Conservation Plan approved by ordinance shall thereupon become enforceable in the same manner as the other ordinances of the City.

(f) *Administration of Plan.*

The Department of Housing and Community Development shall administer Renewal Plans and Conservation Plans adopted and approved as heretofore provided.

(g) *Change requires new approval.*

(1) No change may be made to any Renewal Plan or Conservation Plan unless that change is approved by an ordinance of the Mayor and City Council.

(2) Except as provided in paragraph (3) of this subsection, an ordinance seeking to amend a Renewal Plan or Conservation Plan must be adopted and approved in the same manner as that required by this section for the adoption and approval of a new Renewal Plan or Conservation Plan.

(3) If the Planning Commission determines that the proposed amendment is a technical correction or a minor modification that would not substantially affect the Plan or the size, use, or disposition of any property subject to the Plan, the proposed amendment need not be posted or advertised as otherwise required by subsection (d) of this section.

(h) *Plan or amendment initiated by Councilmember.*

(1) When a Councilmember initiates a plan or an amendment, the provisions of this subsection (h) shall be followed.

(2) Any member of the Baltimore City Council may submit to the City Council a bill proposing:

(i) a Renewal Plan or Conservation Plan for any area of the City; or

(ii) an amendment to an existing Renewal Plan or Conservation Plan.

(3) At the request of a member of the City Council, the Department of Housing and Community Development and the Department of Planning shall provide assistance in the preparation of any such bill, including technical amendments which may be necessary to bring the bill into conformity with existing ordinances.

(4) After introduction, the bill shall be sent to the Department of Housing and Community Development and to the Planning Commission for recommendation and report.

(5) The Department of Housing and Community Development shall review the proposed plan or amendment for conformity to § 2-5(b) and (c). In case of a proposed amendment to an

already approved Urban Renewal Plan or Conservation Plan, it shall also review and evaluate the impact of said amendment to the Plan.

- (6) The Planning Commission shall review the proposed plan or amendment with respect to:
- (i) conformity to the Master Plan or Official Detailed Plan, if any, as applicable to the area involved;
 - (ii) the detailed location of any public improvements proposed in the plan or amendment;
 - (iii) its conformity to the rules and regulations for subdivisions; and
 - (iv) all zoning changes proposed in the plan or amendment.

- (7) The agencies shall report their findings, together with a recommendation for modifications, if applicable, to the City Council.

(City Code, 1976/83, art.13, §25.) (Ord. 68-152; Ord. 99-547; Ord. 01-137; Ord. 01-165; Ord. 17-068.)

§ 2-7. Specific powers.

(a) *In general.*

- (1) The Department of Housing and Community Development shall have and exercise, except as otherwise provided herein, all the powers set forth in Article II, § (15) of the Charter of Baltimore City (1964 revision) and all of the powers of the Mayor and City Council of Baltimore necessary or convenient, from time to time, to carry out and effectuate any and all of the functions and purposes mentioned in this ordinance *{subtitle}*, except such powers as are required by the City Charter or the laws of the State of Maryland to be exercised exclusively by any other officer, department, bureau, or agency of the City.
- (2) In addition to other powers herein granted, such powers shall include but shall not be limited to the following.

(b) *Property acquisition for development, etc.*

(1) *{The power to:}*

- (i) acquire, for and on behalf of the Mayor and City Council of Baltimore, within areas of operation, and in accordance with applicable Renewal Plans and Conservation Plans, land and property of every kind, and any right, interest, franchise, easement or privilege therein, including land or property and any right or interest therein already devoted to public use, by purchase, lease, gift, condemnation, or any other legal means for development or redevelopment, including but not limited to the renovation or rehabilitation thereof;
- (ii) negotiate and contract for the acquisition of such land and property or any right, interest, franchise, easement, or privilege therein; and

(iii) institute or cause to be instituted from time to time, in the name of, and for, the Mayor and City Council of Baltimore such condemnation proceedings as may be necessary to acquire such land and property or any right, interest, franchise, easement, or privilege therein;

(2) Provided, however, that any land or property owned by the State of Maryland or the Housing Authority of Baltimore City shall not be acquired without the prior consent of the State or the Housing Authority of Baltimore City, as the case may be.

(c) *Property acquisition for removing blight, etc.*

(1) *{The power to:}*

(i) acquire, for and on behalf of the Mayor and City Council of Baltimore, within areas of operation, and in accordance with applicable Renewal Plans and Conservation Plans, land and property of every kind, and any right, interest, franchise, easement, or privilege therein, including land or property and any right or interest therein already devoted to public use, by purchase, lease, gift, condemnation, or any other legal means, for the purpose of:

(A) eliminating unhealthful, unsanitary, or unsafe conditions;

(B) lessening density, eliminating obsolete or other uses detrimental to the public welfare, or otherwise for removing or preventing the spread of blight or deterioration; or

(C) providing land for needed public facilities or public improvement;

(ii) negotiate and contract for the acquisition of such land and property or any right, interest, franchise, easement, or privilege therein; and

(iii) institute or cause to be instituted from time to time, in the name of, and for, the Mayor and City Council of Baltimore such condemnation proceedings as may be necessary to acquire such land and property or any right, interest, franchise, easement, or privilege therein.

(2) Provided, however, that any land or property owned by the State of Maryland or the Housing Authority of Baltimore City shall not be acquired without the prior consent of the State or the Housing Authority of Baltimore City, as the case may be.

(d) *Development or redevelopment.*

In accordance with applicable Renewal Plans or Conservation Plans, to develop or redevelop, including but not limited to renovation or rehabilitation, any and all land or property acquired by any of the methods hereinbefore mentioned.

(e) *Demolishing, relocating, etc., buildings, etc.*

In accordance with applicable Renewal Plans or Conservation Plans, to:

- (1) demolish, remove, relocate, improve, renovate, or alter land, buildings, streets, highways, alleys, utilities, or services and other structures or improvements within areas of operation; and
- (2) within areas of operation, construct, reconstruct, install, or repair streets, highways, alleys, utilities, or services in connection with the development, redevelopment, renovation, rehabilitation, or conservation of land or property.

(f) *Disposing of property.*

- (1) In accordance with applicable Renewal Plans or Conservation Plans, to sell at public or private sale, lease, convey, transfer, or otherwise dispose of any land or property, or any interest in them, acquired by it regardless of whether or not it has been developed, redeveloped, altered, or improved and irrespective of the manner or means in or by which it may have been acquired, to the United States of America, the Housing Authority of Baltimore City, the State of Maryland, or any department or agency of them, or to any private, public, or quasi-public corporation, partnership, association, person, or other legal entity, for conservation, development, or redevelopment, including but not limited to renovation or rehabilitation.
- (2) Provided, however, that all contracts for the sale, lease, conveyance, transfer, or other disposition of any of said land or property or for the transfer of any other interest therein shall be executed in the name of the Mayor and City Council of Baltimore and shall require the approval of the Board of Estimates prior to execution as to the legal and financial ability of the contracting parties.
- (3) Such contracts shall provide for the sale, lease, conveyance, transfer, or other disposition of land or property or any interest therein at such prices and on such terms as may be appropriate to the uses prescribed for such land or property by the applicable Renewal Plan or Conservation Plan and the restrictions upon, and the covenants, conditions, and obligations assumed by the purchaser, transferee, or lessee.
- (4) Any lessee or tenant who is a party to any such lease or rental agreement, or any successor in interest or title, shall not have any right to redeem the rent, fee, or charge reserved or to be paid by any such lessee or tenant, or by any successor in interest or title, under the terms of any such lease or rental agreement, except to the extent and in the manner set forth in any such particular lease or rental agreement, if any such right is specifically and definitely granted therein.

(g) *Imposing conditions on disposition.*

In accordance with applicable Renewal Plans or Conservation Plans, to require the insertion of appropriate provisions in any legal instrument pertaining to the sale, lease, conveyance, transfer, or other disposition of any land or property or any interest therein, providing that:

- (1) the purchaser, transferee, or lessee shall begin and complete its operations within a predetermined, reasonable period of time;

- (2) the standards of population density, property maintenance, type of land use, and other standards established for the particular parcel of land or property shall be maintained; and
- (3) any or all covenants, conditions, and restrictions contained in such legal instrument shall be binding on any subsequent purchaser, transferee, lessee, or any successor in interest or title.

(h) *Acquisition of deteriorated or abandoned property.*

- (1) Subject to the prior approval of the Board of Estimates, the Department may acquire, for and on behalf of the Mayor and City Council of Baltimore, any single-family or multiple-family dwelling unit or other structure within the boundary lines of Baltimore City, by purchase, lease, condemnation, gift or other legal means, for development and redevelopment, including but not limited to the renovation, rehabilitation and disposition thereof, when the Commissioner has determined:
 - (i) that such dwelling unit or other structure has deteriorated to such extent as to constitute a serious and growing menace to the public health, safety and welfare;
 - (ii) that such dwelling unit or other structure is likely to continue to deteriorate unless corrected;
 - (iii) that the continued deterioration of such dwelling unit or other structure may contribute to the blighting or deterioration of the area immediately surrounding the said dwelling unit or other structure; and
 - (iv) that the owner of such dwelling unit or other structure has failed to correct the deterioration thereof.
- (2) (i) In this paragraph, “abandoned property” has the meaning given in § 21-17 of the Public Local Laws of Baltimore City.
- (ii) Subject to the approval of the Board of Estimates, the Department, acting on behalf of the Mayor and City Council of Baltimore, may:
 - (A) negotiate for and acquire, by purchase, lease, gift, condemnation, or any other legal means, any abandoned property in the City for development or redevelopment;
 - (B) develop or redevelop any abandoned property acquired, including but not limited to the demolition or rehabilitation of the property or otherwise eliminating blighting and unsafe conditions;
 - (C) sell, transfer, or otherwise dispose of any abandoned property acquired, regardless of whether the property has been altered or improved; and
 - (D) use, operate, manage, or maintain any abandoned property acquired pending development, redevelopment, or other disposition.

(i) *Reservations of public use.*

To preserve for the United States of America, the State of Maryland, or the Mayor and City Council of Baltimore, or any department or agency thereof, any land or property, or any rights or interests therein, for public use, irrespective of the manner or means in or by which it may have been acquired.

(j) *Right of entry.*

To enter upon and inspect any land, building, or property for the purposes of making surveys, examinations, or appraisals, or obtaining any needful information or data for the preparation of Renewal Plans and Conservation Plans.

(k) *Temporary leasing or operation.*

Pending the disposition of land or property acquired, to temporarily lease or operate and maintain such land or property for such uses and purposes as may be deemed desirable even though not in conformity with the applicable Renewal Plan or Conservation Plan.

(l) *Management, etc.; fees, etc.*

To manage, operate, maintain, and repair land and property and collect fees, rentals, or charges thereon.

(m) *Governmental grants or aids.*

(1) *{The power to:}*

(i) petition for, negotiate with, and accept from the United States of America, or the State of Maryland or any department or agency thereof, or any other source, loans, advances, contributions, grants, or aids of any character which may from time to time become available for the preparation of Renewal Plans or Conservation Plans, the undertaking of Renewal Projects or Conservation Projects, or the performance of any other function or power contemplated by this ordinance *{subtitle}*; and

(ii) agree to the conditions to be included in any contract or other legal instrument to be entered into in connection with any such loan, advance, contribution, grant, or aid.

(2) Provided, however, that all such contracts and legal instruments shall require the approval of the Board of Estimates prior to execution.

(n) *Professional services — contracting for.*

Subject to the prior approval of the Board of Estimates, to contract, from time to time, with any private, public, or quasi-public corporation, partnership, association, person, or other legal entity for the furnishing of consulting, planning, designing, engineering, or other technical or specialized services in connection with the duties, powers, and functions of the Department of Housing and Community Development.

(o) *Professional services — employment of.*

Subject to the prior approval of the Board of Estimates, to employ or hire, from time to time, by contract, consulting, planning, or designing engineers or other persons possessing technical or specialized skills in connection with the duties, powers, and functions of the Department of Housing and Community Development.

(p) *Spending money.*

To expend such funds as may be available to it for such purposes for the performance of its functions and the exercise of its powers under this ordinance.

(q) *Hearings, oaths, subpoenas, etc.*

To conduct public or private hearings on any matter material to the duties, powers, or functions of the Department of Housing and Community Development, administer oaths, conduct examinations and take testimony, and require the attendance of witnesses and the production of books and papers.

(r) *Contracts.*

Except as otherwise specifically provided in this ordinance, and subject to the provisions, where applicable, of the Charter of Baltimore City (1964 Revision), as amended from time to time, to make and enter into, on behalf of the Mayor and City Council of Baltimore, without the approval of the Board of Estimates, contracts, leases, agreements, and other legal instruments of every kind, character, and description relative to the performance of the duties, powers, and functions of the Department of Housing and Community Development.

(s) *Counseling and advisory services.*

To provide counseling and advisory services to property owners, tenants, and investors with respect to improving, managing, and financing property and investment opportunities and with respect to other areas of information related to the duties, powers, and functions of the Department of Housing and Community Development.

(t) *Promoting sound development, etc.*

To promote the sound development and redevelopment, including but not limited to renovation and rehabilitation, of areas within the City of Baltimore which may be benefitted through the exercise of the functions and powers vested in the Department of Housing and Community Development and to conduct studies and negotiate with owners, builders, investors, and others toward this end.

(u) *Enforcing zoning laws.*

To enforce the zoning laws and ordinances of the City of Baltimore, including but not limited to the regulation and restriction of the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards and other open spaces,

the density of population, and the location, and use of buildings, structures and land for trade, industry, residence, or other purposes.

(v) *Regulating construction.*

{The power to:}

- (1) issue permits for, and exercise such supervision and inspection over, building construction and installations, the use of land and buildings, the alteration, relocation, repair, reconstruction, and change of occupancy of buildings and the number of families housed in buildings in the City; and
- (2) have such powers and duties to inspect, repair, condemn, and remove private property in Baltimore City at the expense of the owner thereof as are now or may hereafter be conferred upon it by law or ordinance.

(w) *Rules and regulations — general.*

To adopt such rules and regulations as it may deem necessary and proper for the transaction of the business of the Department and for the enforcement of the ordinances and regulatory codes which it administers.

(x) *Joint and several powers.*

To exercise all or any part or combination of powers herein granted.

(y) *Rules and regulations — condemnations.*

- (1) To adopt such rules and regulations as it may deem necessary and proper to carry out the provisions of Article 33A of the Annotated Code of Maryland (1971 Supplement) *{Title 12 of the State Real Property Article}*, as the same may be amended from time to time.
- (2) Provided, however, that such rules and regulations as herein provided shall not be effective until first approved by the Board of Estimates.

(z) *Encouraging industrial, commercial development.*

To encourage industrial and commercial development within Baltimore City.

(aa) *Advising on economic development policies.*

To advise the Mayor and the City Council of Baltimore concerning policies affecting economic development and to recommend changes in such policies in order to improve the climate for industry and commerce in the City, thus to promote economic growth and stabilization.

(bb) *Promoting commercial, industrial relocation.*

To disseminate knowledge of the desirability of commercial and industrial firms being located in Baltimore City.

(cc) *Sounding board for problems.*

To serve as a sounding board for problems which industries are having with governmental programs, regulations, practices, etc.

(dd) *Identifying opportunities for economic activity.*

To identify opportunities and means for bringing about new or sustained private economic activities in the City, thereby helping to maintain and expand employment and to stimulate retention and strengthening of the City's tax base.

(ee) *Coordinating agency efforts.*

To coordinate the efforts of the various agencies and groups, public and private, involved in whole or in part with economic development in Baltimore City. Such coordination is to be directed toward the accomplishment of maximum results with a minimum of duplication in effort.

(ff) *Analyzing City's economic potential.*

To study and analyze, in cooperation with the Department of Planning and others, the City's economic potential and to maintain on a continuing basis such statistics and analyses as may be necessary.

(gg) *Informing on conditions and trends.*

To maintain and disseminate information on relevant conditions and trends affecting the health of economic activities in the City and make recommendations on measures dealing with these conditions and trends.

(hh) *Long-range plans for economic development.*

To formulate and execute with the Department of Planning and others a comprehensive long-range plan for economic development policies in order to encourage economic growth and stabilization.

(ii) *Other services.*

To provide such other services as may be essential to encouraging the overall economic growth of Baltimore City.

(jj) *Industrial growth.*

(1) *In general.*

- (i) Except as otherwise specified by law, the Department of Housing and Community Development may exercise all of the powers set forth in Article II, § (15A) of the City Charter.

- (ii) The powers conferred on the Department by this subsection do not in any way limit any of the powers conferred on the Department under Article II, § (15) of the City Charter, including those involving the establishment of Urban Renewal Plans or Conservation Plans for economic development.
- (iii) In exercising the powers conferred by this subsection, the Department need not establish an urban renewal area or plan as provided for in §§ 2-4, 2-5, and 2-6 of this article.

(2) *Powers enumerated.*

The powers conferred by this subsection include but are not limited to the following:

- (i) subject to paragraph (3) of this subsection, to acquire, within the boundary lines of Baltimore City, land and property of every kind, by purchase, gift, condemnation, or any other legal means for or in connection with the industrial growth of Baltimore City;
- (ii) to sell, lease, convey, transfer, or otherwise dispose of this land or property, irrespective of the means by which it was acquired, to the United States of America, the State of Maryland, any department or agency of either, or any private, public, or quasi-public corporation, partnership, association, person, or other legal entity, to be used for or in connection with the industrial growth of Baltimore City; and
- (iii) in connection with any purpose or object of Article II, § (15A) of the City Charter, to petition to and accept from the United States of America, the State of Maryland, any department or agency of either, or any other source, any loan, grant, or aid of any type and, on the sole approval of the Board of Estimates, make and execute any contract or other legal instrument with any of these parties.

(3) *Limitations on condemnation authority.*

- (i) Except as authorized by Article II, § (15) of the City Charter, no property may be acquired under this subsection by condemnation if the property is:
 1. occupied lawfully, in whole or in part, for residential use; or
 2. located in a Residential, Office-Residential, or Commercial Zoning District.
- (ii) No property may be acquired under this subsection by condemnation unless specifically authorized by Ordinance of the Mayor and City Council.

(4) *Leases.*

- (i) Any lease entered into under or in connection with any purpose or object of Article II, § (15A) of the City Charter is hereby declared to be exclusively for business purposes.
- (ii) A tenant under that lease has no right to redeem the rent, fee, or charge reserved or to be paid by the tenant, except as specifically and definitely granted in the lease.

(5) *Board of Estimates' approval.*

- (i) Before the City may acquire any land or property under Article II, § (15A) of the City Charter, the Board of Estimates, in its sole and absolute discretion, must first determine that the land or property is needed for or in connection with the industrial growth of the City of Baltimore, as contemplated by Article II, § (15A).
- (ii) Before the City may dispose of any land or property acquired under Article II, § (15A) of the City Charter, the Board of Estimates, in its sole and absolute discretion, must first determine that the land or property will be used for or in connection with industrial growth in Baltimore City, as contemplated by Article II, § (15A).
- (iii) The terms and conditions of any contract for the acquisition or disposition of any land or property must be approved by the Board of Estimates.

(kk) *Implementation by contractor.*

- (1) It may be appropriate to contract with another person or persons for the continuing implementation of some or all of the functions and duties authorized by this section.
- (2) Any such contractual arrangements shall provide for:
 - (i) submittal to the Mayor and to the City Council of the annual budget for such persons in such detail as shall be from time to time required by the Department of Finance in the same fashion as is generally applicable to municipal agencies, including the procedure applicable to supplemental budgets;
 - (ii) the right of the Board of Estimates and of the City Council to approve or disapprove the proposed expenditure detail in the same fashion as applies to municipal budgets;
 - (iii) submittal of the semi-annual report of operations to the Mayor and to the City Council; and
 - (iv) annual financial report and audit.

(ll) *Annual report to Council; limitations on powers.*

- (1) The Department of Housing and Community Development shall report to the City Council at least annually as to its operations pursuant to this section, and its report shall include an inventory of land and other assets acquired, held, or disposed of.
- (2) No contract shall be entered into in the implementation of the powers granted by this section which binds the City Council to any further appropriation without the prior approval of the City Council.

- (3) All capital assets acquired pursuant to the provisions of this section shall be held in the name of the Mayor and the City Council of Baltimore.

(mm) *Blighting or deteriorating property.*

- (1) Subject to the prior approval of the Board of Estimates and the City Council as hereafter provided, to acquire for and on behalf of the Mayor and City Council of Baltimore any parcel of vacant land within the boundary lines of Baltimore City by purchase, lease, condemnation, gift, or other legal means, for consideration with adjoining property or properties for land banking, or for development, including disposition thereof, when the Commissioner has determined:

- (i) that such parcel of vacant land constitutes a serious and growing menace to the public health, safety and welfare;
- (ii) that such parcel of vacant land contributes to the blighting or deterioration of the area immediately surrounding it; and
- (iii) that the owner of such parcel of vacant land has failed to maintain the said parcel or to correct the blighting influence thereof.

- (2) Prior approval of the City Council shall be obtained by sending a list of properties proposed to be acquired hereunder to the members of the City Council and to the President of the City Council, who shall have a list published in the City Council Journal, and, if no written objection to the acquisition thereof by a member of the Council is received by the President within 15 days of publication, he shall so certify to the Commissioner; where timely objection to the acquisition of a property is made, the acquisition of said property shall be deemed not approved by the City Council and then the Commissioner shall seek authority for such acquisition by ordinance of the Mayor and City Council.

(City Code, 1976/83, art. 13, §26.) (Ord. 68-152; Ord. 1972-017; Ord. 1975-1022; Ord. 1977-325; Ord. 99-508; Ord. 03-517; Ord. 07-504; Ord. 16-581.)

§ 2-8. Duties.

- (a) *In general.*

In addition to other duties herein specified, the Department of Housing and Community Development shall be responsible for the following.

- (b) *Annual report to Mayor.*

It shall render to the Mayor an annual written report of its activities and operations during the preceding year.

- (c) *Central records system.*

It shall establish and maintain a central records system in connection with its housing and building code enforcement operations.

(City Code, 1976/83, art. 13, §27.) (Ord. 68-152.)

§ 2-9. Cooperation by other City agencies.

The several officers, departments, bureaus, and agencies of the City of Baltimore shall cooperate with the Department of Housing and Community Development in the exercise of its powers and functions, and upon request, shall furnish such available information, records and statistics as may be needed by the Department of Housing and Community Development in the exercise of its powers and functions.

(City Code, 1976/83, art. 13, §28.) (Ord. 68-152.)

§ 2-10. Title to property.

Title to all land and property and any interests therein acquired by the Department of Housing and Community Development shall be taken in the name of the Mayor and City Council of Baltimore, but the Department of Housing and Community Development shall act as custodian of all such land and property and interests therein.

(City Code, 1976/83, art. 13, §29.) (Ord. 68-152.)

§ 2-11. Sale or lease proceeds.*(a) Special account required .*

The proceeds realized from the sale or lease of any land or property or interest therein by the Department of Housing and Community Development shall be preserved by the Department of Finance in a special account or accounts, and the funds in such special account or accounts shall be used only for the purposes recited in this ordinance *{subtitle}* after appropriation in an annual Ordinance of Estimates.

(b) Exception for temporary federal loan.

Provided, however, that proceeds realized from the sale or lease of any land or property or interest therein by the Department of Housing and Community Development in a project or projects for which a Federal temporary loan has been granted shall be treated in accordance with provisions of the Federal contract under which such loan has been made.

(City Code, 1976/83, art. 13, §30.) (Ord. 68-152.)

§ 2-12. Dissolution of Baltimore Urban Renewal and Housing Agency.*(a) Agency dissolved.*

The Baltimore Urban Renewal and Housing Agency, established under Ordinance No. 692 of the Mayor and City Council of Baltimore, approved December 31, 1956, is hereby dissolved.

(b) Powers, etc., devolve to Department.

The Department of Housing and Community Development is hereby authorized and directed, in the place and stead of the Baltimore Urban Renewal and Housing Agency, to:

- (1) exercise and perform all the powers, duties, functions and discretions that heretofore have been vested in the Baltimore Urban Renewal and Housing Agency under the terms and

provisions of any and all laws or ordinances or any and all contracts, agreements, or other legal instruments which heretofore may have been entered into by the Mayor and City Council of Baltimore; and

- (2) exercise and perform all of the powers, duties, and functions which the Baltimore Urban Renewal and Housing Agency heretofore exercised or performed or was authorized to exercise or perform in connection with the issuance of certificates of indebtedness of the Mayor and City Council of Baltimore and the expenditure of the proceeds derived from the sale of said certificates of indebtedness authorized to be issued under the terms and provisions of Chapter 42 of the Laws of Maryland of 1947, and ordinances of the Mayor and City Council of Baltimore — No. 335, approved July 2, 1948; No. 1101, approved June 4, 1954; No. 1596, approved July 10, 1958; No. 271, approved June 18, 1964; No. 853, approved June 29, 1966; and No. 1072, approved June 29, 1967 — or any other law.

(c) *Future proceedings.*

All future proceedings and actions relating to pending matters concerning those areas of the City of Baltimore heretofore approved by ordinance of the Mayor and City Council of Baltimore as “Renewal Areas” shall be governed by the applicable provisions of this ordinance *{subtitle}*.

(d) *Savings clause.*

Nothing contained in this ordinance *{subtitle}* shall be taken or construed directly or indirectly to repeal, amend, alter, modify, or affect in any manner or to any extent, except in the manner and to the extent specifically and definitely set forth in this ordinance *{subtitle}*:

- (1) any of the certificates of indebtedness that heretofore have been issued by the Mayor and City Council of Baltimore under the provisions of Chapter 42 of the Laws of Maryland of 1947, and ordinances of the Mayor and City Council of Baltimore — No. 335, approved July 2, 1948; No. 1101, approved June 4, 1954; No. 1596, approved July 10, 1958; No. 271, approved June 18, 1964; No. 853, approved June 29, 1966; and No. 1072, approved June 29, 1967— or any other law;
- (2) the power and authority of the Mayor and City Council of Baltimore to issue and sell the balance of the unissued certificates of indebtedness of the Mayor and City Council of Baltimore heretofore authorized and approved to be issued by the Mayor and City Council of Baltimore under the provisions of the aforesaid Chapter of the Laws of Maryland and ordinances of the Mayor and City Council of Baltimore or any other law;
- (3) any act or thing or any contract, deed, lease, agreement, or other legal instrument heretofore done, made, or entered into by the Mayor and City Council of Baltimore, the Commissioners of Finance or the Board of Estimates of said municipality, or the Baltimore Urban Renewal and Housing Commission, or any of them, or any combination of 2 or more of them under the provisions of any of the Laws of Maryland or ordinances of the Mayor and City Council of Baltimore, including but not limited to Ordinances — No. 335, approved July 2, 1948; No. 1101, approved June 4, 1954; No. 1596, approved July 10, 1958; No. 271, approved June 18, 1964; No. 853, approved July 29, 1966; and No. 1072, approved June 29, 1967, or any other law, or in connection with any of the matters or things mentioned in or contemplated by any of the Laws of Maryland or

ordinances of the Mayor and City Council of Baltimore, including but not limited to the aforesaid ordinances, or any other law; or

- (4) any of the powers, duties, or functions of the Mayor and City Council of Baltimore, the Commissioners of Finance, or the Board of Estimates of said municipality, or any of them, or any combination of 2 or more of them, under the provisions of any of the Laws of Maryland or ordinances of the Mayor and City Council of Baltimore, including but not limited to Ordinances — No. 335, approved July 2, 1948; No. 1101, approved June 4, 1954; No. 1596, approved July 10, 1958; No. 271, approved June 18, 1964; No. 853, approved June 29, 1966; and No. 1072, approved June 29, 1967, or any other law, or in connection with any of the matters or things mentioned in or contemplated by any of the Laws of Maryland or ordinances of the Mayor and City Council of Baltimore, including but not limited to the aforementioned ordinances.

(City Code, 1976/83, art. 13, §31.) (Ord. 68-152.)

§ 2-13. Transfer of powers from Department of Public Works.

(a) *Building and zoning authority.*

All of the powers, duties, and responsibilities conferred or imposed on the Department of Public Works pursuant to §§ 33 and 34 of Article VII of the Charter of Baltimore City (1964 Revision) *{Article VII, § 32 of the City Charter (1996 Edition)}*, including

- (1) the authority to issue permits for, and exercise such supervision and inspection over, building construction and installations, the use of land and buildings, the alterations, relocation, repair, reconstruction, and change of occupancy of buildings and the number of families housed in buildings in the City and the power and duty to inspect, repair, condemn, and remove private property in Baltimore City at the expense of the owner thereof as are now or may hereafter be conferred by law or ordinance, and
- (2) the right to exercise the powers and perform the duties conferred and imposed upon the Zoning Commissioner by Ordinance No. 1247, approved March 30, 1931, as amended from time to time, and as are now or may hereafter be conferred upon him by law or ordinance,

are hereby transferred and assigned to the Department of Housing and Community Development.

(b) *Powers of Building Inspection Bureau.*

The Department of Housing and Community Development is hereby authorized and directed in the place and stead of the Department of Public Works to exercise and perform all of those powers, duties, functions and discretions that were vested in the Department of Public Works, which were, prior to the effective date of Ordinance No. 1091 of the Mayor and City Council of Baltimore, approved August 2, 1967, vested in the Bureau of Building Inspection under the terms and provisions of any and all contracts, agreements or other legal instruments, which heretofore may have been entered into by the Mayor and City Council of Baltimore in the exercise and performance of the powers, duties and functions authorized by §§ 33 and 34 of Article VII of the Charter of Baltimore City (1964 Revision) *{Article VII, § 32 of the City Charter (1996 Edition)}*.

(c) *Powers of Building Inspection Engineer and Zoning Commissioner.*

The Commissioner of the Department of Housing and Community Development is hereby authorized and directed to exercise and perform all of those authorities, powers, responsibilities, rights and/or duties imposed or conferred upon the Director of Public Works pursuant to §§ 33 and 34 of Article VII of the Charter of Baltimore City (1964 Revision) *{Article VII, § 32 of the City Charter (1996 Edition)}* which were, prior to the effective date of Ordinance No. 1091 of the Mayor and City Council of Baltimore, approved August 2, 1967, imposed or conferred by ordinance or otherwise upon the Building Inspection Engineer and the Zoning Commissioner.

(d) *Community Services Division unaffected.*

Nothing in this § 2-13 shall be taken or construed to require the transfer of the Community Services Division to the Department of Housing and Community Development, and said Community Services Division shall remain in the Department of Public Works.

(City Code, 1976/83, art. 13, §32.) (Ord. 68-152.)

§ 2-14. Conflicts of interest.(a) *Interest in property.*

- (1) No officer or employee of any agency of the Mayor and City Council of Baltimore which is vested with any power or authority to be exercised under the provisions of this ordinance *{subtitle}* shall acquire any financial interest, direct or indirect, in any land or property which may be acquired under any of the provisions of this ordinance *{subtitle}*.
- (2) If any such officer or employee owns or controls a financial interest in such land or property or involuntarily acquires the same, he immediately shall disclose such interest in writing to the Department of Housing and Community Development, and such disclosure shall be entered upon the records of the Department.

(b) *Interest in developer, etc.*

No such officer or employee shall have any interest, direct or indirect, in any legal entity, other than the United States of America, the State of Maryland, or the Mayor and City Council of Baltimore, or any agency thereof, or a non-profit corporation as defined by the Internal Revenue Code from time to time, which shall contract to develop, redevelop, renovate, or rehabilitate any land or property acquired pursuant to this ordinance *{subtitle}*.

(c) *Ethics Code prevails.*

If any provision of this section conflicts with any provision of City Code Article 8 {"Ethics"}, the more stringent provision prevails.

(City Code, 1976/83, art. 13, §33.) (Ord. 68-152; Ord. 82-807; Ord. 04-795.)

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SUBTITLE 2A
AFFORDABLE HOUSING PROGRAM

§ 2A-1. Definitions.

(a) *In general.*

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

(b) *Commissioner.*

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

(c) *Developer.*

“Developer” means any person, firm, partnership, association, joint venture, corporation, or other for-profit or not-for-profit entity or combination of entities that develops or owns residential real estate.

(d) *Eligible household.*

“Eligible household” means a household with an aggregate annual income of less than or equal to 150% of the median area income, adjusted for household size, as published and annually updated by the United States Department of Housing and Urban Development.

(e) *Eligible property.*

“Eligible property” means any structure or lot in Baltimore City that meets or, on completion of renovation or construction, will meet the requirements for dwellings set forth in the City Zoning Code Article and the City Building, Fire, and Related Codes Article.

(f) *Neighborhood.*

“Neighborhood” means an area delineated by a commonly accepted boundary, as determined by the Director of Planning.

(g) *Program.*

“Program” means the Baltimore Affordable Housing Program established under this subtitle. (Ord. 06-181.)

§ 2A-2. Findings.

(a) *In general.*

The Mayor and City Council of Baltimore find as follows.

(b) *Need for low- and moderate-income and workforce housing.*

There is a need to develop programs to improve and expand housing opportunities for working families and other persons of low and moderate income.

(c) *Benefits of economic diversity.*

Economic diversity in our neighborhoods, including a strong and stable middle class, will stimulate economic investment, promote neighborhood stability, and increase public safety for all.

(d) *Limitations of private sector.*

Private sector individuals and businesses, as the primary source of housing and economic development activity, have not alone been able to create economically diverse neighborhoods or developments or to develop workforce housing for the broad range of incomes that will lead to economic diversity.

(e) *Capabilities of City.*

Baltimore City can assemble and prepare sites and provide financial incentives to developers, eligible households, and non-profit organizations to promote economically diverse housing in City neighborhoods, to increase housing opportunities for working families and other persons of low and moderate income, and to reduce blight in neighborhoods.

(Ord. 06-181.)

§ 2A-3. Program established.

(a) *In general.*

There is a Baltimore Affordable Housing Program, established for the purposes of:

- (1) promoting economically diverse housing in City neighborhoods; and
- (2) increasing housing opportunities for working families and other persons of low and moderate income.

(b) *Administration.*

The Commissioner of Housing and Community Development shall administer the Program consistent with this subtitle.

(c) *Eligible activities.*

- (1) Eligible activities authorized under this section must be conducted at a scale that, in the opinion of the Commissioner, is sufficient to address completely the blighting influences existing in the project area. For this purpose, the “project area” may be no smaller than a single block face comprising both sides of a street or way.

- (2) The Commissioner, in his or her discretion, shall use Program funds for the purposes of:
- (i) the acquisition, structural stabilization, and demolition of real property by the City {City Code Article 13, Subtitle 2};
 - (ii) the relocation of households, when that relocation is associated with the acquisition, structural stabilization, and demolition of real property by the City {City Code Article 13, Subtitle 2}; and
 - (iii) the administration and marketing of the eligible activities described in this subsection.
- (3) The Commissioner, in his or her discretion, shall use Program funds to provide appropriate financial incentives, including grants and loans, to developers, non-profit organizations, and eligible households for the purposes of:
- (i) the orderly and sustainable planning, preservation, rehabilitation, and development of economically diverse housing in City neighborhoods;
 - (ii) rental payment or home purchase assistance on behalf of eligible households for primary residency in eligible properties; and
 - (iii) the provision of buyer education and housing counseling services to eligible households in connection with housing opportunities in City neighborhoods and to maximize home ownership.

(Ord. 06-181.)

§ 2A-4. Rules and regulations.

- (a) *Commissioner to adopt.*

The Commissioner shall adopt rules and regulations to carry out this subtitle.

- (b) *Approval by Board of Estimates.*

All rules and regulations adopted under this section must be approved by the Board of Estimates before they may take effect.

- (c) *Filing with Legislative Reference.*

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

(Ord. 06-181.)

§ 2A-5. Program capitalization.

It is the intent of the Mayor and City Council of Baltimore that the Program be capitalized annually by appropriations of the Mayor and City Council of Baltimore.

(Ord. 06-181.)

§ 2A-6. Annual report.

The Commissioner shall issue to the Mayor and City Council of Baltimore an annual report that describes the Program's performance in the preceding year.
(Ord. 06-181.)

SUBTITLE 2B
INCLUSIONARY HOUSING REQUIREMENTS

INTRODUCTORY NOTE: Ordinance 07-474 enacted this subtitle with (i) a general effective date of July 19, 2007, and (ii) per Section 9 of that Ordinance, a “sunset” of 5 years from that effective date. Subsequently, Ordinance 11-466 deferred the sunset through June 30, 2020. (For the effective dates of various specific provisions, *see* Editor’s Note at the end of this subtitle.)

Part I. Definitions; General Provisions

§ 2B-1. Definitions – General.

(a) *In general.*

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

(b) *Board.*

“Board” means the Inclusionary Housing Board established by this subtitle.

(c) *Developer.*

“Developer” means any person, firm, partnership, association, joint venture, corporation, or other entity or combination of entities that undertakes a residential project.

(d) *Housing Commissioner.*

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

(e) *Housing funds.*

“Housing funds” means Federal, State, or City funds designated explicitly for the purpose of providing affordable housing.

(f) *Includes; including.*

“Includes” or “including” means by way of illustration and not by way of limitation.

(g) *Major public subsidy.*

(1) *In general.*

“Major public subsidy” means the provision by the City or any of its agents or contractors of funds, resources, or financial assistance for a residential project that needs these funds, resources, or assistance to proceed.

(2) *Inclusions.*

“Major public subsidy” includes:

- (i) the sale or transfer of land substantially below its appraised value;
- (ii) payment in lieu of taxes;
- (iii) tax increment financing;
- (iv) grants or loans that equal or exceed 15% of total projected project costs; or
- (v) except as specified in paragraph (3) of this subsection, installation or repair of physical infrastructure directly related to the residential project and with value equal to or exceeding 5% of total projected project costs.

(3) *Exclusions.*

“Major public subsidy” does not include:

- (I) infrastructure repairs or improvements undertaken as part of a regularly planned program; or
- (ii) housing funds.

(h) *Neighborhood.*

“Neighborhood” means an area delineated by commonly accepted boundary, as determined by the Planning Director.

(i) *Planning Director.*

“Planning Director” means the Director of the Department of Planning or the Director’s designee.

(j) *Residential project.*

“Residential project” means any new construction or any substantial renovation of an existing building that is designed, in whole or in part, to provide residential units.

(k) *Significant land use authorization.*

“Significant land use authorization” means the adoption of a Planned Unit Development or a legislatively approved amendment to a Planned Unit Development, either of which increases the permissible number of residential units by 30 or more units above the number permitted before adoption of the Planned Unit Development or amendment.

(l) *Significant rezoning.*

“Significant rezoning” means any rezoning that permits residential units where none were permitted previously.

(l-1) *Source of income.*(1) *In general.*

“Source of income” means any lawful source of money paid directly or indirectly to, or on behalf of, a renter or buyer of housing.

(2) *Inclusions.*

“Source of income” includes income from:

- (i) a lawful profession, occupation, or job;
- (ii) any government or private assistance, grant, loan, or rental assistance program, including low-income housing assistance certificates and vouchers issued under the United States Housing Act of 1937; or
- (iii) a gift, an inheritance, a pension, an annuity, alimony, child support, or other consideration or benefit.

(m) *Substantial renovation.*

“Substantial renovation” means a renovation to a vacant dwelling that is needed to bring the dwelling into compliance with applicable local laws and regulations.

(n) *Vacant dwelling.*

“Vacant dwelling” means residential real property that:

- (1) has been vacant or abandoned for 1 year, as cited on a violation notice issued under the City Building, Fire, and Related Codes Article; or
- (2) has been owned by the Mayor and City Council of Baltimore City for 1 year and is in need of substantial renovation.

(Ord. 07-474; Ord. 14-264; Ord. 15-427.)

§ 2B-2. Definitions – Mandatory, prohibitory, and permissive terms.(a) *Mandatory terms.*

“Must” and “shall” are each mandatory terms used to express a requirement or to impose a duty.

(b) *Prohibitory terms.*

“Must not”, “may not”, and “no ... may” are each mandatory negative terms used to establish a prohibition.

(c) *Permissive terms.*

“May” is permissive.
(Ord. 07-474.)

§ 2B-3. Definitions – Affordability standards.(a) *In general.*

In this Subtitle, the following terms relating to affordability standards have the meanings indicated.

(b) *Affordable housing cost: Extremely low, very low, low, and moderate.*

- (1) An “extremely low” housing cost equals an amount not more than 1/12 of 30% of 30% of the AMI, adjusted for household size.
- (2) A “very low” housing cost equals an amount greater than 1/12 of 30% of 30% of the AMI, but not more than 1/12 of 30% of 60% of the AMI, adjusted for household size.
- (3) A “low” housing cost equals an amount greater than 1/12 of 30% of 60% of the AMI, but not more than 1/12 of 30% of 80% of the AMI, adjusted for household size.
- (4) A “moderate” housing cost equals an amount greater than 1/12 of 30% of 80% of the AMI, but not more than 1/12 of 30% of 120% of the AMI, adjusted for household size.

(c) *Affordable unit.*

“Affordable unit” means a residential unit that is required by this subtitle to be provided at an extremely low, very low, low, or moderate affordable housing cost.

(d) *AMI.*

“AMI” means 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.

(e) *Eligible household.*

“Eligible household” means:

- (1) for a unit provided at an extremely low housing cost, a household having an income at or below 30% AMI;
- (2) for a unit provided at a very low housing cost, a household having an income greater than 30% but not more than 60% AMI;
- (3) for a unit provided at a low housing cost, a household having an income greater than 60% but not more than 80% AMI; and

- (4) for a unit provided at a moderate housing cost, a household having an income greater than 80% but not more than 120% AMI.

(f) *Housing cost.*

“Housing cost” means:

- (1) for ownership units, a sales price that requires a monthly payment, including mortgage principal and interest, taxes, insurance, homeowner association fees, and other assessments; and
- (2) for rental units, a monthly payment for lease, sublet, let, or other rights to occupy a residential unit.

(g) *Market rate.*

“Market rate” means not restricted to an affordable rent or affordable ownership cost. (Ord. 07-474.)

§ 2B-4. Findings and policy.

(a) *In general.*

The Mayor and City Council of Baltimore finds as follows.

(b) *Benefits of economic diversity.*

Economic diversity in our neighborhoods, anchored by a strong and stable middle class and including homes for the full range of the City’s workforce, as well as for seniors and others on fixed incomes, will stimulate economic investment, promote neighborhood stability, and increase public safety for all.

(c) *Limitations of private sector.*

The private sector, as the primary source of housing and economic development activity in Baltimore City, is not solely, through its individual development actions, able to create economically diverse neighborhoods or developments or to develop housing for the broad range of incomes that will lead to economic diversity.

(d) *Capabilities of City.*

- (1) Baltimore City can provide benefits to the private sector, to promote economic diversity and housing for a broad range of incomes in neighborhoods and residential developments, in a manner that recognizes the central role that private investment must play for the continued growth and well-being of the City, including the opportunity to earn reasonable and customary levels of profitability.

(2) These benefits include:

- (i) the disposition of publicly owned land;

(ii) the expenditure of public funds, including state and federal funds under the City’s control;

(iii) tax relief; and

(iv) the adoption of land use standards that promote the inclusion of affordable homes.

(e) *City policy.*

It is the policy of Baltimore City to encourage economic diversity and balanced neighborhoods by promoting the inclusion of housing opportunities for residents with a broad range of incomes in all residential projects that contain 30 or more residential units.

(f) *No additional financial burdens.*

This subtitle is not intended to impose additional financial burdens on a developer or a residential project. Rather, the intent of this subtitle is that the cost offsets and other incentives authorized under it will fully offset any financial impact resulting from the inclusionary requirements imposed.

(Ord. 07-474.)

§ 2B-5. Rules of construction.

(a) *In general.*

In this subtitle, the following rules of construction apply.

(b) *More stringent provisions apply.*

For residential projects subject to federal, state, or other local affordable housing requirements imposing an affordability restriction, if the terms of this subtitle regarding the length of a restriction or the level of affordability are more stringent than the applicable federal, state, or other local requirements, the terms of this subtitle apply.

(c) *Applying percentages.*

In applying percentages referred to in this subtitle:

(1) any portion of a percent less than one-half is disregarded; and

(2) any portion of a percent one-half or greater is rounded up to the next whole number.

(Ord. 07-474.)

§ 2B-6. Scope and applicability.

(a) *Incentives not made available.*

If cost offsets and other incentives are not made available to a residential project in accordance with this subtitle, the residential project is not subject to the requirements of this subtitle.

(b) *City's obligations.*

- (1) Whenever a residential project is granted a waiver or is otherwise exempt from this subtitle, the City is not required to provide resources to the project or to the Inclusionary Housing Offset Fund.
- (2) This subtitle does not obligate the City to expend or commit any funds beyond that which may be appropriated through the annual Ordinance of Estimates.

(c) *Incentives insufficient to offset financial impact.*

Notwithstanding any other provision of this subtitle, if the Housing Commissioner determines that the cost offsets or other incentives available to a residential project are insufficient to offset the financial impact on the developer of providing the affordable units required by this subtitle:

- (1) the Housing Commissioner shall either:
 - (i) exempt the residential project from this subtitle; or
 - (ii) modify the number of affordable units required so that the cost offsets or other incentives available are sufficient to offset the financial impact; and
- (2) neither the developer nor the Housing Commissioner need obtain the approval of the Board of Estimates for a modification or waiver under this subtitle.

(d) *Subsidized project.*

A residential project is exempt from this subtitle if:

- (1) it is subsidized by a public program; and
- (2) it satisfies the affordability requirements of § 2B-21(b) of this subtitle.

(Ord. 07-474.)

§ 2B-7. Rules and regulations.(a) *In general.*

The Housing Commissioner, in consultation with the Inclusionary Housing Board and the Planning Commission, must adopt rules and regulations to carry out the provisions of this subtitle.

(b) *Scope – General.*

These rules and regulations may include provisions for:

- (1) defining, clarifying, or construing terms used in this subtitle;
- (2) setting or refining standards for modifications or waivers;

- (3) determining eligibility to purchase or rent affordable units; and
- (4) setting standards for sale or rental prices for affordable units.

(c) *Scope – Requiring timely response.*

(1) The rules and regulations must

- (i) require the Inclusionary Housing Board, the Housing Commissioner, and the Planning Department to provide timely and definitive responses to all submissions required from a developer under this subtitle; and
- (ii) assure to the greatest extent practicable that the completion of residential projects is not delayed by implementation of this subtitle.

(2) Determinations by the Housing Commissioner regarding the sufficiency of potential cost offsets and other incentives must be made within 45 days from submission by a developer, in accordance with this subtitle, of a residential project to the Housing Commissioner, Planning Department, or other body, as required.

(d) *Scope – Written commitments.*

The rules and regulations must assure that the City evidences in writing its decisions to provide cost offsets or other incentives to a developer or residential project under this subtitle.

(e) *Advertising for comment.*

(1) A notice of the proposed adoption of all rules and regulations under this subtitle must be advertised in a newspaper of general circulation at least 45 days before their proposed adoption.

(2) The advertisement must include:

- (i) a summary of the proposed rules and regulations; and
- (ii) information on how a person can:
 - (A) obtain a copy of the proposed rules and regulations; and
 - (B) submit comments on them before their adoption.

(f) *Filing with Legislative Reference.*

A copy of all rules and regulations adopted under this section must be filed with the Department of Legislative Reference before they become effective.

(Ord. 07-474.)

§§ 2B-8 to 2B-10. {Reserved}

Part II. Inclusionary Housing Board**§ 2B-11. Board Established.**

There is an Inclusionary Housing Board.
(*Ord. 07-474.*)

§ 2B-12. Composition.**(a) *In general.***

The board comprises the following 15 members:

- (1) 9 members appointed by the Mayor and confirmed by the City Council in accordance with City Charter article IV, § 6;
- (2) 4 members nominated by the Council President, appointed by the Mayor, and confirmed by the City Council in accordance with City Charter article IV, § 6;
- (3) the Housing Commissioner; and
- (4) the Planning Director.

(b) *Qualifications – General.*

Of the 13 members appointed by the Mayor:

- (1) 1 must be a representative of a nonprofit entity that provides housing services in the City.
- (2) 1 must be a neighborhood association leader.
- (3) 1 must be a civil engineer practicing in the City.
- (4) 1 must be an architect practicing in the City.
- (5) 1 must be a lender experienced in lending practices for residential projects.
- (6) 1 must be a builder or developer in the City of single-family detached or attached dwellings.
- (7) 1 must be a builder or developer in the City of multiple-family dwellings.
- (8) 1 must be a representative of a nonprofit entity that advocates for affordable housing in the City.
- (9) 1 must be a representative of a labor union that represents municipal or other workers in the City.

(c) *Qualifications – Residency.*

(1) All of the members must be residents of the City.

(2) At least 1 member must be a member of an extremely low or very low income household.

(3) Each of the 4 members nominated by the Council President must reside in a different City Council district.

(Ord. 07-474; Ord. 13-126.)

§ 2B-13. Board officers; expenses.

(a) *Chair.*

(1) The Mayor designates 1 of the appointed members to be the Chair of the Board.

(2) The Board may appoint a Vice-Chair and other officers as necessary or appropriate.

(b) *Compensation; expenses.*

The members of the Board:

(1) serve without compensation; but

(2) are entitled to reimbursement for reasonable expenses incurred in the performance of their duties, as provided in the Ordinance of Estimates.

(Ord. 07-474; Ord. 16-503.)

§ 2B-14. Meetings; quorum; voting.

(a) *Meetings.*

The Board meets on the call of the Chair as frequently as required to perform its duties.

(b) *Quorum.*

A majority of the members constitutes a quorum for the transaction of business.

(c) *Voting.*

An affirmative vote of at least a majority of a quorum is needed for any official action.

(Ord. 07-474.)

§ 2B-15. Staff.

The Department of Housing and Community Development must provide staff for the Board.

(Ord. 07-474.)

§ 2B-16. Annual Report.*(a) Required.*

On or before October 31 of each year, the Board must submit a report to the Mayor and the City Council and to the Planning Commission that assesses efforts during the preceding fiscal year to create and sustain inclusionary housing in the City.

(b) Contents generally.

The report must include:

- (1) the total number and proportion (as to the total of all housing units developed) of affordable housing units generated under this subtitle;
- (2) the number and proportion generated under each of the various provisions of this subtitle (e.g., major public subsidy or significant rezoning);
- (3) the number and proportion generated at various affordable costs;
- (4) a list and description of all waivers, modifications, or variances requested, granted, and denied under this subtitle, with a summary of the reasons for granting or denying each request;
- (5) an estimate of the percent of units in the City that are occupied;
- (6) the amount and percent of residential property tax-base increase;
- (7) the percent of households that the City has retained;
- (8) an estimate of the growth in City households;
- (9) the number of units for which the City or eligible housing providers had a right of first refusal under § 2B-34 {"Right of first refusal"} or § 2B-52(c) {"Resales during affordability period – First refusal"}, and the number of those units on which that right was exercised;
- (10) recommendations made by the Board under § 2B-66B {"Administration: Board to advise"} on priorities for which Inclusionary Housing Offset Fund money is best used; and
- (11) a summary of all information for the fiscal year that the Inclusionary Housing Offset Fund submits to the Board under § 2B-67 {"Reporting to Board"}.

(c) Targets.

For each of the measures listed in subsection (b) of this section, the Report may also specify targets that the City should seek to achieve in ensuing fiscal years.

(Ord. 07-474.)

§ 2B-17. Duties.

In addition to the other duties specified elsewhere in this subtitle, the Board is responsible for:

(1) reviewing requests for modifications or waivers under § 2B-21 {“Project receiving major public subsidy”}, § 2B-22 {“ Project benefitting from significant land use authorization or rezoning”}, and § 2B-23 {“Other projects – 30 or more units”} and advising the Housing Commissioner within 20 days of referral by the Commissioner, in a manner determined by the Board; and

(2) advising the Housing Commissioner and the Planning Director in the performance of their respective duties under this subtitle.

(Ord. 07-474.)

§§ 2B-18 to 2B-20. {Reserved}

Part III. Inclusionary Requirements

§ 2B-21. Project receiving major public subsidy.

(a) Applicability of section.

This section applies to any residential project that:

- (1) provides 30 or more residential units; and
- (2) receives a major public subsidy.

(b) Affordable units required.

(1) In every residential project subject to this section, at least 20% of all residential units must be affordable units.

(2) (i) For rental units:

- 1. at least 30% must be provided to eligible households at an extremely low rental cost;
- 2. at least 25% must be provided to eligible households at or below a very low rental cost;
- 3. at least 25% must be provided to eligible households at or below a low rental cost; and
- 4. the remainder must be provided to eligible households at a rental cost that does not exceed 1/12 of 30% of 100% of the AMI.

(ii) For ownership units:

1. at least 25% must be provided to eligible households at a very low ownership cost;
2. at least 50% must be provided to eligible households at a low ownership cost; and
3. the remainder must be provided to eligible households at a moderate ownership cost.

(c) *Cash subsidies.*

If the Housing Commissioner determines that the major public subsidy is insufficient to offset the financial impact on the developer of providing the affordable units required by this subtitle, the City may grant a cash subsidy to the developer from the Inclusionary Housing Offset Fund or other available sources in an amount sufficient to offset the financial impact.

(d) *Modifications or waivers – Housing Commissioner.*

If the Housing Commissioner determines that the major public subsidy or cash subsidies available to a residential project are insufficient to offset the financial impact on the developer of providing the affordable units required by this subtitle:

- (1) the Housing Commissioner shall either:
 - (i) exempt the residential project from this subtitle; or
 - (ii) modify the number of affordable units required so that the major public subsidy or cash subsidies available are sufficient to offset the financial impact; and
- (2) neither the developer nor the Housing Commissioner need obtain the approval of the Board of Estimates for a modification or waiver under this subsection.

(e) *Modifications or waivers – Board of Estimates.*

- (1) In addition to the modifications and waivers provided for in subsection (d) of this section, the Housing Commissioner, with approval from the Board of Estimates, may grant a modification of or a waiver from the requirements of subsection (b) of this section if the findings required by paragraph (3) of this subsection are made.
- (2) The Housing Commissioner must state the reasons that he or she believes that granting the modification or waiver would further the goal of increasing inclusionary housing in Baltimore City.
- (3) The Housing Commissioner and the Board of Estimates may grant the modification or waiver if they find that:
 - (i) homes will be provided for families in a mixed-income setting at lower affordability levels than those required under this section;

- (ii) because of limited City resources, more affordable units in mixed-income housing will be created over a 2-year period than would be created if the modification or waiver were not granted;
- (iii) more effective use of public programs or sources of subsidy will better address mixed-income housing in Baltimore City; or
- (iv) the modification or waiver will promote the creation of units that are more expensive to construct than typical units because they are specially designed and designated for people with disabilities or built to be substantially more energy efficient than customary units.

(4) The Housing Commissioner must:

- (i) issue a written decision on the application within 45 days of its receipt; and
- (ii) post a copy of the decision on the City’s website.

(f) *Investment Threshold.*

- (1) “Additional cost” means the difference in the amount of major public subsidy for an entire development between what would be required to make the development feasible with the affordable units required by this subsection compared to the amount of major public subsidy that would be required to make the development feasible if it did not include the affordable units required by this subsection.
- (2) In this subsection, “investment threshold” per unit means the additional cost per affordable unit of creating inclusionary units at a given income tier as detailed below:

(i) for Rental Development:

Units at or Below Extremely Low Cost	\$125,000
Units at or Below Very Low Cost	\$100,000
Units at or Below Low Cost	\$ 50,000
Units at or Below Moderate Cost	\$ 25,000

(ii) for Ownership Development:

Units at or Below Very Low Cost or Extremely Low Cost	\$125,000
Units at or Below Low Cost	\$100,000
Units at or Below Moderate Cost	\$ 50,000

- (3) If the Housing Commissioner determines that the additional cost per affordable unit exceeds the basic investment threshold, the Housing Commissioner shall, except by mutual agreement of the City and the developer:
- (i) exempt the residential project from the requirement to provide affordable units; and
 - (ii) require the developer to deposit into the Inclusionary Housing Offset Fund an amount equal to the lesser of the following amounts, but only if the major public subsidy has been increased to fully offset the cost to the developer of making the deposit:
 - (A) the basic per unit investment threshold as indicated in this subsection; or
 - (B) 20% of the additional cost that would have been required to achieve the affordability targets specified in § 2B-21(b)(2) of this subtitle.

(Ord. 07-474.)

§ 2B-22. Project benefitting from significant land use authorization or rezoning.

(a) *Applicability of section.*

This section applies to any residential project that:

- (1) provides 30 or more residential units; and
- (2) is wholly or partially on property for which there has been:
 - (i) a significant land use authorization; or
 - (ii) a significant rezoning.

(b) *Affordable units required.*

- (1) In every residential project subject to this section, at least 10% of all residential units must be affordable units.
- (2) Of these affordable units:
 - (i) at least half must be provided to eligible households at or below a low affordable cost for ownership units or at or below a very low affordable cost for rental units; and
 - (ii) the others may be provided to eligible households at a moderate affordable ownership cost or moderate affordable rent.

(c) *Density Bonuses.*

The residential project may apply to the Board of Municipal and Zoning Appeals to receive bonus units up to 20% of the units otherwise allowed in the residential project, computed as set forth in Zoning Code Table 9-401, but only if the Housing Commissioner first determines that the residential project:

- (1) would not be economically feasible if it provided the number of inclusionary units required by this subtitle, but
- (2) would be economically feasible if it provided the number of inclusionary units required by this subtitle and received the density bonus described in this subsection.

(d) *Exemption.*

- (1) A residential project is exempt from the requirements of this subtitle if:
 - (i) the Board of Municipal and Zoning Appeals denies the density bonus described in subsection (c) of this section; or
 - (ii) the Housing Commissioner determines that the project would not be economically feasible if it provided the number of inclusionary units required by this subtitle, even if the project received the density bonus described in subsection (c) of this section.
- (2) Neither the developer nor the Housing Commissioner need obtain the approval of the Board of Estimates for an exemption under this subsection.

(e) *Modifications or waivers.*

- (1) In addition to the exemption provided for in subsection (d) of this section, the Housing Commissioner, with approval from the Board of Estimates, may grant a modification of or a waiver from the requirements of subsection (b) of this section if the Housing Commissioner finds that:
 - (i) homes will be provided for families at lower affordability levels in a mixed-income setting than those required under this section;
 - (ii) the development would not be economically feasible given existing market conditions with the number of inclusionary units required under this section, additional density bonuses are not available, and granting a modification or waiver would create more affordable units in mixed-income housing over a 2-year period than would be created if the modification or waiver were not granted; or
 - (iii) the modification or waiver will promote the creation of units that are more expensive to construct than typical units because they are specially designed and designated for people with disabilities or built to be substantially more energy efficient than customary units.
- (2) The Housing Commissioner must:
 - (i) issue a written recommendation to the Board of Estimates within 45 days of the application's receipt; and
 - (ii) provide a copy of that recommendation to:
 - (A) the Inclusionary Housing Board;

(B) the Planning Director; and

(C) the City Council.

(3) When the Board of Estimates issues its decision, the Housing Commissioner must:

(i) provide a copy of that decision to:

(A) the Inclusionary Housing Board;

(B) the Planning Director; and

(C) the City Council; and

(ii) post a copy of the decision on the City's website.

(Ord. 07-474; Ord. 16-581.)

§ 2B-23. Other projects – 30 or more units.

(a) *Applicability of section.*

This section applies to any residential project that:

(1) provides 30 or more residential units; and

(2) is not otherwise subject to § 2B-21 {"Project receiving major public subsidy"} or § 2B-22 {"Project benefitting from significant land use authorization or rezoning"}.

(b) *Affordable units required.*

(1) In every residential project subject to this section, 10% of all residential units must be provided to eligible households at or below a moderate affordable cost.

(2) The residential project is entitled to a certain cost-offsets, as provided in this section, subject to the availability of City funds to provide these cost offsets.

(3) (i) The extent to which funds are available shall be determined by the Housing Commissioner.

(ii) The developer of a project subject to this section shall be informed no later than the time of a Pre-Development Meeting with the Planning Department whether the City has the funds available in the Inclusionary Housing Offset Fund to provide cash subsidies under this section.

(c) *Cost offsets.*

(1) If all of the affordable units provided under this section are at or below a low affordable housing cost, the residential project may apply to the Board of Municipal and Zoning Appeals for bonus units equal to 20% of the units otherwise allowed in the residential

project, computed as set forth in Zoning Code Table 9-401. In that case, the number of affordable units required is 10% of all units, including bonus units.

- (2) If the Board of Municipal and Zoning Appeals denies the density bonus described in paragraph (1) of this subsection or the Housing Commissioner determines that the bonus units provided under paragraph (1) of this subsection are insufficient to offset the financial impact on the developer of providing the affordable units required by this subtitle, the City may provide cash subsidies to the developer from the Inclusionary Housing Offset Fund or other available sources in an amount sufficient to offset the financial impact.

(d) *Modifications or waivers – Housing Commissioner.*

If the Housing Commissioner determines that the density bonus and cash subsidies available to a residential project are insufficient to offset the financial impact on the developer of providing the affordable units required by this subtitle:

- (1) the Housing Commissioner shall either:

- (i) exempt the residential project from this subtitle; or
- (ii) modify the number of affordable units required so that the density bonus or cash subsidies available are sufficient to offset the financial impact; and

- (2) neither the developer nor the Housing Commissioner need obtain the approval of the Board of Estimates for a modification or waiver under this subsection.

(e) *Modifications or waivers – Board of Estimates.*

- (1) In addition to the exemption provided for in subsection (d) of this section, on application by a developer to the Housing Commissioner, the Commissioner with approval from the Board of Estimates may grant a modification of or a waiver from the requirements of subsection (b) of this section if they find that:

- (i) even if with available cost offsets, the economic return to the developer for the entire development would be less than it would be absent a requirement for affordable units;
- (ii) exceptionally high ongoing occupancy costs make it infeasible to include affordable units on the site; or
- (iii) in a neighborhood that comprises primarily low- and moderate-cost housing and for which a development plan for mixed-income (including affordable) housing has been adopted by the Planning Commission, the developer's project fulfills that part of the plan that calls for market-rate housing.

- (2) The Housing Commissioner must:

- (i) issue a written decision on the application within 45 days of its receipt;
- (ii) provide a copy of that decision to:

- (A) the Inclusionary Housing Board;
- (B) the Planning Director; and
- (C) the City Council; and

(iii) post a copy of the decision on the City's website.

(f) *Investment threshold.*

(1) If the cost offsets that would need to be provided under this section exceed the per unit investment threshold amounts specified below, the Housing Commissioner, in his or her discretion, may opt not to require affordable units in the development.

(2) Investment Threshold for Rental Development:

Units at or Below Very Low Cost	\$115,000
Units at or Below Moderate Cost	\$ 40,000

(3) Investment Threshold for Ownership Development:

Units at or Below Low Cost	\$110,000
Units at or Below Moderate Cost	\$ 50,000

(Ord. 07-474; Ord. 16-581.)

§ 2B-24. Other projects – Less than 30 units.

A developer of a project with less than 30 residential units may request the Housing Commissioner to provide cost offsets under § 2B-23 {"Other projects – 30 or more units"} if the developer voluntarily includes affordable housing in the project in accordance with subsection (b) of that section.

(Ord. 07-474.)

§ 2B-25. Source of income discrimination.

(a) *Projects subject to affordable housing requirements.*

For any unit in any residential project that meets the requirements of § 2B-21(a), § 2B-22(a), or, when effective, § 2B-23(a) of this subtitle, a person may not:

- (1) refuse to sell or rent, refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of that person's source of income;
- (2) discriminate against any person in the terms, conditions, or privileges of the sale or rental of a dwelling, or rental of a dwelling, or in the provision of services or facilities in connection with the sale or rental of a dwelling, because of that person's source of income;

- (3) make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the rental of a dwelling that indicates any preference, limitation, or discrimination based on the source of income that may be used to pay rent;
- (4) represent to any person, because of that person's source of income, that any dwelling is not available for inspection or rental when the dwelling is available; or
- (5) for profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person using a particular source of income.

(b) *Projects receiving cost offsets for affordable housing.*

For any unit in any residential project that receives a cost offset from the Housing Commissioner under § 2B-24 of this subtitle, a person may not:

- (1) refuse to sell or rent, refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of that person's source of income;
- (2) discriminate against any person in the terms, conditions, or privileges of the sale or rental of a dwelling, or rental of a dwelling, or in the provision of services or facilities in connection with the sale or rental of a dwelling, because of that person's source of income;
- (3) make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the rental of a dwelling that indicates any preference, limitation, or discrimination based on the source of income that may be used to pay rent;
- (4) represent to any person, because of that person's source of income, that any dwelling is not available for inspection or rental when the dwelling is available; or
- (5) for profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person using a particular source of income.

(c) *Requirements may not be waived.*

The requirements of this section may not be waived or modified under any other provision of this subtitle, and no residential project may be exempted from the requirements of this section under any other provision of this subtitle.

(Ord. 14-264.)

§§ 2B-26 to 2B-30. {Reserved}

Part IV. Standards for Affordable Units

§ 2B-31. Comparable design.

(a) *In general.*

The affordable units required by this subtitle:

- (1) must be complementary to the market rate units in the same project as to their exterior appearance;
- (2) must be comparable to the market rate units in the same project as to:
 - (i) number of bedrooms; and
 - (ii) overall quality of construction; and
- (3) may vary in size and finish, consistent with standards set forth in the Housing Commissioner's rules and regulations.

(b) *Variance.*

- (1) The developer may request a variance from the requirements of subsection (a) of this section by submitting a written request to the Housing Commissioner.
- (2) The Housing Commissioner may approve a request if the Commissioner determines, in her or his sole discretion, that the affordable units are of good quality and consistent with contemporary standards for new housing.
- (3) The Housing Commissioner must issue a written decision on the request within 45 days of its receipt.
- (4) The Housing Commissioner must periodically report to the Inclusionary Housing Board on all applications made under this subsection and their disposition.

(Ord. 07-474.)

§ 2B-32. Placement.

(a) *In general.*

The affordable units required by this subtitle must be dispersed throughout the residential project.

(b) *Variance.*

- (1) The developer may request a variance from the requirements of subsection (a) of this section by submitting a written request to the Housing Commissioner to cluster affordable units within the project.

(2) Within 45 days of the request, the Housing Commissioner must, in his or her sole discretion, provide a written determination as to whether the proposal adequately demonstrates that:

- (i) the proposed design meets the goals of this subtitle; and
- (ii) a variance should be allowed.

(3) The Housing Commissioner must periodically report to the Inclusionary Housing Board on all applications made under this subsection and their disposition.

(Ord. 07-474.)

§ 2B-33. Simultaneous offering.

(a) *In general.*

The affordable units required by this subtitle must be constructed and completed in the same time frame as the market rate units in the project.

(b) *Variance.*

(1) The developer may request a variance from the requirements of subsection (a) of this section by submitting a written request to the Housing Commissioner.

(2) The Housing Commissioner may approve a request if:

- (i) the Commissioner determines, in her or his sole discretion, that the provision of affordable units will not be adversely affected or delayed by the variance; or
- (ii) affordable units are to be provided off-site under Part V of this subtitle.

(3) The Housing Commissioner must issue a written decision on the request within 45 days of its receipt.

(4) The Housing Commissioner must periodically report to the Inclusionary Housing Board on all applications made under this subsection and their disposition.

(Ord. 07-474.)

§ 2B-34. Right of first refusal.

(a) *In general.*

The City and designated housing providers have a right of first refusal to purchase or rent up to one-third of affordable units provided in a residential project under this subtitle.

(b) *Designated housing providers.*

(1) From time to time, the Housing Commissioner may designate housing providers authorized to purchase or rent affordable units under this section, according to regulation and procedures adopted by the Commissioner.

(2) The City or designated housing providers may rent or resell units acquired under this section to eligible households.

(c) *Time for exercise.*

The City or designated housing provider must decide whether to exercise its right of first refusal within 45 days of submission by a developer, pursuant to the rules and regulations adopted under this subtitle, of an offer to sell the affordable units.

(Ord. 07-474.)

§ 2B-35. Eligibility to purchase or rent.

(a) *In general.*

The rules and regulations adopted by the Housing Commissioner under this subtitle must include provisions for determining eligibility to purchase or rent affordable units.

(b) *Counseling.*

These provisions must require appropriate housing counseling from a HUD qualified counseling agency in a manner determined by the Housing Commissioner.

(c) *First preference for neighbors, etc.*

These provisions shall attempt, consistent with other governing requirements, to provide special priority for otherwise-qualified individuals who:

(1) were displaced by the project; or

(2) reside within the same neighborhood in which the residential project is located.

(Ord. 07-474.)

§ 2B-36. Owner-occupancy of ownership units.

An affordable unit that is sold under this subtitle to an eligible household must be owner-occupied.

(Ord. 07-474.)

§ 2B-37. Management of rental units.

An affordable rental unit provided under this subtitle must be managed under the same management standards as all market-rate rental units in the development.

(Ord. 07-474.)

§§ 2B-38 to 2B-40. {Reserved}

Part V. Off-Site Substitution**§ 2B-41. “Off-site” defined.**

In this Part V, “off-site” means outside the metes and bounds of the property on which a residential project is located.

(Ord. 07-474.)

§ 2B-42. In general.

The developer of a residential project may apply to provide off-site affordable residential units in whole or partial substitution for the units required by § 2B-22 {“Project benefitting from significant land-use authorization or rezoning”} or § 2B-23 {“Other projects – 30 or more units}, as the case may be.

(Ord. 07-474.)

§ 2B-43. Application.**(a) *In general.***

The application for off-site units must be made to the Housing Commissioner.

(b) *Accompanying report.*

The application must be accompanied by a report that includes:

- (1) conditions affecting the project that prevent the developer from meeting the requirements of § 2B-22 {“ Project benefitting from significant land use authorization or rezoning”} or § 2B-23 {“Other projects – 30 or more units}, as the case may be;
- (2) independent data, including appropriate financial information, that support the developer’s position that constructing the required affordable units on site is not feasible; and
- (3) an analysis of how the off-site substitution will further mixed-income housing opportunities in the neighborhood in which the residential project is located.

(Ord. 07-474.)

§ 2B-44. Minimum criteria.

Off-site units may be allowed under this Part V only if:

- (1) they will be provided at another location in the same neighborhood or comparable contiguous geographic area as the residential project to which they are being credited, as determined by the Planning Director, or in a residential project approved by the Housing Commissioner within 2,000 feet of a rapid transit stop; and
- (2) in the aggregate, the off-site units and any affordable units provided on-site at the residential project are no fewer than the number of affordable units required by § 2B-22 {“Project

benefitting from significant land use authorization or rezoning”} or § 2B-23 {“Other projects – 30 or more units}, as the case may be.

(Ord. 07-474.)

§ 2B-45. Review.

The Housing Commissioner, with approval by the Board of Estimates, may approve a request if the requested variance will promote mixed-income housing opportunities in Baltimore City to an extent equal to or greater than compliance with this subtitle.

(Ord. 07-474.)

§§ 2B-46 to 2B-50. {Reserved}

Part VI. Continued Affordability

§ 2B-51. Rental units.

(a) *Affordability period.*

Every affordable rental unit subject to this subtitle must remain at an affordable rent, as provided in this section, for a period of not less than 30 years from the date of its initial occupancy.

(b) *Lease and sublease restrictions.*

During the affordability period, the owner of the rental property may not rent or lease any affordable unit and a tenant may not sub-rent or sublease the unit except to an eligible household at a rent that does not exceed an affordable rent applicable to that unit.

(c) *Rent increases.*

(1) During the affordability period, rent increases may be imposed only as provided in this section.

(2) The percentage increase in annual rent may not exceed:

(i) the percentage increase in the cost of living, based on an appropriate inflator index as determined by the Housing Commissioner; or

(ii) a greater amount to the extent:

(A) necessitated by documented hardship or other exceptional circumstances;
and

(B) approved in writing by the Housing Commissioner.

(d) *Owner’s maintenance.*

The owner of an affordable rental unit:

- (1) at all times must comply with all building, fire, safety, and other codes applicable to rental units; and
- (2) in providing maintenance and other services to rental units in the residential project, may not discriminate in any way against affordable units.

(e) *Reports to Commissioner.*

- (1) Owners of affordable rental units subject to this subtitle must periodically report to the Housing Commissioner on their compliance with the requirements of this section.
- (2) These reports must be made in the form and with the frequency that the Housing Commissioner requires.

(Ord. 07-474.)

§ 2B-52. Ownership units.

(a) *City's right of first refusal.*

The City has the right of first refusal to purchase at market rate any affordable unit initially provided under this subtitle.

(b) *Identifying public investment.*

- (1) At the time of initial sale, the Housing Commissioner shall identify the amount of public investment in the unit.
- (2) For units benefitting from significant rezoning or bonus units, the public investment is deemed to be an amount equal to the owner's initial purchase price.

(c) *Allocation of proceeds.*

At the time of any subsequent sale, the proceeds of the sale shall be allocated as follows:

- (1) The owner receives the initial purchase price paid by the owner plus the value of documented improvements.
- (2) The City receives an amount equal to its public investment in the affordable unit, but only to the extent that the proceeds of the sale exceed the initial purchase price and the values of documented improvements.
- (3) Any proceeds of sale beyond the purchase price and the initial City investment shall be allocated to the owner and the City in the same proportion as the owner's initial purchase price compared to the initial public investment. However, if the sale occurs within 10 years of the owner's purchase, the owner's share of these proceeds is limited to 10% of the owner's proportional share for each full year of the owner's ownership.

(d) *Affordable Housing Agreement.*

The Housing Commissioner's rules and regulations must include provisions for the execution and filing in the land records of affordability housing agreements that embody the requirements of this section.

(Ord. 07-474.)

§§ 2B-53 to 2B-60. {Reserved}

Part VII. Inclusionary Housing Offset Fund

§ 2B-61. Fund established.

(a) *In general.*

There is a Baltimore City Inclusionary Housing Offset Fund.

(b) *Nature of Fund.*

The Baltimore City Inclusionary Housing Offset Fund is a continuing, nonlapsing fund established by authority of City Charter Article I, § 10.

(Ord. 07-474.)

§ 2B-62. Revenue sources.

The Offset Fund comprises:

(1) money appropriated to the Offset Fund in the annual Ordinances of Estimates, and

(2) grants or donations made to the Offset Fund.

(Ord. 07-474.)

§ 2B-63. Use of Fund – General.

Money deposited in the Offset Fund, along with any interest earned on that money, may be used only for the following purposes:

(1) to finance the implementation and administration of this subtitle, including the provision of cost offsets under this subtitle; and

(2) otherwise to promote economically diverse housing in City neighborhoods, including:

(i) providing assistance, by loan, grant, or otherwise, for the planning, production, maintenance, or expansion of affordable housing in the City;

(ii) providing assistance, by loan, grant, or otherwise, to persons unable to obtain affordable housing; and

- (iii) otherwise increasing housing opportunities for working families and other persons of low and moderate income.

(Ord. 07-474.)

§ 2B-64. Use of Fund – Administration.

No more than 5% of the money in the Offset Fund may be used in any fiscal year for personnel or other costs of administering the Offset Fund.

(Ord. 07-474.)

§ 2B-65. Use of Fund – Public assistance.

At least half of the households that receive assistance from the Offset Fund must have earnings of not more than 60% of the AMI.

(Ord. 07-474.)

§ 2B-66. Administration.

- (a) *Commissioner may prescribe procedures.*

The Housing Commissioner may prescribe procedures for administering the Offset Fund.

- (b) *Board to advise.*

The Inclusionary Housing Board advises the Housing Commissioner through its annual report and as requested by the Commissioner on the activities and priorities for which Offset Fund money is best used to promote economically diverse housing in the City.

(Ord. 07-474.)

§ 2B-67. Reporting to Board.

- (a) *In general.*

The Housing Commissioner must provide the Inclusionary Housing Board, on a regular basis, information on the uses and impact of the Offset Fund.

- (b) *Inclusions.*

The information must include:

- (1) expenditures from the Offset Fund;
- (2) a list of projects funded through the Offset Fund;
- (3) the number and income levels of households assisted by the Offset Fund;
- (4) funds leveraged by Offset Fund funds;
- (5) number of affordable units produced or preserved;

(6) information as to how Fund money may be used for development efforts assisting the homeless; and

(7) other information that the Board requests about the Offset Fund's impact.
(*Ord. 07-474.*)

§§ 2B-68 to 2B-70. {Reserved}

Part VIII. Administrative and Judicial Review

§ 2B-71. Administrative appeals.

(a) *Right of appeal.*

Any person aggrieved by a decision or ruling of the Housing Commissioner under this subtitle may appeal that decision or ruling to the Board of Estimates.

(b) *How and when taken.*

The appeal must be taken in writing within 15 days from the date of notice of the decision or ruling.

(c) *Hearing and decision.*

The Board:

(1) must hold a hearing on the appeal as soon as practicable; and

(2) may affirm, modify, or reverse the action from which the appeal was taken.
(*Ord. 07-474.*)

§ 2B-72. Judicial and appellate review.

(a) *Judicial review.*

A party aggrieved by a final decision of the Board of Estimates under § 2B-71 {"Administrative appeals"} of 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) *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.
(*Ord. 07-474.*)

EDITOR'S NOTE: Ordinance 07-474 contained the following special provisions dealing with the applicability / effectiveness of various provisions:

Section 2. That, within 120 days of the effective date of this Ordinance, the Commissioner of Housing and Community Development shall adopt rules and regulations to implement this Ordinance.

Section 5. That Article 13, § 2B-21 {"Projects receiving major public subsidy"} ... does not apply if the subsidy in question:

- (1) is a transfer of land for which the request for proposals, invitation to bid, or similar document was issued before the adoption of rules and regulations to implement this Ordinance;
- (2) is a payment in lieu of taxes or tax increment financing for which the authorizing legislation was introduced before the adoption of rules and regulations to implement this Ordinance; or
- (3) is a grant or loan for which the notice of funding availability or similar notice was published before the adoption of rules and regulations to implement this Ordinance.

Section 6. That Article 13, § 2B-22 {" Project benefitting from significant land use authorization or rezoning"} ... does not apply if:

- (1) the significant land use authorization or rezoning in question was approved within 18 months after the effective date of this Ordinance; or
- (2) the development has had a Pre-Development Meeting with the Department of Planning before the adoption of rules and regulations to implement this Ordinance.

Section 7. That:

- (a) (1) Article 13, § 2B-23 {"Other projects – 30 or more units} and § 2B-24 {"Other projects – Less than 30 units"}}, as enacted by this Ordinance, do not take effect until 120 days after the Housing Commissioner certifies that, in the previous year, $\frac{3}{4}$ of arms-length home sales (excluding homes sold for minimal sales price) had a sales price greater than the level affordable to a household at 80% AMI.
- (2) Within 60 days of the end of the calendar year, the Commissioner shall publish this certification online and by report to the City Council and the Inclusionary Housing Board.
- (3) For the first calendar year after the effective date of this Ordinance "minimal sales price" means \$50,000. The "minimal sales price" may be adjusted by the Commissioner in subsequent years to a larger amount that corresponds to the average sales price of homes requiring major rehabilitation to be habitable. This adjustment will be made according to methodology determined and published by the Commissioner.
- (b) Article 13, § 2B-23 {"Other projects – 30 or more units} and § 2B-24 {"Other projects – Less than 30 units"}}, as enacted by this Ordinance, do not apply to any development that has had a Pre-Development Meeting with the Department of Planning before:
 - (1) the taking effect of those sections; or
 - (2) the adoption of rules and regulations to implement this Ordinance.

**SUBTITLE 3
HUMAN SERVICES DIVISION**

§ 3-1. Declaration of policy and findings of fact.

(a) *In general.*

The City Council finds that:

- (1) there live within the City of Baltimore persons and families who subsist in conditions of abject poverty;
- (2) there are concentrations of such persons and families in certain deteriorated neighborhoods within the City;
- (3) illiteracy, illegitimacy, crime, juvenile delinquency, ill health, and other symptoms of social breakdown all result from or are coincidental with such poverty and are rampant in said neighborhoods;
- (4) many of said impoverished persons and families are dependent upon public subsidy for their subsistence; *{and}*
- (5) many of the services available to help them attain a state of economic self-sufficiency and social productivity either are not being utilized by them or are being inappropriately utilized in uncoordinated, piecemeal fashion.

(b) *Program of concerted action needed.*

The City Council further finds that:

- (1) to eliminate the causes of poverty and the problems attendant upon it, it is imperative for the City of Baltimore to engage in a total program of concerted community action which will harness and synchronize its resources for remedial education, job training, health care, environmental improvement, social and physical rehabilitation, and training in home management and healthy family living; *{and}*
- (2) such a program, to be effective, must attack the problem at its source, in the neighborhoods.

(City Code, 1976/83, art. 13, §33A.) (Ord. 93-274.)

§ 3-2. Human Services Division; Commission.

(a) *Division — established.*

There is hereby created the Human Services Division in the Department of Housing and Community Development.

(b) *Division — powers.*

The Division shall have such powers and responsibilities as are granted to community action agencies under state law, and such other powers as are granted to it by law, ordinance, or resolution.

(c) *Commission — established; powers.*

There is hereby created the Human Services Commission, with membership as provided in this subtitle and with powers and responsibilities as may be determined by the Board of Estimates.

(d) *Commission — composition.*

The Commission shall be composed of 31 members:

- (1) $\frac{1}{3}$ of the members shall be elected public officials selected by the Mayor to serve ex officio, or their representatives;
- (2) at least $\frac{1}{3}$ of the members shall be persons chosen by a democratic selection method as determined by the Mayor to assure that they are representative of the poor in the area served;
- (3) the other members shall be officials or members of business, industry, labor, religious, welfare, education, or other major groups and interests in the community appointed by the Mayor pursuant to Article IV, § 6, of the Baltimore City Charter (1964 Revision, as amended).

(e) *Commission — vacancies; compensation.*

- (1) If a vacancy occurs on the Commission, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.
- (2) The Commission members shall serve without compensation, but shall be reimbursed for all expenses necessarily incurred.

(f) *Commission — terms.*

- (1) Each member of the Commission shall serve for a term of 4 years, concurrent with the Mayor's term of office, and until his or her successor is duly appointed and qualified.
- (2) No member may serve more than 1 full term, more than 5 consecutive years, or more than a total of 10 years.

(g) *Commission — voting; quorum; officers.*

- (1) Each member of the Commission shall be entitled to 1 vote.
- (2) A majority of said Commission shall constitute a quorum for the transaction of any business or the exercise of any power in the performance of any duty authorized or imposed by this subtitle.

(3) The Mayor shall designate one appointed member of the Commission as its Chair, and the Commission shall elect a member as its Vice-Chair.
(*City Code, 1976/83, art. 13, §33B.*) (*Ord. 93-274; Ord. 99-526.*)

§ 3-3. Staff.

(a) *Executive Deputy Commissioner.*

- (1) The Mayor shall appoint an Executive Deputy Commissioner, who shall be the head of the Division.
- (2) The Executive Deputy Commissioner shall serve for a period of 4 years and shall be appointed in the manner designated in Article IV, § 6 of the Baltimore City Charter (1964 Revision, as amended).
- (3) The Executive Deputy Commissioner shall have such duties as the Mayor shall impose upon the Executive Deputy Commissioner to execute the powers granted under this subtitle.
- (4) Until such time as an Executive Deputy Commissioner is appointed as provided herein, the Mayor shall appoint an Interim Executive Deputy Commissioner who shall perform the duties of the office until the aforesaid appointment is made.

(b) *Civil Service; compensation.*

- (1) The Executive Deputy Commissioner, when employing such other persons as may be required, shall comply with the provisions of the Baltimore City Charter relating to Civil Service.
- (2) Compensation of all persons so employed by the Division and all other necessary expenses shall be paid at such rates and in such amounts as the Board of Estimates shall approve and in accordance with the annual Ordinance of Estimates of the City of Baltimore.
(*City Code, 1976/83, art. 13, §33C.*) (*Ord. 93-274.*)

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DIVISION II: DWELLINGS AND VACANT STRUCTURES**SUBTITLE 4****REGISTRATION OF NON-OWNER-OCCUPIED DWELLINGS,
ROOMING HOUSES, AND VACANT STRUCTURES**

INTRODUCTORY NOTE: Ordinance 18-130, which substantially amended Subtitle 5 {"Licensing of Rental Dwellings"} of this article, also amended §§ 4-1, 4-6, 4-8, and 4-9 of this subtitle, all with a general effective date of August 1, 2018.

§ 4-1. Definitions.(a) *In general.*

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

(b) *Commissioner.*

"Commissioner" means the Commissioner of Housing and Community Development or the Commissioner's designee.

(c) *Dwelling unit.*

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

(d) *Multiple-family dwelling.*

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

(e) *Non-owner-occupied dwelling unit.*(1) *In general.*

"Non-owner-occupied dwelling unit" means any:

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

(2) *Qualifications.*

For purposes of this definition:

- (i) an owner may only have one owner-occupied dwelling unit in Baltimore City; and
- (ii) an owner-occupied unit must be titled to a natural person.

(f) *Person.*

(1) *In general.*

“Person” means:

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

(2) *Inclusions.*

“Person” includes, except as used in § 4-13 {“Penalties”} of this subtitle, a governmental entity or an instrumentality or unit of a governmental entity.

(g) *Rooming house.*

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

(h) *Rooming unit.*

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

(i) *Vacant structure.*

(1) *In general.*

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

(2) *Exclusions.*

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

(*Ord. 02-475; Ord. 05-170; Ord. 10-342; Ord. 10-372; Ord. 13-093; Ord. 17-068; Ord. 18-130.*)

§ 4-2. Scope.

This subtitle applies to:

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

(2) every vacant structure, whether it is a residential structure, a non-residential structure, or other; and

(3) every rooming house.

(Ord. 02-475; Ord. 10-342; Ord. 10-372.)

§ 4-3. Rules and regulations.

(a) *Commissioner may adopt.*

The Commissioner may adopt rules and regulations to carry out this subtitle.

(b) *Filing with Legislative Reference.*

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

(Ord. 02-475.)

§ 4-4. {Reserved}

§ 4-5. Registration required.

(a) *In general.*

(1) The owner of any non-owner-occupied dwelling unit or of any rooming house must file an annual registration statement for that unit or rooming house with the Commissioner.

(2) The owner of any vacant structure must file an annual registration statement for that structure with the Commissioner.

(b) *New owner.*

(1) A new owner of a non-owner-occupied dwelling unit or of a rooming house must file the registration statement within 10 days of acquiring title to the unit or rooming house.

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

(c) *Newly vacant structure.*

The owner of a vacant structure, whether or not previously registered as a non-owner-occupied dwelling unit or as a rooming house, must file a new registration statement and pay the fee applicable to vacant structures, within 10 days of the property's becoming a vacant structure.

(Ord. 02-475; Ord. 05-170; Ord. 10-342; Ord. 10-372.)

§ 4-6. Registration statement – Contents.*(a) In general.*

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

- (1) a description of the premises by street number or by block-and-lot;
- (2) the name, street address, telephone number, and email address of the premises' owner of record;
- (3) the name, street address, telephone number, and email address of the premises' managing operator, if other than the owner; and
- (4) 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 a natural person who serves as the owner's chief executive officer, managing partner, or managing member, or in a similarly authoritative position.

(b) Change of listed information.

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

(Ord. 02-475; Ord. 10-342; Ord. 18-130.)

§ 4-7. Registration statement – Confidentiality.*(a) In general.*

Except as otherwise specified in this section, the registration statements required by this section are confidential records and are not open to public inspection.

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

For a specified property, the Commissioner must furnish the name, address, telephone number, and email address of the owner or operator of that property on the written request of:

- (1) the owner or resident of property within a 1 block radius of the specified property;
- (2) the neighborhood association for the area in which the specified property is located; or
- (3) the City Councilmember representing the District in which the specified property is located.

(c) *Exception – Department of Environment.*

The Commissioner may share the registration statements filed under this subtitle with the State Department of the Environment for integration with the registration information maintained by the State under State Environment Article § 6-811.

(Ord. 02-475; Ord. 10-342; Ord. 14-315.)

§ 4-8. Registration fees.(a) *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) {"Rental dwellings: Tiered license terms"} of this article to a 1-year term, the annual registration fee under this {sub}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) *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:

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

(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 {sub}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) *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) *{or (b)}* 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) *When payable.*

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

(e) *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.

(Ord. 02-475; Ord. 10-342; Ord. 10-372; Ord. 18-130.)

§ 4-9. Term and renewal.

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

(Ord. 02-475; Ord. 18-130.)

§ 4-10. *{Reserved}*

§ 4-11. Interest and late fees.

(a) *In general.*

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

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

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

(1) All registration fees, interest, and late fees provided for in this section are a personal debt owed by the owner of the property.

(2) These fees and interest:

(i) are a lien on the property in favor of the Mayor and City Council of Baltimore; and

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

(Ord. 02-475; Ord. 04-832; Ord. 10-372.)

§ 4-12. {Reserved}**§ 4-13. Enforcement by citation.**(a) *In general.*

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

(b) *Process not exclusive.*

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

(Ord. 07-424; Ord. 18-130.)

§ 4-14. Penalties.(a) *In general.*

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

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

(Ord. 02-475; Ord. 18-130.)

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SUBTITLE 5
LICENSING OF RENTAL DWELLINGS

INTRODUCTORY NOTE: The following text incorporates the many amendments made to this subtitle by Ordinance 18-130, subject to a general effective of August 1, 2018. For additional, short-term transitional provisions, *see also* **Editor’s Note** at the end of this subtitle.

§ 5-1. Definitions.

(a) *In general.*

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

(b) *Dwelling unit.*

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

(c) *Housing Commissioner; Commissioner.*

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

(d) *Multiple-family dwelling.*

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

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

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

(f) *Person.*

(1) *In general.*

“Person” means:

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

(2) *Inclusions.*

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

(g) *Rental dwelling.*

“Rental dwelling” means:

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

(h) *Rooming house.*

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

(i) *Rooming unit.*

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

(Ord. 02-475; Ord. 10-342; Ord. 10-342; Ord. 18-130.)

§ 5-2. Rules and regulations.

(a) *Commissioner may adopt.*

The Commissioner must adopt rules and regulations to carry out this subtitle.

(b) *Filing with Legislative Reference.*

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

(Ord. 02-475; Ord. 18-130.)

§ 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.

(Ord. 02-475; Ord. 18-130.)

§ 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 managing operator of the premises, if other than the owner.

(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.

(Ord. 02-475; Ord. 18-130.)

§ 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”} 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.

(Ord. 02-475; Ord. 10-342; Ord. 13-093; Ord. 15-353; Ord. 18-130.)

EDITOR’S NOTE: Chapter 494 {“Balcony Railing Inspections (Jonathon’s Law)”}, Acts of 2014, amended State Public Safety Article § 12-203 {“Minimum Livability Code”} to also require special inspections of balcony railings. Specifically, new subsection (f)(4) provides:

(i) In this paragraph, “multiple-family dwelling” has the meaning stated in Article 13, § 5-1 of the Baltimore City Code.

.....
 (iii) Baltimore City may not issue or renew a multiple-family dwelling license unless the applicant demonstrates that a professional inspector *{as defined in Public Safety Article § 12-203(a)(4)}* has completed an inspection of the multiple-family dwelling to ensure that each balcony railing in the multiple-family dwelling meets the requirements of the Building, Fire, and Related Codes of Baltimore City.

(iv) Beginning in October 2015, and every 5 years thereafter, at the time that Baltimore City sends a renewal notice to a holder of a multiple-family dwelling license, Baltimore City shall notify the license holder of the inspection requirement under subparagraph (iii) of this paragraph.

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

(a) *In general.*

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

(1) subsection (b) {“Third-party home inspections”} of this section; or

(2) subsection (c) {“Governmental agency inspections”} of this section.

(b) *Third-party home inspections.*

(1) *Definitions.*

(i) *In general.*

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

(ii) *Home inspection.*

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

(iii) *Home inspector.*

“Home inspector” means an individual:

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

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

1. has registered with the Housing Commissioner as generally available to inspect and certify rental dwellings under this subsection;
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 owner or operator of that rental dwelling; or
 - c. any owner, partner, director, officer, employee, or agent of the rental dwelling’s owner or operator.

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

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

(ii) The inspection must be performed 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 inspection by the applicable governmental agency.

(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.

(Ord. 18-130.)

§ 5-8. License fees.

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

(Ord. 02-475; Ord. 10-342; Ord. 18-130.)

§ 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, based on the following risk factors:

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

(d) *Subsequent renewals.*

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

(1) *3-Year Term:* The renewal license will be for a 3-year term if, during the 36 months immediately preceding submission of a completed renewal application, all violation notices or orders issued during those months under the City Building, Fire, and Related Codes Article have been abated within 60 days of their issuance.

(2) *2-Year Term:* The renewal license will be for a 2-year term if, during the 24 months immediately preceding submission of a completed renewal application, all violation notices or orders issued during those months under the City Building, Fire, and Related Codes Article have been abated within 90 days of their issuance.

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

(Ord. 02-475; Ord. 18-130.)

§ 5-10. {Reserved}

§ 5-11. Posting license.

The license issued under this subtitle must be prominently displayed:

(1) for a multiple-family dwelling or rooming house, in the vestibule, lobby, or other public place on the premises; and

(2) for a 1- or 2-family dwelling, in an area of each dwelling unit that is accessible to that unit's occupants and to housing inspectors.

(Ord. 02-475; Ord. 18-130.)

§ 5-12. Transfer of license.

(a) *In general.*

Any person who assumes the ownership or operation of a licensed rental dwelling must, within 15 days of assuming ownership or operation, apply to the Housing Commissioner for transfer of the license.

(b) *Fee.*

The fee for a transfer is \$25.

(Ord. 02-475; Ord. 18-130.)

§ 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.

(Ord. 02-475; Ord. 18-130.)

§ 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 owner or operator of a rental dwelling to allow the Commissioner to conduct a routine, spot, quality-control, or other inspection of the rental dwelling as authorized by the City Building, Fire, and Related Codes Article;
- (6) failing to abate within 120 days of issuance any violation notice, order, or citation for violating any provision of the City Building, Fire, and Related Codes Article, the City Health Article, or the Zoning Code of Baltimore City;
- (7) failing to comply with any provision of this subtitle or of any rule or regulation adopted under this subtitle; or
- (8) if the Housing Commissioner finds, or if the Fire Chief, Health Commissioner, or Police Commissioner certify to the Housing Commissioner, that:
 - (i) the owner 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 owner or lessee of a rental dwelling, or any agent of the owner 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.

(Ord. 02-475; Ord. 18-130.)

§ 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 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.

(Ord. 02-475; Ord. 18-130.)

§ 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.

(Ord. 02-475; Ord. 18-130.)

§ 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.

(*Ord. 07-529; Ord. 10-342; Ord. 18-130.*)

§ 5-20. Sanitation Guide.(a) *Preparation of Guide.*

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

(b) *Dissemination.*

A copy of the Sanitation Guide must be:

(1) provided to each dwelling unit on the premises; and

(2) prominently posted within each common collection room, if any, on the premises.

(*Ord. 18-130.*)

§ 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 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 under this article or the City Building, Fire, and Related Codes Article; and

(ii) notices of any denial, suspension, or revocation of the rental dwelling's license.

(*Ord. 18-130.*)

§ 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.

(Ord. 18-130.)

§ 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"}.

(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.

(Ord. 07-424; Ord. 18-130.)

§ 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.
(*Ord. 02-475; Ord. 07-529; Ord. 18-130.*)

EDITOR'S NOTE: Ordinance 18-130 added the following uncodified, short-term transitional provisions for (i) preexisting, currently licensed multiple-family dwellings and rooming houses (Ord. 18-130, at Section 3) and (ii) non-owner-occupied dwelling units in 1- or 2-family dwellings (Ord. 18-130, at Section 4):

Section 3 --

- (a) On and after the effective date of this Ordinance *{August 1, 2018}*, a preexisting multiple-family dwelling or rooming house operating under an unexpired license that was issued under former City Code Article 13, Subtitle 5, may continue to operate under that license:
 - (i) until the license expires at the end of its stated term or
 - (ii) if the end of its stated term is fewer than 90 days after the effective date of this Ordinance, for an extended term that expires on the 90th day after the effective date of this Ordinance.
- (b) The multiple-family dwelling or rooming house may not continue to operate after the preexisting license expires under subsection (a)(i) or (ii) of this Section until the licensee has applied for and obtained a new, initial rental dwelling license under City Code Article 13, Subtitle 5, as amended by this Ordinance.

Section 4 --

[O]n and after the effective date of this Ordinance *{August 1, 2018}*, a rental dwelling described in Article 13, § 5-1(g)(3), as added by this Ordinance, may preliminarily operate without an initial rental dwelling license, but only as long as:

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

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SUBTITLE 6
TENANT'S RIGHT OF FIRST REFUSAL

§ 6-1. Statement of public policy and purpose.

It is the intent and purpose of this law *{subtitle}* that before title to any single-family residential rental property is voluntarily transferred, the tenant of that property shall have the opportunity to purchase the property on terms accepted as reasonable in the residential real estate market; and that residential property owners shall not be unreasonably impeded in selling their properties nor required to accept unreasonable terms of sale.

(City Code, 1976/83, art. 13, §46.) (Ord. 79-1228.)

§ 6-2. Definitions.

(a) *Landlord.*

As used in this law *{subtitle}*, “landlord” means an owner, lessor, sublessor, assignee, any agent thereof, or any other person receiving or entitled to receive rents or benefits for the use or occupancy of any residential rental unit within the City of Baltimore.

(b) *Tenant.*

(1) As used in this law *{subtitle}*, “tenant” means a tenant, subtenant, lessee, sublessee, or other person entitled to the possession, occupancy or the benefits thereof, of any rental unit owned by another person, and who has resided therein for not less than 6 months.

(2) Where a rental unit had been occupied by a tenant at any time during the preceding 6 months, the last such tenant to occupy the unit shall be considered a present tenant for purposes of this law *{subtitle}*.

(3) Provided however that no tenant who has been summarily ejected for non-payment of rent pursuant to Subtitle 9 of the Public Local Laws of Baltimore City from a single-family rental property shall be entitled by this subtitle to a right of first refusal for that property.

(City Code, 1976/83, art. 13, §47.) (Ord. 79-1228.)

§ 6-3. Tenant's right of first refusal.

Before a voluntary transfer of title to a single-family rental residential property may occur, the tenant of that property shall have the right of first refusal to purchase the property. Such right shall be exercised in accordance with the provisions of this law *{subtitle}*.

(City Code, 1976/83, art. 13, §48.) (Ord. 79-1228.)

§ 6-4. Exercise of right of first refusal.

(a) *In general.*

(1) Prior to the voluntary transfer of title to a single-family residential rental property, a written offer of sale shall be made to the tenant. Such offer shall be mailed to the tenant by first

class mail, postage prepaid, and the sender shall obtain a receipt from the post office for said mailing. The offer shall state the offered sale price and those terms and conditions, not inconsistent with the provisions of this subtitle, which the landlord proposes to incorporate in any resulting contract of sale with the tenant. The tenant shall have 30 days from the date of mailing of such an offer of sale to indicate in the manner provided below his intent to exercise his right of first refusal.

- (2) If the landlord enters a sale contract with a third party at any time prior to the mailing of an offer of sale (as provided above) or the expiration of the 30-day period, notice of the contract shall be mailed in the same manner to the tenant. The tenant shall have the right to contract with the landlord in lieu of the third party and shall have a period of 30 days from the date of the mailing of the notice to indicate in the manner provided below his intent to exercise his right of first refusal, provided that the proceeds of the tenant's offer to contract are not less in amount than those offered by the third party. A notice of a contract with a third party as hereinabove provided shall constitute an offer of sale to the tenant and shall supersede any prior offer of sale.
- (3) A tenant shall notify the landlord of his decision to exercise the right of first refusal by first class mail, postage prepaid (and the sender shall obtain a receipt from the post office for said mailing) within the period of time set forth above. If a tenant proposes to use a federal, state, or local government program to assist the purchase, for either mortgage insurance/guarantee, or for direct mortgage financing, he shall specifically indicate that program in this notification to the landlord.
- (4) Following notification by the tenant, as above, of the intent to exercise that right of first refusal, the landlord must tender to the tenant within 10 days an executed contract of sale for said property on the same terms and conditions as indicated in the offer of sale or the third-party contract, with the exception of any term or condition which is inconsistent with the provisions of this subtitle, in which instance the contract shall specify terms consistent with those provisions, and provided further that the contract shall be consistent with an indication made by the tenant pursuant to *{paragraph}* (3) above, as to the use of a particular government program of mortgage insurance, guarantee, or financing.
- (5) The tenant shall have the period of 10 days after delivery to him of said contract, executed by the landlord and in accordance with the terms of this subtitle, to execute the same and return the executed contract with the required deposit to the landlord.

(b) *Sale to other for less than offer.*

- (1) If the landlord enters into a sale contract with a third party after the expiration of the 30-day period in *{subsection}* (a) above and if the net proceeds of that sales contract are less in amount than the amount in the offer of sale to the tenant, or if the terms and conditions of that sales contract are materially more favorable to the buyer than those contained in the offer of sale to the tenant, as provided in *{subsection}* (a) above, then the tenant shall be notified of such contract in the manner provided for in *{subsection}* (a) above.
- (2) The tenant shall then have the right to contract with the landlord in lieu of the third party, provided the proceeds of the tenant's offer to purchase are not less in amount than the offer

of the third party. Said right shall be in effect for 15 days from the mailing of notification of the sales contract, unless the net proceeds of the third-party sales contract are less than 80% of the amount in the offer of sale to the tenant in *{subsection}* (a) above, or more than 6 months has elapsed since the offer to the tenant in *{subsection}* (a) above, in which *{case}* the tenant shall have the right for 30 days from the mailing of notification.

- (3) A tenant shall exercise the right to contract in lieu of a third party pursuant to this paragraph *{subsection}* in the manner provided by Paragraph *{subsection}* (a)(3) of this section and where a tenant does so the provisions of Paragraphs *{subsection}* (a)(4) and (a)(5) shall apply.

(c) *Contract with other contingent.*

- (1) The validity of a sales contract between the landlord and a third party shall be contingent on compliance with the provisions of this subtitle, and the contract shall so state.
- (2) A notice from the landlord to the tenant of a contract with a third party shall include a copy of the sales contract; the name of the proposed purchaser may be deleted.
- (3) The terms of any resulting landlord-tenant sales contract shall be in accordance with the requirements of this subtitle.

(d) *Contract without sale price in dollars.*

- (1) Where a landlord's contract with a third party, which is required by Paragraph *{subsection}* (a) or (b) above to be submitted to the tenant, fails to set forth the sale price in dollars of the individual property for which the tenant has the right of first refusal pursuant to this subtitle, then in the notice to the tenant of said contract the landlord shall set forth a dollar amount which as a cash price is equivalent to the consideration attributable to that property under the terms of the third-party contract.
- (2) Where a tenant indicates his intention to contract with the landlord in lieu of a third party as provided herein, in tendering a contract pursuant to subsection (a)(4) the landlord may adjust the sales price to be contained therein to the extent that terms required under this subtitle would otherwise reduce the net proceeds of the sale.

(e) *Bulk sale.*

- (1) Where a landlord's contract with a third party includes the sale of 2 or more properties ("bulk sale") and a tenant indicates his intention to contract with the landlord in lieu of a third party, in tendering a contract pursuant to subsection (a)(4), the landlord may adjust the sale price to be contained therein to the extent that terms required under this subtitle would otherwise reduce the net proceeds of the sale, as net proceeds are defined in the ordinance and the regulations implementing the ordinance.
- (2) Such an adjustment may include an increase of up to 1.75% of the price at which the individual property was offered to the third party.

(City Code, 1976/83, art. 13, §49.) (Ord. 79-1228; Ord. 88-140.)

§ 6-5. Required conditions of offers and contracts.*(a) Statement of tenant's rights.*

- (1) All offers of sale to tenants shall include a statement of the tenants' rights provided by this subtitle.
- (2) A copy of all offers of sale to tenants shall be sent simultaneously to the Commissioner of the Department of Housing and Community Development.

(b) Date of settlement in sales contracts.

The date of settlement shall not be required to be less than 60 days from the date of the tenant's execution of the contract, unless the tenant has notified the landlord pursuant to § 6-4(a)(3) that he proposes to use a federal, state, or local government program to assist the purchase, in which case the date of settlement shall not be required to be less than 90 days from the date of the tenant's execution of the sales contract.

(c) Deposit for sales contract.

- (1) If a tenant proposes to use a federal, state, or local program to assist the purchase, for either mortgage insurance/guarantee or a direct mortgage, the required deposit shall not exceed the cash contribution required of the buyer by that program.
- (2) If no such program is involved in the tenant purchase, the deposit required for a sales contract shall not exceed 7% of the sale price.

(d) Use of governmental assistance protected.

No landlord may refuse to enter into a sales contract with a tenant solely because the tenant proposes to use a federal, state, or local program to assist in the financing of the purchase.

(e) Financing contingency.

- (1) A sales contract shall contain a reasonable financing contingency clause which:
 - (i) shall not require the tenant to obtain financing in less than 60 days from the date a contract is tendered by the landlord as provided by § 6-4(a)(4); and
 - (ii) shall excuse the tenant from performance of the sales contract if he is unable to obtain adequate financing within said 60-day period.

- (2) A requirement that the tenant make application for financing within less than 7 banking days from the date of the tenant's execution of the contract shall render said clause unreasonable.

(City Code, 1976/83, art. 13, §50.) (Ord. 79-1228.)

§ 6-6. Miscellaneous.**(a) Any tenant will do.**

- (1) If a landlord enters into a sales contract with the tenant, as defined by this law *{subtitle}*, pursuant to the intent and requirements of this law *{subtitle}*, the landlord shall be deemed to be in compliance with this law *{subtitle}*, and to have met the requirements of this law *{subtitle}* even though such person is not the person with whom the landlord entered into a written or oral lease on the dwelling unit nor the sale occupant of the dwelling.
- (2) A landlord who has complied with the requirements of this subtitle with regard to any person qualifying as a tenant pursuant to § 6-2(b) in the transfer of a particular single-family residential property shall be deemed to have fully complied with this subtitle as to that transaction, notwithstanding the existence of any other person qualifying as a tenant thereunder.

(b) Change in tenant.

If, after the offer of sale, as provided in § 6-4(a), there is a change in tenants, the new tenant shall be entitled to notification and the right to enter into a contract with the landlord in lieu of a third party as required in § 6-4(b) and shall be notified upon taking possession if the property is for sale.

(c) Waivers — right to receive offer.

No tenant may waive his right to receive an offer of sale or notification as required by this law *{subtitle}*.

(d) Waivers — time periods.

- (1) A tenant may waive his right to the time periods afforded for entering into a sales contract with the landlord as provided for in § 6-4 and may grant to the landlord the right to enter into a sales contract or transfer of title to a third party without having to wait the stipulated time periods provided in § 6-4.
- (2) Any such waiver shall:
 - (i) be in writing and signed by the tenant; *{and}*
 - (ii) contain a statement, at the top of the waiver, that the tenant is under no obligation to sign such a waiver and cannot be evicted for refusal to sign the waiver.
- (3) No landlord may evict a tenant for refusing to sign a waiver of the tenant's right under this law *{subtitle}*. Any waiver not in accordance with this paragraph *{subsection}* shall be null and void and of no effect.

(City Code, 1976/83, art. 13, §51.) (Ord. 79-1228.)

§ 6-7. Exemptions.

The following transfers of title to single-family residential rental properties are exempt from the requirements of this subtitle:

- (1) transfer of title to a spouse, child or children, parents, siblings, or in-laws of the landlord;
- (2) transfer of title by will or through inheritance under the Estates and Trusts Article of the Maryland Code;
- (3) a gift to any religious, charitable, or benevolent, tax-exempt donee;
- (4) transfer of title in a mortgage or deed of trust;
- (5) transfer of title to a government agency;
- (6) transfer of, or for the sole purpose of creating, a reversionary (ground rent) interest, if the leasehold is retained by, or was not owned by, the transferor;
- (7) transfer of title in lieu of foreclosure of a mortgage or deed of trust;
- (8) any sale at public auction of a property individually, if the landlord has offered the property to the tenant as required by § 6-4(a) of this subtitle, and the tenant has failed to exercise the right of first refusal before the auction sale;
- (9) any transfer by a personal representative from a decedent's estate made in the course of the administration of the estate;
- (10) a transfer of title by a bona fide gift to a relative of the transferor or relative of the transferor's spouse, subject to the following:
 - (i) "relatives" means only those relatives set forth in § 267(c)(4) of the Internal Revenue Code of 1986 and all lineal descendants and spouses of those relatives to the extent not already included in that section;
 - (ii) "ancestors" as defined in § 267(c)(4) are limited to the levels of parents and grandparents; and
 - (iii) "lineal descendants" include illegitimate children and step children, and full effect shall be given to legal adoption; and
- (11) (i) a transfer of title in which:
 - (A) the property is listed for sale with a bona fide third-party licensed real estate broker; and
 - (B) the tenant is notified in writing, in accordance with item (ii), that:

1. the right of first refusal under this subtitle does not apply because of the exemption under this subsection;
2. the tenant may negotiate for the purchase of the property on the same basis as other members of the general public; and
3. the tenant may contact the Homeownership Institute in the Department of Housing and Community Development for information about the process of purchasing and financing a home; and

(ii) the notice must be sent to the tenant at his or her last known address, by certified mail, return receipt requested, within 48 hours after the listing of the property with a real estate broker. With the notice to the tenant, the landlord or the real estate broker shall send a copy of all information included in the public offering for sale.

(City Code, 1976/83, art. 13, §52.) (Ord. 79-1228; Ord. 80-140; Ord. 99-422.)

§ 6-8. Penalties.

(a) *Criminal penalties.*

- (1) In addition to any penalty arising from the making of a false affidavit, if a landlord voluntarily transfers title to a single-family residential rental property without complying with the provisions of this subtitle, he shall be guilty of a misdemeanor and shall be subject to a fine of up to \$500.
- (2) Provided that each failure to comply with a particular provision of this subtitle shall constitute a separate violation of this subtitle and shall be considered a separate offense.

(b) *Injunctive relief.*

A tenant may seek relief from an appropriate court to restrain or enjoin any violation of the provisions of this law {*subtitle*}.

(City Code, 1976/83, art. 13, §53.) (Ord. 79-1228.)

§ 6-9. Affidavit on transfers to third parties.

(a) *Affidavit of compliance required.*

In any transfer of real property subject to this law {*subtitle*} to a party other than a tenant, the owner shall file in the land records of Baltimore City an affidavit in the form set forth in Paragraph {*subsection*} (c) below, certifying that the requirements of this subtitle have been met, as a part of the deed conveyance.

(b) *Transferee's rights protected.*

Where an affidavit has been filed as provided by paragraph {*subsection*} (a) above, the rights and title of a third party transferee, his heirs, successors or assigns shall be free of any restriction or claim arising in favor of a tenant of said property under or through any provision of this subtitle.

(c) *Statements required.*

An affidavit affirming compliance with the requirements of this subtitle shall be filed as provided by paragraph {*subsection*} (a) above and shall incorporate one of the following statements as appropriate:

(1) Property not occupied by tenant within 6 months of transfer:

“The property known as (street address) in Baltimore City has not been occupied by a tenant since (date).”

(2) Property occupied within last 6 months but tenant cannot be contacted or has not responded to offer of sale:

“The property known as (street address) in Baltimore City, had been let to (name of last tenant), as a single-family residence, and an offer of sale as required by § 6-4(a) of Article 13 of the Baltimore City Code was sent on (date of mailing) to (last known address), being the last address known to me (us) of the aforementioned tenant and I (we) have received no response to said offer of sale.”

(3) Tenant has responded to notice:

“(Name of tenant), being the tenant of the property known as (street address) in Baltimore City, following an offer of sale as required by § 6-4(a) of Article 13 of the Baltimore City Code, sent (date of mailing), has failed to enter into a contract to purchase said property in the manner and time provided by Subtitle 6 of Article 13 of the Baltimore City Code.”

(Add if applicable)

“Notice pursuant to § 6-4(b) of Article 13 of the Baltimore City Code was subsequently sent to said tenant on (date of mailing), and tenant subsequently failed to contract to purchase said property in lieu of (name of third party) within the period of time provided by said § 6-4(b), that period being _____ days.”

(4) Tenant has waived right of first refusal:

“(Name of tenant), being the tenant of the property known as (street address) in Baltimore City, following an offer of sale as required by § 6-4(a) of Article 13 of the Baltimore City Code, sent (date of mailing), has executed a waiver of the right of first refusal in a manner consistent with § 6-6(c) of Article 13 of the Baltimore City Code.”

(d) *Corporate owner.*

Where a property subject to this section is owned by a corporation, the affidavit required by Paragraph *{subsection}* (a) above shall be made by the president and the secretary of the corporation.

(City Code, 1976/83, art. 13, §54.) (Ord. 79-1228.)

§ 6-10. Severability.

If any provision of this law *{subtitle}* or any section, sentence, clause, phrase, or word or the application thereof, shall in any circumstance be held invalid, the validity of the remainder of the law *{subtitle}* and the application of any such provision, section, sentence, clause, phrase, or word shall not be affected.

(City Code, 1976/83, art. 13, §55.) (Ord. 79-1228.)

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SUBTITLE 7
RESIDENTIAL LEASE REQUIREMENTS

§ 7-1. In general.

After August 1, 1981, any landlord who rents dwelling units by means of written leases shall comply with the following requirements.

(City Code, 1976/83, art. 13, §56(intro).) (Ord. 81-290.)

§ 7-2. Copy of lease to tenant.

A copy of the lease, signed by tenant and landlord, shall be given to tenant at the time of signing of the lease.

(City Code, 1976/83, art. 13, §56(a).) (Ord. 81-290.)

§ 7-3. Information required.

(a) *In general.*

(1) Each residential lease shall contain the following information:

- (i) the name, residence address, and residence telephone number or the name, business address, and business telephone number of the owner of the property, or
- (ii) the name, residence address, and residence telephone number or the name, business address, and business telephone number of an agent of the owner who is authorized to receive court process on behalf of the owner in connection with the property.

(2) Any owner who is not customarily present in an office in the metropolitan Baltimore area shall include in the lease the information required above for an agent authorized to receive court process on behalf of the owner.

(b) *Changes.*

(1) Within 10 days of a change in any information required by this section to be contained in a lease, the property owner shall notify the tenant of the change.

(2) The notice shall be sent to the tenant by first class mail.

(City Code, 1976/83, art. 13, §56(b).) (Ord. 81-290; Ord. 02-475; Ord. 13-175.)

§ 7-4. Exemptions.

The provisions of this subtitle do not apply to the following:

- (1) rental units in hotels, motels, inns, tourist homes and rooming and boarding houses which are rented primarily to transient guests for a period of less than 14 days, and
- (2) rental units in any hospital, convent, monastery, extended medical care facility, asylum, non-profit home for the aged, or dormitory owned and operated by an institution of higher education, and

(3) individual rental units which a government unit, agency, or authority owns, operates or manages, and

(4) rental units within the premises occupied by the owner as his residence.

(City Code, 1976/83, art. 13, §56(c).) (Ord. 81-290.)

§ 7-5. Responsibility for compliance.

The owner of the property has primary responsibility for compliance with the provisions of this subtitle.

(City Code, 1976/83, art. 13, §56(d).) (Ord. 81-290.)

§ 7-6. Enforcement by tenant.

A tenant may seek relief from an appropriate court to restrain or enjoin any violation of the provisions of this subtitle.

(City Code, 1976/83, art. 13, §56(f).) (Ord. 81-290.)

§ 7-7. Penalties

Any property owner who leases residential property under a written lease which does not conform to the provisions of this subtitle, or who fails to give a tenant a copy of the lease as provided in this subtitle, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of up to \$100 for each violation.

(City Code, 1976/83, art. 13, §56(e).) (Ord. 81-290.)

**SUBTITLE 8
RENT INCREASES**

§ 8-1. Definitions.

(a) *In general.*

For the purposes of this subtitle, the following words have the meanings indicated.

(b) *Dwelling unit.*

The term “dwelling unit”:

- (1) means a room or group of rooms forming a single habitable unit occupied by 1 or more persons, with facilities which are used or intended to be used by the occupants of such units for living, sleeping, eating, and cooking; and
- (2) includes any common area needed for the use and enjoyment of the unit.

(c) *Landlord.*

The term “landlord” means an owner, lessor, sublessor, assignee, or agent of any thereof or other person receiving or entitled to receive rents or benefits for the use or occupancy of any dwelling or rooming unit, including any person who has an option to buy or who has entered into a contract to buy any dwelling or rooming unit with the intent to offer such dwelling or rooming unit for rent.

(c) *Rental fee.*

The term “rental fee” means the entire amount of money, money’s worth, benefit, bonus, or gratuity demanded, received, or charged by a landlord as a condition of occupancy or use of a dwelling or rooming unit, its related services, and its related facilities.

(d) *Serious defect.*

The term “serious defect” means a condition which constitutes or, if not promptly corrected, will constitute a fire hazard or a serious and substantial threat to the life, health, or safety of occupants, including, but not limited to:

- (1) lack of heat, of light, electricity, or of hot or cold running water, except where the tenant is responsible for the payment of the utilities and the lack thereof is the direct result of the tenant’s failure to pay the charges; or
- (2) lack of adequate sewage disposal facilities; or
- (3) infestation of rodents in a dwelling unit (except if the property is a 1-family dwelling); or
- (4) the existence of paint containing lead pigment on surfaces within the dwelling unit; or
- (5) the existence of any structural defect which presents a serious and substantial threat to the physical safety of the occupants; or
- (6) the existence of any condition which presents a health or fire hazard to the dwelling unit.

(e) *Tenant.*

The term “tenant” includes a tenant, subtenant, lessee, sublessee, or other person entitled to the possession, occupancy, or the benefits thereof, of any dwelling unit.
(*City Code, 1976/83, art. 13, §57(a).*) (*Ord. 81-280.*)

§ 8-2. Rent increase barred — on violation notice not generated by tenant.

(a) *In general.*

When, as a result of any inspection not generated by a tenant complaint, a landlord receives a violation notice citing a serious defect, then the landlord cannot increase the rental fee for those premises until the defects are corrected and the notice abated.

(b) *30 days for repair of serious defects.*

If the serious defects cited in the notice are repaired and the notice abated within 30 days from the date of the expiration of the notice, then the increase in the rental fee shall be deemed to begin, and be fully and finally effective for the balance of the term of the lease, from and after the date of the abatement or at the time of the lease renewal, whichever time comes later.

(c) *60 days for repair of less than serious defects.*

If the defects are less than serious, then they must be repaired within 60 days from the date of the expiration of the notice. If less than serious defects are not repaired within the 60-day period, then the rental fee shall revert to the fee charged at the time of the violation notice.

(d) *Failure to repair timely.*

If the defects are not repaired within the 30-day period for serious defects or the 60-day period for less than serious defects, then the landlord shall be prohibited from increasing the rental fee until 6 months after the date of abatement.

(e) *Extension for certain repairs.*

When the landlord receives notice of exterior violations between October 1 and April 1 for repairs which require an air temperature of 50° F or above, for these defects only the above 60-day period shall be deemed to expire on June 1.

(*City Code, 1976/83, art. 13, §57(b).*) (*Ord. 81-280.*)

§ 8-3. Rent increase barred — on violation notice generated by tenant.

(a) *In general.*

When a tenant complaint results in a landlord receiving a violation notice, in order for the limitations and restrictions in § 8-2 above to apply to a landlord, either:

- (1) the written violation notice must be issued more than 60 days before the increase is to take effect;
or
- (2) the tenant must have filed a written complaint with the Commissioner, with a copy thereof to the landlord, prior to receiving a rent increase notice.

(b) *When notice presumed received.*

For the purpose of the tenant's rights under this section, any notice of a rent increase is presumed to be received by the tenant no earlier than 60 days prior to the expiration of the lease, unless a lease provides for a longer notice requirement not to exceed 90 days.

(City Code, 1976/83, art. 13, §57(c).) (Ord. 81-280.)

§ 8-4. Landlord's right of review.

The provisions of this subtitle do not limit a landlord's right, under the applicable provisions of the City Building, Fire, and Related Codes Article, to an administrative review of a violation notice.

(City Code, 1976/83, art. 13, §57(d).) (Ord. 81-280; Ord. 02-475; Ord. 15-427.)

§ 8-5. Enforcement by tenant.

A tenant may seek relief from an appropriate court to restrain or enjoin any violation of the provisions of this law.

(City Code, 1976/83, art. 13, §57(e).) (Ord. 81-280.)

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SUBTITLE 8A
EVICITION CHATTELS

§ 8A-1. Definitions.

(a) *In general.*

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

(b) *Eviction chattels.*

“Eviction chattels” means any property removed from a leased dwelling under a warrant of restitution.

(c) *Leased dwelling.*

“Leased dwelling” means any dwelling unit, rooming unit, efficiency unit, or other living quarters, whether in a single-family dwelling, a multiple-family dwelling, an apartment complex, or otherwise, that was occupied under a lease between a tenant and a landlord.

(d) *Foreclosure purchaser.*

“Foreclosure purchaser” means:

(1) any person who purchases real property in:

- (i) a foreclosure sale under Maryland Rules Title 14 {“Sales of Property”}, Chapter 200 {“Foreclosure of Lien Instruments”};
- (ii) a judicial sale under Maryland Rules Title 14 {“Sales of Property”}, Chapter 300 {“Judicial Sales”}; or
- (iii) a tax sale under Maryland Rules Title 14 {“Sales of Property”}, Chapter 500 {“Tax Sales”}; and

(2) any substituted purchaser, as defined in Maryland Rule 14-207(f)(3).

(*Ord. 07-496; Ord. 08-041.*)

§ 8A-2. Notice of pending dispossession.

(a) *Scope.*

The requirement to provide notice under subsection (b) of this section does not apply to any judgment entered:

- (1) in favor of a foreclosure purchaser; or
- (2) in favor of a landlord for possession of a leased dwelling under one of the following sections of the State Real Property Article:

- (i) § 14-120 {"Abatement of nuisance; dangerous substances"};
- (ii) § 14-123 {"Baltimore City nuisance actions"};
- (iii) § 8-402 {"Tenant holding over"};
- (iv) § 8-402.1 {"Breach of lease [after written notice and show cause hearing]"}; or
- (v) § 8-402.4 {"Wrongful detainer"}.

(b) *Notice required.*

Whenever a judgment is entered in favor of the landlord for possession of a leased dwelling, the landlord shall notify the tenant of the date on which the warrant of restitution is first scheduled to be executed by the Sheriff.

(c) *How given.*

The notice shall be:

- (1) mailed by first-class mail with certificate of mailing at least 14 days before the first scheduled date of execution; and
- (2) posted on the premises at least 7 days before the first scheduled date of execution.

(d) *Contents.*

The notice shall:

- (1) state the District Court Summary Ejectment Case Number, the tenant's name, and the address of the leased dwelling;
- (2) specify the date on which the eviction is first scheduled to be executed;
- (3) state that the eviction will be executed on that date unless:
 - (i) the tenant moves out and returns control of the property to the landlord; or
 - (ii) the tenant exercises the right to redemption under State Real Property Article § 8-401(e), unless the right to redeem has been foreclosed or otherwise is inapplicable;
- (4) prominently warn the tenant that any property left in the leased dwelling will be considered abandoned and may be disposed of on execution of the warrant of restitution; and
- (5) state that it is the final notice of the date of the eviction, even if the eviction date is postponed by the Sheriff or the court.

(e) *Charge for notice.*

A landlord may charge the tenant for expenses incurred in providing this notice, up to a maximum of \$5.

(Ord. 07-496; Ord. 08-041; Ord. 11-458.)

§ 8A-3. Vacating execution of warrant.(a) *By Sheriff.*

If the Sheriff reasonably believes that the landlord did not provide the tenant with the notice required by § 8A-2 of this subtitle, the Sheriff shall notify the District Court and may not execute the warrant of restitution until further order of the Court.

(b) *By District Court.*

If the District Court finds that the landlord did not provide the tenant with the notice required by § 8A-2 of this subtitle, the District Court shall vacate the warrant of restitution.

(c) *Presumption that tenant notified.*

If the landlord provides a copy of the notice, certificate of mailing, and signed affidavit by the person who posted the property, all of which are dated within the proper time periods required by § 8A-2 of this subtitle, there is a rebuttable presumption that the tenant was notified.

(Ord. 07-496; Ord. 11-458.)

§ 8A-4. Unclaimed property is abandoned.(a) *In general.*

All property in or about the leased premises at the time that the warrant of restitution is executed is abandoned.

(b) *No liability.*

Neither the landlord nor someone acting on the landlord's behalf is liable for any loss or damage to abandoned property.

(Ord. 07-496.)

§ 8A-5. Disposition of abandoned property.(a) *Required methods.*

The landlord shall dispose of abandoned eviction chattels by:

- (1) transporting them to a licensed landfill or solid waste facility;
- (2) donating them to charity; or
- (3) some other legal means.

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

- (1) A landlord who disposes of eviction chattels at a City-owned or operated landfill or solid waste facility may be charged no more than the same fees charged to the Housing Authority of Baltimore City (HABC).
- (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 Rental Dwellings"}.
- (3) The Department of Public Works may adopt rules and regulations to carry out this subsection.
- (4) A person may not make any false or misleading representation in connection with the fee rate authorized by this subsection.

(*Ord. 07-496; Ord. 18-130.*)

§ 8A-6. Prohibited placement in public way.

Under no circumstances may eviction chattels, abandoned or otherwise, be placed in a public right-of-way or on any public property.

(*Ord. 07-496.*)

§§ 8A-7 to 8A-8. {Reserved}**§ 8A-9. Penalties.**(a) *In general.*

Any person who violates any provision of § 8A-5 or § 8A-6 of 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.

(*Ord. 07-496.*)

SUBTITLE 8B
FORECLOSURE CHATTELS

§ 8B-1. Definitions.

(a) *In general.*

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

(b) *Foreclosure purchaser.*

“Foreclosure purchaser” means:

(1) any person who purchases residential property in:

- (i) a foreclosure sale under Maryland Rules Title 14 {“Sales of Property”}, Chapter 200 {“Foreclosure of Lien Instruments”};
- (ii) a judicial sale under Maryland Rules Title 14 {“Sales of Property”}, Chapter 300 {“Judicial Sales”}; or
- (iii) a tax sale under Maryland Rules Title 14 {“Sales of Property”}, Chapter 500 {“Tax Sales”}; and

(2) any substituted purchaser, as defined in Maryland Rule 14-207(f)(3).

(*Ord. 08-041.*)

§ 8B-2. Notice of pending dispossession.

(a) *Notice required.*

Whenever a judgment is entered in favor of a foreclosure purchaser for possession of the residential property purchased and the Court has issued a writ of possession, the foreclosure purchaser shall notify any occupant of the property of the date on which the writ of possession is first scheduled to be executed by the Sheriff.

(b) *How given.*

The notice shall be:

- (1) mailed both by first-class mail with certificate of mailing at least 14 days before the first scheduled date of execution; and
- (2) posted on the premises at least 7 days before the first scheduled date of execution.

(c) *Contents.*

The notice shall:

- (1) state the Circuit Court Writ of Possession Case Number, the occupant's name, if known, the phrase "or current occupant", and the address of the property;
- (2) specify the date on which the eviction is first scheduled to be executed;
- (3) state that the eviction will be executed on that date unless the occupant moves out and delivers control of the property to the foreclosure purchaser;
- (4) prominently warn the occupant that any personal property left on the foreclosed property will be considered abandoned and may be disposed of on execution of the writ of possession; and
- (5) state that it is the final notice of the date of the eviction, even if the eviction date is postponed by the Sheriff or the court.

(Ord. 08-041; Ord. 11-458.)

§ 8B-3. Vacating execution of writ.

(a) *By Sheriff.*

If the Sheriff reasonably believes that neither the Sheriff nor the foreclosure purchaser provided the occupant with the notice required by § 8B-2, the Sheriff shall notify the Circuit Court and may not execute the writ of possession until further order of the Court.

(b) *By Circuit Court.*

If the Circuit Court finds that neither the foreclosure purchaser nor the Sheriff provided the occupant with the notice required by § 8B-2 of this subtitle, the Circuit Court shall vacate the writ of possession.

(c) *Presumption that occupant notified.*

If the foreclosure purchaser provides a copy of the notice, certificate of mailing, and signed affidavit by the person who posted the property, all of which are dated within the proper time periods required by § 8B-2 of this subtitle, there is a rebuttable presumption that the occupant was notified.

(Ord. 08-041; Ord. 09-217; Ord. 11-458.)

§ 8B-4. Unclaimed property is abandoned.

(a) *In general.*

All personal property in or about the foreclosed property at the time that the writ of possession is executed is abandoned.

(b) *No liability.*

Neither the foreclosure purchaser nor someone acting on the purchaser's behalf is liable for any loss or damage to abandoned property.

(Ord. 08-041.)

§ 8B-5. Disposition of abandoned property.

The foreclosure purchaser shall dispose of abandoned personal property by:

- (1) transporting it to a licensed landfill or solid waste facility;
- (2) donating it to charity;
- (3) donating it to the former occupant or former owner; or
- (4) some other legal means.

(Ord. 08-041.)

§ 8B-6. Prohibited placement in public way.

Under no circumstances may any property, abandoned or otherwise, be placed in a public right-of-way or on any public property.

(Ord. 08-041.)

§§ 8B-7 to 8B-8. {Reserved}**§ 8B-9. Penalties.**

(a) *In general.*

Any person who violates any provision of § 8B-5 or § 8B-6 of 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.

(Ord. 08-041.)

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SUBTITLE 9
RENTAL UNITS IN FLOODPLAIN DISTRICT

§ 9-1. Definitions.

(a) *In general.*

For the purposes of this subtitle, certain words, terms and phrases, and their derivatives, shall be construed and given the meaning specified in this section.

(b) *Floodplain District.*

“Floodplain District” means the Floodplain District and Subdistricts established under the Floodplain Management Code, City Code Article 7 {“Natural Resources”}, Division I {“Floodplain Management”}.

(c) *Landlord.*

“Landlord” means an owner, lessor, sublessor, assignee, any agent thereof or any other person receiving or entitled to receive rents or benefits for the use or occupancy of any residential rental unit within the City of Baltimore.

(d) *Owner.*

“Owner” means any person or entity having legal or equitable title to 1 or more rental units.

(e) *Purchaser.*

“Purchaser” means anyone who purchases 1 or more rental units.

(f) *Tenant.*

“Tenant” means a tenant, subtenant, lessee, sublessee, or other person entitled to the possession of any rental unit owned by another person, and of whom the landlord of said unit has actual knowledge.

(City Code, 1976/83, art. 13, §59.) (Ord. 82-754; Ord. 14-209.)

§ 9-2. Notice to prospective tenant.

If any part of a rental unit, including the parking area or separate storage area for that unit, is within the Floodplain District, and the City has notified the landlord of that fact by first class mail, bulk mail, or otherwise, or the landlord has received notice of that fact from some other governmental agency, the landlord shall provide any prospective tenant with the following notice and acknowledgment:

NOTICE TO PROSPECTIVE TENANT

The rental unit you are to occupy or the motor vehicle parking area or separate storage facility you are to use (as the case may be) is situated in an area prone to flooding during unusually heavy or prolonged steady periods of rain. Such flooding may damage personal belongings and motor

vehicles. Because of this possible loss, you may be eligible for U. S. Government subsidized flood insurance on the personal belongings in your unit. In any event, because of this danger of loss of your personal belongings due to flooding, you may wish to consider acquiring flood insurance which may be purchased from some insurance agents.

Damage to motor vehicles may not be covered by such insurance; therefore you may also wish to determine whether or not you have sufficient motor vehicle insurance to cover loss due to damage of your motor vehicle resulting from flooding in this area.

The Baltimore City Department of Planning can provide information pertaining to the susceptibility of this area to flooding. You may wish to contact that Department, at (telephone number), before signing either this acknowledgment or the lease agreement for this rental unit.

ACKNOWLEDGMENT BY PROSPECTIVE TENANT

I acknowledge reading and understanding the foregoing warning concerning flooding. I have been provided time, prior to signing either this acknowledgment or a lease, to contact the Baltimore City Department of Planning concerning the susceptibility of the area around my rental unit to flooding.

Tenant's Signature

(City Code, 1976/83, art. 13, §60.) (Ord. 82-754; Ord. 14-209.)

§ 9-3. Form of notice.

The NOTICE AND acknowledgment required by § 9-2 of this subtitle shall be in printed form, utilizing bold face type, AND set apart from the body of the lease. THE acknowledgment shall provide space for a written acknowledgment that the tenant is cognizant of the flood risk.

(City Code, 1976/83, art. 13, §61.) (Ord. 82-754; Ord. 14-209.)

§ 9-4. Method of presentment.

(a) *Written lease.*

Where there is a written lease between the landlord and tenant, the notice and acknowledgment required by § 9-2 of this subtitle shall be initialed by both parties and attached in a secure manner to the lease.

(b) *Oral lease.*

Where the lease agreement between the landlord and tenant is oral, the notice and acknowledgment required by § 9-2 of this subtitle shall be presented to the tenant before his agreeing to the lease.

(City Code, 1976/83, art. 13, §62.) (Ord. 82-754; Ord. 14-209.)

§ 9-5. Liability for omission.

Any landlord who has received notice from the City or any other governmental agency that the tenant's unit is within the Floodplain District and who has failed to give the notice and acknowledgment referred to in § 9-2 of this subtitle shall be liable for actual damages proximately caused by natural flooding.

(City Code, 1976/83, art. 13, §63.) (Ord. 82-754; Ord. 14-209.)

§ 9-6. {Vacant}**§ 9-7. Affidavit of owner.**

Prior to the transfer of title from owner to purchaser of rental units situated in an area prone to flooding during unusually heavy or prolonged steady periods of rain, it shall be a precondition to the payment of the transfer tax imposed by Article 28, Subtitle 17 of the Baltimore City Code that the owner file an averment under penalty of perjury stating that he has notified the purchaser in writing of the possibility of such flooding. Such averment shall be filed with the Director of Finance of Baltimore City.

(City Code, 1976/83, art. 13, §65.) (Ord. 82-754.)

§ 9-8. Landlord's burden of proof.**(a) In general.**

In any civil action resulting from the provisions of this subtitle, the landlord shall bear the burden of proving that the tenant has been provided with the notice required by either § 9-2 or 9-6 of this subtitle, as the case may be.

(b) Presumption of compliance — signed notice.

It shall be a rebuttable presumption that the landlord has satisfied said burden if he can produce said notice with the tenant's signature affixed thereto.

(c) Presumption of compliance — proof of mailing.

It shall be a rebuttable presumption that the landlord has satisfied said burden for any tenants who were tenants at the effective date of this subtitle if the landlord can produce a proof of mailing to current tenants of whom the landlord has actual knowledge.

(City Code, 1976/83, art. 13, §66.) (Ord. 82-754.)

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SUBTITLE 10
CONDOMINIUMS

§ 10-1. Legislative findings.

(a) *Rental housing shortage.*

The Mayor and City Council of Baltimore hereby finds and declares that a rental housing shortage presently exists in 2 areas of Baltimore City of emergency proportions which has been caused, in large part, by the conversion of rental housing to condominiums. In addition, at the present time the number of conversions to condominium regimes is accelerating at a rapid rate.

(b) *Conversions exacerbating shortage.*

These increasing numbers of conversions exacerbate an already severe shortage of moderate rental housing in the City while the poor economic conditions in the building trades have almost halted the construction of new rental units. As a result, the Mayor and City Council finds that the combination of the conversion of existing rental units and the lack of construction of new rental units has resulted in an extreme scarcity of rental housing in the City and insufficient numbers of rental units available to low and moderate income tenants.

(c) *Hardships on displaced tenants.*

The Mayor and City Council further finds that conversions of rental units has resulted in the displacement of tenants and caused these tenants severe financial and emotional stress in their need to relocate. Studies have shown that elderly and handicapped tenants suffer serious emotional and physical disturbances when they are advised that their buildings are being converted into condominiums.

(d) *Protections required.*

Accordingly, the Mayor and City Council finds that it is in the interests of the public health, safety and general welfare that the following provisions be added to the existing laws. (*City Code, 1976/83, art. 13, §67.*) (*Ord. 82-777.*)

§ 10-2. Definitions.

(a) *In general.*

The following words have the meanings indicated unless their context requires otherwise.

(b) *Commissioner.*

“Commissioner” means the Commissioner of the Department of Housing and Community Development.

(c) *Condominium; condominium regime.*

“Condominium” and “condominium regime” mean property established as a condominium regime under Title 11 of the State Real Property Article.

(d) *Condominium unit; unit.*

(1) “Condominium unit” and “unit” mean a 3-dimensional space identified as such in the declaration and on the condominium plat the boundaries of which are established in accordance with Title 11 of the State Real Property.

(2) A unit may include 2 or more non-contiguous spaces.

(e) *Conversion.*

“Conversion” means the subjection of a property which was previously rental facility to a condominium regime.

(f) *Designated household.*

“Designated household” shall include a household with a senior citizen who:

(1) is at least 60 years old on the date the conversion notice is given, as required by § 11-102.1 of the State Real Property; and

(2) has lived in the household at least 12 months preceding the giving of the notice.

(g) *Developer.*

“Developer” means any person who subjects his/her property to a condominium regime.

(h) *Landlord.*

“Landlord” means:

(1) the owner, the owner’s agent, lessor, or sublessor of the dwelling unit or the property of which it is a part; and

(2) in addition, any person authorized to exercise any aspect of the management of the premises except those persons engaged solely in custodial and maintenance functions.

(i) *Person.*

“Person” means an individual, corporation, partnership, association, organization, or any other legal entity.

(j) *Real Property Article.*

“Real Property Article” means the Real Property Article, Annotated Code of Maryland.

(k) *Rental facility.*

“Rental facility”:

(1) means any structure, or combination of related structures and appurtenances, operated as a single entity, containing 5 or more dwelling units, which the operator thereof provides for; but

(2) shall not be construed to mean:

(i) any transient facility such as boarding houses, tourist homes, inns, motels, hotels, school dormitory, hospitals, *{or}* medical facilities; or

(ii) any facilities operated for religious or eleemosynary purposes.

(City Code, 1976/83, art. 13, §68.) (Ord. 82-777.)

§ 10-3. Notices to City.(a) *Intention to create regime.*

A developer shall file with the Commissioner of the Department of Housing and Community Development a copy of the notice of intention to create a condominium concurrently with the giving of such notice to tenants under § 11-102.1 of the Real Property Article.

(b) *Subjection of property to regime.*

The owner or developer of any property in the City shall give written notice to the Commissioner of the subjection of the property to a condominium regime in the City, concurrently with the recordation of the declaration, by-laws, and condominium plat in the land records of the City under § 11-102 of the Real Property Article.

(c) *Public offering statement.*

The owner or developer shall file with the Commissioner concurrently with filing with the Secretary of State under § 11-127 of the Real Property Article, copies as required by Executive Regulation of the public offering statement described in § 11-126 of the Real Property Article, and copies of all amendments thereto.

(City Code, 1976/83, art. 13, §69.) (Ord. 82-777.)

§ 10-4. Designated areas.

The provisions of this subtitle shall apply only to the designated areas which are bounded by the following streets, the boundary streets to be included:

(1) The Northwest District is that area bounded by the following streets:

Beginning at the intersection of Roland Avenue and the City line, south on Roland Avenue to the intersection of Roland and Northern Parkway, then west on Northern Parkway to the intersection of Northern Parkway and Western Maryland Railroad and then north along the Western Maryland Railroad right-of-way to the intersection of the right-of-way and the City line.

(2) The Central District is that area bounded by the following streets:

Beginning at the intersection of Charles Street and Wyndhurst, west on Wyndhurst to the intersection of Wyndhurst and Keswick, then south on Keswick to the intersection of Keswick and Cold Spring Lane, then west on Cold Spring Lane to the intersection of Cold Spring Lane and Evans Chapel Road, south on Evans Chapel Road to the intersection of Evans Chapel Road and 41st Street, then east on 41st Street to 40th Street, then east on 40th Street to the intersection of 40th Street and Keswick, then south on Keswick to 39th Street, east on 39th Street to Tudor Arms Avenue, north on Tudor Arms Avenue to the intersection of University Parkway and Tudor Arms Avenue, then south on University Parkway to the intersection of University Parkway and Charles Street, then south on Charles Street to the intersection of Charles Street and Art Museum Drive, west on Art Museum Drive to the intersection of Howard Street and Art Museum Drive, then south on Howard Street to the intersection of Howard and Baltimore Streets, then east on Baltimore Street to the intersection of Baltimore and Guilford Avenue, then north on Guilford Avenue to the intersection of Guilford Avenue and University Parkway, then north on University Parkway to the intersection of University Parkway and Greenway, then north on Greenway to Charles Street, then north on Charles Street to the intersection of Charles and Wyndhurst.

(City Code, 1976/83, art. 13, §70.) (Ord. 82-777.)

§ 10-5. Extended leases.

(a) *Designated households entitled.*

Designated household, as defined in § 11-137 of the Real Property Article, shall be entitled to an extended lease, beyond the 3-year period provided by State law, for a period of no less than 3 additional years. This additional 3-year period shall also apply to any tenant who received a 3-year extension pursuant to State law during the period July 1, 1981 through October 24, 1982.

(b) *Limitation on rent increase.*

Any increase in the rental fee for each of these additional 3 years shall not exceed an amount determined by multiplying the annual rent for the preceding year by the percentage increase for the rent component of the U.S. Consumer Price Index for urban wage earners and clerical workers (CPI-W)(1967=100), as published by the U.S. Department of Labor, for the most recent 12-month period.

(City Code, 1976/83, art. 13, §71.) (Ord. 82-777; Ord. 84-209.)

§ 10-6. Substantial rehabilitation.

If a conversion to condominium involves substantial rehabilitation or reconstruction of a unit, before a designated household can be required to vacate that unit the developer must obtain certification from the Commissioner of Housing and Community Development that the rehabilitation will constitute a danger to the health and safety of the tenants.

(City Code, 1976/83, art. 13, §72.) (Ord. 82-777.)

§ 10-7. Applicability of subtitle.

The provisions of this subtitle and of § 11-137 of the Real Property Article shall apply to all rental facilities containing 5 or more units.

(City Code, 1976/83, art. 13, §73.) (Ord. 82-777.)

§ 10-8. Complaints; penalties; enforcement.*(a) Complaints to Commissioner.*

- (1) Any person subjected to any unlawful practice as set forth in this subtitle may file a complaint in writing with the Commissioner of the Department of Housing and Community Development.
- (2) The Commissioner of the Department of Housing and Community Development is hereby authorized and directed to receive complaints filed pursuant to this subtitle and to conduct such investigations and hearings as he deems necessary.

(b) Actions by Commissioner.

Whenever it is determined by the Commissioner of the Department of Housing and Community Development that there has been a violation of this subtitle the Commissioner is authorized to commence with 1 or more of the following procedures:

- (1) attempt to conciliate the matter by conference or otherwise and secure a written conciliation agreement; or
- (2) seek a written assurance of discontinuance which shall be signed by the developer and the Commissioner; or
- (3) refer the matter to the City Solicitor for injunctive or other appropriate legal action.

(d) Penalties.

Any owner or developer who violates any provision of this subtitle shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than \$500 or imprisonment for a period of not more than 6 months, or both.

(e) Injunctive action.

In addition to any criminal or other penalty herein provided, injunctive or other appropriate action or proceeding to correct a violation of this subtitle may be instituted by the City Solicitor and any court of competent jurisdiction may issue restraining orders, temporary or permanent injunctions or other appropriate forms of relief.

(f) Other rights preserved.

Nothing herein shall prevent any person from exercising any right or seeking any remedy to which such person might otherwise be entitled or from filing an appropriate complaint with a court of law or equity.

(City Code, 1976/83, art. 13, §74.) (Ord. 82-777.)

§ 10-9. Extended lease benefits; income eligibility.

(a) *Income eligibility figure.*

Effective July 1, 1983 the income eligibility figure applicable to designated households seeking an extended lease under the provisions of this subtitle and of § 11-137 of Title 11, the Maryland Condominium Act, of the Real Property Article, Annotated Code of Maryland, shall be the income eligibility figure prepared annually by the Secretary of State for the Baltimore Standard Metropolitan Statistical Area.

(b) *Section applies Citywide.*

The provisions of this section shall apply throughout the City, whether the dwelling is within or without a designated area as defined in § 10-4 above.
(*City Code, 1976/83, art. 13, §75.*) (*Ord. 83-944.*)

DIVISION III: VACANT LOTS; PEEP SHOW ESTABLISHMENTS**SUBTITLE 11
REGISTRATION OF VACANT LOTS****§ 11-1. Definitions.**(a) *In general.*

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

(b) *Building.*

“Building” means a structure or edifice of any kind constructed for the shelter, support, or enclosure of persons, animals, chattels, or operations.

(c) *Lot.*

“Lot” means an individual parcel of real property or a portion of a block that is identified by a symbol in accordance with City Charter Article VII, § 116(k) and shown on a block plat filed among the records of the Department of Transportation.

(d) *Owner.*

(1) “Owner” has the meaning stated in § 202.2 of the Baltimore City Property Maintenance Code, except as provided in paragraph (2) of this subsection.

(2) “Owner” does not include a governmental entity or an instrumentality or unit of a governmental entity.

(e) *Vacant.*

“Vacant” means unimproved by an assessed building.

(City Code, 1976/83, art. 13, §58(e).) (Ord. 82-642; Ord. 04-832; Ord. 09-217; Ord. 13-093; Ord. 15-427; Ord. 15-435.)

§ 11-2. Registration required.(a) *Owner to register annually.*

Except as provided in subsection (d) of this section, by September 1 of each year, the owner of a vacant lot that is assessed for \$100 or more must file a registration statement with the Commissioner on a form to be provided by the Commissioner.

(b) *Registration fee.*

(1) The annual registration fee is \$25 for each vacant lot, with a maximum fee of \$5,000 for all lots titled to the same owner of record.

(2) This fee must be paid at the time of registration.

(c) *Purchaser to register on acquisition.*

A new owner of a vacant lot must, at the time of acquisition:

(1) file a registration statement; and

(2) pay the annual registration fee, unless that fee already was paid by the prior owner.

(d) *Exceptions.*

This section does not apply to a vacant lot that:

(1) adjoins a non-vacant lot that is titled to the same owner of record as the vacant lot and is the owner's primary residence;

(2) contains a parking pad that complies with the surface requirements of Baltimore City Building Code § 3112 and is actively used by a person whose primary residence is within 100 feet of the pad; or

(3) extends beyond City limits.

(City Code, 1976/83, art. 13, §58(a)-(c).) (Ord. 82-642; Ord. 04-832; Ord. 10-269; Ord. 13-093.)

§ 11-3. Information required with registration.

(a) *In general.*

The registration statement shall contain the following information:

(1) a description of the premises by street number or otherwise, in such manner as to enable the Commissioner to find the same;

(2) the name and address of the owner of record, and in addition, if the owner is a corporation, the name and address of the resident agent thereof; *{and}*

(3) the name and residence or business address of a natural person 18 years of age or older, who is customarily present in an office in the City for the purposes of transacting business or who resides within the City, and who shall be designated by the owner as his authorized agent for receiving notices of violations relating to the property and for receiving court process on behalf of such owner in connection with the enforcement of ordinances relating to the property.

(b) *Owner-agent.*

An owner who is a natural person and who meets the requirement of this section as to location of residence or place of transacting business, may designate himself as agent.

(c) *Post-office box insufficient.*

For purposes of this section a post office box does not suffice as an address.

(d) *Notice of change of agent or address.*

The Commissioner must be notified within 10 days of any change in the agent designated in accordance with subsection (a) above or in the agent's address.

(*City Code, 1976/83, art. 13, §58(d).*) (*Ord. 82-642.*)

§ 11-4. Interest and late fees.(a) *In general.*

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

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

(b) *Remedy not exclusive.*

The interest and late fee imposed by this section are in addition to any other penalties authorized by law.

(c) *Unpaid sum a personal debt and lien.*

- (1) All registration fees, interest, and late fees provided for in this section are a personal debt owed by the owner of the vacant lot.
- (2) These fees and interest:

(i) are a lien in favor of the Mayor and City Council of Baltimore on the vacant lot; and

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

(*City Code, 1976/83, art. 13, §58(g).*) (*Ord. 82-642; Ord. 04-832.*)

§ 11-5. Criminal penalties.(a) *In general.*

Any violation of the provisions of this subtitle shall be deemed a misdemeanor, and upon conviction therefor, any such owner shall be punishable by a fine of up to \$300 for each day of violation.

(b) *Notice not required.*

Any owner of a vacant lot subject to this subtitle, who shall fail to file a registration statement as required by this section, shall be liable for said penalty without notice.
(*City Code, 1976/83, art. 13, §58(f).*) (*Ord. 82-642.*)

SUBTITLE 12
{RESERVED}

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SUBTITLE 13
LICENSING OF PEEP SHOW ESTABLISHMENTS

§ 13-1. Definitions.

(a) *In general.*

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

(b) *Commissioner.*

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

(c) *Peep show establishment.*

(1) *In general.*

“Peep show establishment” means a building or any part of a building that contains 1 or more peep show devices.

(2) *Exclusions.*

“Peep show establishment” does not include a theater for the production and viewing of the performing arts or motion pictures, as described in § 303.1 (Assembly Group A-1) of the Baltimore City Building Code.

(d) *Peep show device.*

(1) *In general.*

“Peep show device” means any device operated for commercial purposes in which:

- (i) motion picture or slide films are projected or viewed on a screen or through a viewer;
or
- (ii) viewed images are exhibited by means of the projection of internal electronic reflection of motion-picture or slide films.

(2) *Exclusions.*

“Peep show device” does not include television that reflects externally transmitted images.

(e) *Person.*

(1) *In general.*

“Person” means:

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

(2) *Exclusions.*

“Person” does not include a governmental entity or an instrumentality or unit of a governmental entity.

(Ord. 02-475; Ord. 13-093.)

§ 13-2. {Reserved}

§ 13-3. License and compliance required.

No person may operate a peep show establishment unless the person:

- (1) obtains a license from the Commissioner for the operation of the establishment, and
- (2) complies with the provisions of this subtitle.

(Ord. 02-475.)

§ 13-4. License term; fee.

(a) *Term*

Each license issued under this subtitle expires on December 31 of each year.

(b) *Fee.*

- (1) The annual fee for the license is \$100 for each peep show device in the establishment.
- (2) This fee is in addition to any other fees chargeable by the City under City Code Article 15 {“Licensing and Regulation”}.
- (3) This fee is non-refundable, even if the establishment discontinues operation or is sold, given away, or otherwise disposed of.

(Ord. 02-475.)

§ 13-5 Investigation of applicant.

The Commissioner must investigate each applicant for a new or renewal license to determine that:

- (1) the applicant did not knowingly make a material misstatement in the application; and
- (2) the establishment and its operation will comply with the requirements of:

- (i) the Building, Fire, and Related Codes of Baltimore City,
- (ii) the Health Code of Baltimore City;
- (iii) the Zoning Code of Baltimore City; and
- (iv) all other applicable laws.

(Ord. 02-475; Ord. 07-552.)

§ 13-6. Issuance of license.

The Commissioner must issue or renew the license if, on investigation, the Commissioner finds that all the requirements of this subtitle are met.

(Ord. 02-475.)

§ 13-7. Denial of license.

- (a) *In general.*

The Commissioner may deny an application if, after the applicant has been given the opportunity for a hearing, the Commissioner finds that any requirement of this subtitle is not met.

- (b) *Notice of reasons.*

The Commissioner must notify the applicant in writing of the reasons for the denial.

(Ord. 02-475.)

§ 13-8. Revocation or suspension of license.

- (a) *In general.*

The Commissioner may suspend or revoke any license issued under this subtitle if, after the licensee has been given the opportunity for a hearing, the Commissioner finds that:

- (1) the licensee knowingly made a material misstatement on the application for the issuance or renewal of the license; or
- (2) the establishment or its operation is in violation of a requirement of:
 - (i) the Building, Fire, and Related Codes of Baltimore City,
 - (ii) the Health Code of Baltimore City;
 - (iii) the Zoning Code of Baltimore City; or
 - (iv) all other applicable law.

(b) *Notice of decision.*

- (1) The Commissioner must notify the licensee in writing of the reasons for the suspension or revocation.
- (2) The notice must be mailed to the licensee at the address given on the most-recent application for a license.

(c) *12-month bar.*

No person who has had a license revoked may obtain a new license at any time within 12 months from the date of the revocation.

(*Ord. 02-475; Ord. 07-552.*)

§ 13-9. Hearings.

(a) *In general.*

Before the Commissioner denies, suspends, or revokes any license or license renewal, the Commissioner must notify the applicant or licensee in writing that a hearing will be held to determine whether grounds exist for the denial, suspension, or revocation.

(b) *Notice.*

The notice must:

- (1) be mailed to the applicant or licensee, at the address given on the most-recent application, at least 5 days before the scheduled hearing; and
- (2) include the date, time, and place of the hearing.

(c) *Respondent's rights at hearing.*

At the hearing, the applicant or licensee may:

- (1) have the assistance of counsel;
- (2) appear by counsel; and
- (3) present evidence.

(d) *Failure to appear.*

If the applicant or licensee fails to appear at the hearing, in person or by counsel, the evidence of the grounds for the denial, suspension, or revocation are considered un rebutted.

(*Ord. 02-475.*)

§ 13-10. {Reserved}

§ 13-11. Device permit tags.*(a) In general.*

No person may operate a peep show establishment unless every peep show device in the establishment:

- (1) is plainly marked with a serial number; and
- (2) has attached to it a permit tag issued by the Commissioner.

(b) Tag requisites.

A permit tag:

- (1) must be affixed conspicuously to each device;
- (2) must remain so affixed until:
 - (i) a new or different permit tag is issued for that device; or
 - (ii) the license for the establishment is suspended or revoked; and

(3) may not be transferred from 1 person to another or from 1 device to another.

(Ord. 02-475.)

§ 13-12. {Reserved}**§ 13-13. Building and construction requirements.***(a) In general.*

Every peep show establishment must comply with the building and construction requirements of this section, in addition to any other applicable requirements of the Building, Fire, and Related Codes Article of Baltimore City.

(b) Booth construction.

Each booth in which a peep show device is located must be constructed of:

- (1) not less than 1-hour fire-resistive material; or
- (2) other materials approved by the Fire Department.

(c) Booth Size.

- (1) Each booth in which a peep show device is located must contain at least 24 square feet.
- (2) The viewing area must be of a size and arrangement that will assure the inability of more than 1 person to use the device at the same time.

(d) *Aisle widths.*

The aisles of any room in which a peep show device is located must be at least 36 inches wide.

(e) *Ingress and egress.*

For each room in which a peep show device is located, ingress and egress must be provided by:

- (1) at least 2 doorways that are each at least 36 inches wide; or
- (2) 1 doorway that meets all of the requirements of the Baltimore City Building Code and other ordinances and regulations of the City for 1 exit.

(f) *Doorways to be unlocked and signed.*

- (1) Every doorway that provides ingress to a room in which a peep show device is located must remain unlocked during business hours.
- (2) Every doorway that provides egress from a room in which a peep show device is located must be provided with an internally illuminated exit sign.

(g) *Light levels.*

A light level sufficient to insure clear visibility and to permit patrons to read a newspaper must be maintained in every area of a peep show establishment to which the public is admitted.

(Ord. 02-475; Ord. 13-093; Ord. 15-427.)

§ 13-14. Number of devices.(a) *In general.*

The number of peep show devices may not exceed the maximum occupancy load permitted in the room or the partitioned part of a room in which the devices are located.

(b) *Posting.*

The maximum number of peep show devices permitted in any room must be conspicuously posted at the entrance to that room.

(Ord. 02-475.)

§ 13-15. {Reserved}**§ 13-16. Enforcement.**

In addition to any other remedy provided in this subtitle or otherwise by law, this subtitle may be enforced by the Commissioner in the manner provided in § 104 {"Duties and powers of Building Official"} of the Baltimore City Building Code.

(Ord. 02-475; Ord. 12-093.)

§ 13-17. Penalties.

(a) *In general.*

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 for each violation.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.
(*Ord. 02-475.*)

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SUBTITLES 14 TO 15
{RESERVED}

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DIVISION IV: REGULATION OF CONSTRUCTION SERVICES**SUBTITLE 16
GAS APPLIANCES AND PIPING****§ 16-1. Approval criteria.**

To be approved for installation in Baltimore City, appliances, accessories and equipment must:

- (1) be listed by a nationally recognized testing agency such as the American Gas Association, Inc., Laboratories and Underwriters Laboratories, Inc., qualified and equipped for experimental testing and maintaining an adequate periodic inspection of current production of listed models and whose listing states that the appliance, accessory or equipment complies with nationally recognized safety requirements or has been tested and found safe for use in a specified manner; or
- (2) comply with American National Standards Approval or Listing Requirements covering safe operation, substantial and durable construction and acceptable performance and be registered with the Commissioner of Housing and Community Development of Baltimore City.

(City Code, 1976/83, art. 13, §58(f).) (Ord. 82-642.)

§ 16-2. Registration of appliances.**(a) Applications.**

- (1) Application shall be made to the Commissioner of Housing and Community Development of Baltimore City and the applicant shall furnish such information and certificates and cause such tests to be conducted as may be required by the Commissioner to secure proper registration and identification of any appliance, accessory, equipment, sample or model thereof; and before such application shall be approved by the Commissioner he shall determine whether such appliance, accessory, equipment, sample or model thereof described therein conforms to the rules and regulations and specifications hereinafter provided for in § 16-8(a)(1) hereof.
- (2) In connection with such application, the applicant shall file evidence satisfactory to the Commissioner that such appliance, accessory, equipment, sample or model thereof has been examined and tested and found to comply with the rules, regulations, specifications, and requirements as provided for in § 16-8(a)(1). The Commissioner shall not register the appliance, accessory, equipment, sample or model thereof described in said application, unless it shall appear that it conforms to said rules, regulations and specifications, and meets such tests as the Commissioner may prescribe.

(b) Identification.

All appliances, accessories or equipment shall bear an identification number or designation which may be the manufacturer's regular trade name and model number, and when applied for by such manufacturer, it shall be stated in the application for registration, provided that nothing contained in this ordinance shall be construed to apply to appliances, accessories or equipment

used for strictly experimental purposes or for strictly industrial use as may be defined in the rules, regulations and specifications, as provided for in § 16-8(a)(1) hereof.

(c) *Noncompliance.*

If the Commissioner determines that the appliance, accessory or equipment described in any such application for registration does not conform to said rules, regulations and specifications, or if he is not satisfied with the application, he shall notify the applicant forthwith, stating his reasons therefor.

(City Code, 1976/83, art. 13, §35.) (Ord. 80-025.)

§ 16-3. Examination of equipment.

(a) *Commissioner may examine.*

The Commissioner of Housing and Community Development of Baltimore City may at any time cause an examination to be made of any appliance, accessory, or equipment.

(b) *Notice of noncompliance.*

If it shall be found, upon such examination, that such appliance, accessory, or equipment does not comply with the rules, regulations, and specifications, as provided for in § 16-8(a)(1) hereof, or is otherwise unsafe the Commissioner shall notify the registrant, installer, or seller wherein said appliance, accessory, or equipment does not conform to said rules, regulations, and specifications, or wherein it is otherwise unsafe.

(c) *Opportunity to correct.*

The said registrant, installer or seller shall be accorded reasonable opportunity to conform the appliance, accessory, or equipment to said rules, regulations, and specifications, or to correct within a reasonable time the hazardous feature or features thereof.

(d) *Failure to correct.*

(1) If the registrant, installer, or seller shall not within a reasonable time conform the appliance, accessory, or equipment to said rules, regulations, and specifications, or correct the hazardous feature or features of the appliance, accessory, or equipment, the Commission shall cancel the registration of said appliance, accessory, or equipment and notify the registrant, installer, or seller in writing that, after the expiration of 10 days, no such appliance, accessory, or equipment shall be installed, sold, or offered for sale in the City of Baltimore.

(2) Provided that any action of cancellation taken by the Commissioner shall not be construed to prohibit the former registrant from reapplying for registration, in which event all the provisions relating to original applications shall apply.

(City Code, 1976/83, art. 13, §36.) (Ord. 80-025.)

§ 16-4. Cancellation of registration.*(a) When authorized.*

The Commissioner of Housing and Community Development of Baltimore City is authorized to cancel the registration of any model of appliance, accessory, or equipment if any of the rules, regulations, and specifications, as provided for in § 16-8(a)(1) hereof, are violated in the design or performance of any such model or sample.

(b) Hearing.

Provided that no cancellation shall be made without the registrant being first accorded an opportunity of a hearing and to show cause why the registration should not be cancelled and, upon the decision, after hearing by the Commissioner, that such rules, regulations, and specifications are being violated and the application should be cancelled, cancellation shall be effective 10 days after the decision of the Commissioner.

(City Code, 1976/83, art. 13, §37.) (Ord. 80-025.)

§ 16-5. Gas tubing instruments.

Appliances, accessories and equipment herein referred to shall be construed to include instruments for use in connection with gas tubing or appliances which affect the normal and regular use of such tubing or appliances without said device, such as economy devices, accessories, solid tops, and other such equipment which is intended to be used in conjunction with self-contained appliances and which cannot be considered as a gas consuming appliance.

(City Code, 1976/83, art. 13, §38.) (Ord. 80-025.)

§ 16-6. Information.

Any person, firm, or corporation may, without charge, secure from the Commissioner of Housing and Community Development of Baltimore City, information regarding the registration with the said Commissioner of any appliance, accessory, or equipment.

(City Code, 1976/83, art. 13, §39.) (Ord. 80-025.)

§ 16-7. Establishment of Gas Appliance Board.*(a) Composition.*

(1) There is hereby established a Board to be known as “The Gas Appliance Board of Baltimore City”, said Board to consist of 5 members:

- (i) 1 of whom shall be the Commissioner of Housing and Community Development of Baltimore City ex officio;
- (ii) 1 of whom shall be the Director of Construction and Building Inspection of Baltimore City ex officio;
- (iii) 1 of whom shall be the Commissioner of Health of Baltimore City ex officio; and

(iv) 2 of whom shall be appointed by the Mayor.

(2) One of the latter 2 must be a representative of the Baltimore Gas & Electric Company of Baltimore, and the other must be a Master Plumber who must also be a Registered Gas Fitter of Baltimore City.

(b) *Compensation.*

The members of the Board shall receive no compensation for their services hereunder.

(c) *Chair.*

The Mayor shall designate one of the members of the Board as Chairman.

(d) *Recommendation of Board of Estimates.*

The Board of Estimates of Baltimore City has heretofore by Resolution recommended the creation of "The Gas Appliance Board of Baltimore City".

(*City Code, 1976/83, art. 13, §40.*) (*Ord. 80-025; Ord. 99-526.*)

§ 16-8. Duties of Gas Appliance Board.

(a) *In general.*

In order to safeguard and protect the health and safety of the people of Baltimore City, the Board is hereby authorized and empowered to:

- (1) make, adopt and promulgate rules, regulations, and specifications governing the design, construction, and performance of all appliances, accessories, or equipment and/or samples or models thereof for use with, by, or for the combustion of gas as distributed and/or sold in the City of Baltimore, provided that all rules, regulations, and specifications so made, adopted, and promulgated shall be pursuant to but not in conflict with the provisions of this subtitle;
- (2) develop and administer examinations, testing applicants' knowledge of the trade and work of gas fitting; *{and}*
- (3) require, in cases of specific types of gas appliances where the Board deems that public safety warrants it, that persons, including those already registered as Master Gas Fitters and Gas Fitters of Baltimore City, who engage in the installation of such appliances, shall qualify to the Board by additional examinations as having the necessary skill and facilities to perform such work. There shall be no charge for such additional examination.

(b) *Considerations; testing.*

- (1) The Board in making and adopting said rules, regulations, and specifications may consider the rules regulations, and specifications established by the American National Standard Institute, or any other rules, regulations, and specifications relating to said subject.

- (2) Whenever the Board shall determine that it is necessary and/or desirable to test in a laboratory or testing agency any appliance, accessory, or equipment offered for registration, in order to determine whether or not the same complies with the rules, regulations, or specifications prescribed by the Board under the authority of this subtitle, the Commissioner of Housing and Community Development of Baltimore City is hereby authorized to direct said tests to be made by the laboratories of either the United States Bureau of Standards, the Johns Hopkins University, the American Gas Association, or any other laboratory or testing agency approved by the Commissioner; and the Commissioner is hereby further authorized and directed to require the costs of such tests to be paid in advance by the applicant of registration.

(City Code, 1976/83, art. 13, §41.) (Ord. 80-025.)

§ 16-9. Registration and examination of gas fitters.

(a) Registration required.

- (1) The installation of gas piping and gas appliances shall be made by a “Master Gas Fitter of Baltimore City” or by a “Journeyman Gas Fitter of Baltimore City” under the supervision of a “Master Gas Fitter of Baltimore City”, both of whom shall be registered as specified below.
- (2) Every person or at least 1 member of every firm, or 1 officer of every corporation doing or contracting to do gas fitting work shall be registered as a “Master Gas Fitter”.
- (3) Every gas fitter working as a “Journeyman Gas Fitter” shall have a “Journeyman Gas Fitter” registration card.
- (4) “Master Gas Fitter” cards shall be issued to individuals and not to a firm or corporation. A “Master Gas Fitter” may represent only 1 firm or corporation.

(b) Qualifications for Master Gas Fitter.

- (1) Before being registered as a “Master Gas Fitter” the applicant must furnish satisfactory evidence that the applicant has worked at the gas fitting trade for at least 2 years as a “Journeyman Gas Fitter”.
- (2) The applicant shall be required to take a written examination testing the applicant’s knowledge of the gas fitting regulations.
- (3) If a passing grade of at least 75% is achieved the applicant will be subjected to an oral examination which may be accompanied by a practical demonstration.
- (4) The applicant must pass both the oral examination and practical demonstration, if given, to qualify as a “Master Gas Fitter”.

(c) Qualifications for Journeyman Gas Fitter.

- (1) Before being registered as a “Journeyman Gas Fitter” the applicant must furnish satisfactory evidence that:

(c) *License year; renewal fees.*

The license year for all licenses shall run from January 1 through December 31 and renewal fees are as above.

(*City Code, 1976/83, art. 13, §43.*) (*Ord. 80-025; 89-308.*)

§ 16-11. Renewal of licenses.

All persons who are registered pursuant to the provisions of this subtitle shall have their gas fitter license for Baltimore City renewed annually on January 1 without the necessity for reexamination upon the payment of \$75 for Master Gas Fitter or \$25 for Journeyman Gas Fitter.

(*City Code, 1976/83, art. 13, §44.*) (*Ord. 80-025; 89-308.*)

§ 16-12. Lapse of registration.

(a) *Reinstatement — within 6 months.*

Any Master or Journeyman Gas Fitter of Baltimore City who allows his or her registration to lapse may reapply for reinstatement and at the discretion of the Gas Appliance Board of Baltimore City be reinstated upon the payment of the renewal fee.

(b) *Reinstatement — after 6 months.*

However, after a 6-month lapse, the applicant will be treated as a new applicant and will be subjected to the same examination as new applicants and be required to pay the same fees.

(c) *Lapse after testing.*

Any person who has qualified for any gas fitter license but who has not applied for registration within 6 months of being tested shall be required to be retested before a license is issued and pay the applicable examination fee.

(*City Code, 1976/83, art. 13, §45.*) (*Ord. 80-025.*)

§ 16-13. Suspension of registration.

(a) *When authorized.*

Whenever the work of a registered gas fitter of Baltimore City is believed to be unsatisfactory after inspection, or if a gas fitter shall violate any of the rules and regulations promulgated by the Board, his registration may be suspended or revoked by the Commissioner of Housing and Community Development of Baltimore City upon written notice by said Commissioner to such gas fitter that a hearing will be accorded him on a certain day to show cause why such suspension or the revocation should not be made, and after the hearing, the Commissioner may suspend temporarily or revoke permanently the registration of any such gas fitter.

(b) *Reapplication.*

Provided, that whenever the license shall have been revoked permanently, the person shall not be prohibited from reapplying, but such new application shall not be made in a less period than that designated by the Commissioner from the date of permanent revocation, and all of the provisions for original applications shall be applicable.

(City Code, 1976/83, art. 13, §45A.) (Ord. 80-025.)

§ 16-14. Permits for installation of gas piping and gas appliances.

Only registered Master Gas Fitters of Baltimore City may apply and receive permits to install gas piping and gas appliances.

(City Code, 1976/83, art. 13, §45B.) (Ord. 80-025.)

§ 16-15. Duties of Health Commissioner.

Inasmuch as the purpose of this subtitle is to safeguard the people of Baltimore City:

(1) the Commissioner of Health of Baltimore City is directed to report any condition which he believes to be hazardous due to the use of any appliance, accessory, or equipment with, by or for the combustion of gas as distributed and/or sold in the City of Baltimore to the Commissioner of Housing and Community Development of Baltimore City; and

(2) the Commissioner of Housing and Community Development is hereby directed to obtain the advice of the Commissioner of Health in any matter in which he deems that such advice may promote the safety and health of the people of Baltimore.

(City Code, 1976/83, art. 13, §45C.) (Ord. 80-025.)

§ 16-16. Penalties.

Any person, firm, or corporation violating any of the provisions of this subtitle shall be subject to prosecution, and upon conviction shall be subject to a fine of not less than \$5 nor more than \$100 for each offense.

(City Code, 1976/83, art. 13, §45D.) (Ord. 80-025.)

SUBTITLE 17
BOARD OF ELECTRICAL EXAMINERS AND SUPERVISORS

§ 17-1. Definitions.

(a) *In general.*

In this subtitle the following words have the meanings indicated.

(b) *Master electrician.*

“Master electrician” means any person, firm, and corporation engaged in the business of, or holding themselves out to the public as engaged in the business of, installing, erecting, or repairing, or contracting to install, erect, or repair electric wires or conductors, to be used for the transmission of electric current for electric light, heat, or power purposes, or moulding, ducts, raceways, or conduits for the reception or protection of such wires or conductors, or to any electrical machinery, apparatus, devices, or fixtures to be used for electric light, heat, or power purposes.

(c) *Master electrician, restricted.*

“Master electrician, restricted” means any person holding a license limited to servicing and installing electrical services and allied components no larger than 150 amperes-110/220 volt capacity restricted to a single phase operation to be used for electric light, heat, or power purposes in dwellings that do not contain more than 3 dwelling units.

(d) *Restricted electrician.*

“Restricted electrician” means any person holding a license, or applying for a license, entitling such person or applicant to install, maintain, and repair the particular type or types of electrical equipment specified in the license.

(e) *Maintenance electrician.*

“Maintenance electrician” means any person, firm, or corporation engaged in the work of maintaining, servicing, and/or repairing any kind of electrically operated or controlled apparatus, device, equipment, appliance, or machinery, after the original electrical installations have been made by a master electrician licensed by the Board and approved by inspection authorities.

(f) *Board.*

“Board” means the Board of Electrical Examiners and Supervisors of Baltimore City.
(*City Code, 1976/83, art. 13, §76.*) (*Ord. 83-931.*)

§ 17-2. Board.*(a) Composition.*

- (1) The Board shall be composed of 6 members and shall be a part of the Department of Housing and Community Development.
- (2) Of the 6 Board members:
 - (i) 1 shall be the Commissioner of Housing and Community Development or his representative, ex officio;
 - (ii) 3 shall be practicing master electricians licensed in the City of Baltimore, 1 of whom shall be a member of the International Brotherhood of Electrical Workers Local Union No. 24; and
 - (iii) 2 members shall be from the general public.
- (3) The Commissioner or his representative shall not have a vote.
- (4) All appointments to the Board shall be made without regard to political affiliation.

(b) Appointment.

Members of the Board shall be appointed by the Mayor under the provisions of Article IV, § 6 of the Baltimore City Charter.

(c) Residency.

Each member shall be a resident of Baltimore City during his entire term.

(d) Term; vacancies.

- (1) The term of the members is 4 years concurrent with the Mayor's term of office.
- (2) Should any vacancy occur from any cause during the term of any member, the Mayor shall appoint a person from the categories above provided, to fill such vacancy.
- (3) In no event shall any member of the Board be appointed for more than 2 consecutive full terms.

(e) Removal.

The Mayor has the power to remove any member of the Board under the provisions of Article IV, § 6 of the Baltimore City Charter.

(f) *Officers.*

- (1) The Mayor shall appoint one member of the Board to act as chairperson to serve as chairperson at the pleasure of the Mayor.
- (2) The members of the Board may elect other officers and adopt such rules and bylaws for the transaction of business of the Board as they may deem expedient.

(g) *Compensation.*

Each member of the Board shall receive compensation as provided in the Ordinance of Estimates.

(h) *Meetings; duties.*

- (1) The Board shall meet at least twice a month and shall hold special meetings as frequently as the proper and efficient discharge of its business shall require.
- (2) The Board shall adopt such rules and regulations for the examination of master or maintenance electricians as herein defined, and for the maintaining or servicing or the placing, installing, and operating electrical wires, appliances, apparatus, or construction in, upon, and about buildings in the City of Baltimore.
- (3) The Board shall give timely notice of meetings.
- (4) The Board shall give in writing to the chief of the municipal electrical inspectors of Baltimore City a detailed statement of all the licenses issued, renewed or revoked at any meeting of the Board.

(5) The Board may adopt rules and regulations to carry out the provisions of this subtitle.

(City Code, 1976/83, art. 13, §77.) (Ord. 83-931; Ord. 99-526.)

§ 17-3. Licensing required.(a) *In general.*

Before any person, firm, or corporation shall hereafter engage or continue to engage in the work or business of a master or maintenance electrician in Baltimore City, as defined in this subtitle, such person, firm or corporation shall apply to the Board for a license, and the Board shall provide the applicant with the prescribed forms.

(b) *Exceptions.*

This section shall not apply to any person, firm or corporation engaged in the repair and maintenance of electrical appliances and electrical home utilities insofar as making minor adjustments and repairs necessary in connection with the installation and repair of electrical appliances and utilities.

(City Code, 1976/83, art. 13, §78(a), (e).) (Ord. 83-931.)

§ 17-4. Qualifications of applicants.(a) *Age.*

Applicants must be at least 21 years old.

(b) *Experience — general.*

An applicant for examination for a master electrician license shall have been regularly and principally employed or engaged in electrical construction, maintenance, installation and repair of all types of electrical equipment and apparatus, all coming within the purview of and subject to all provisions of this subtitle, for a period of not less than 7 years preceding the date of his application, under the direction and supervision of a master electrician, 3 years of which he supervised or was actively in charge of the electrical installation work.

(c) *Experience — credit for schooling.*

The Board may credit the maximum of 3 years for formal course study or professional training in electrical installation which, in the opinion of the Board, provided comparable experience in training otherwise attainable under the supervision of a master electrician or while employed by a government agency.

(City Code, 1976/83, art. 13, §78(b)(1).) (Ord. 83-931.)

§ 17-5. Applications for license.(a) *In general.*

The application shall be filed with the Board at least 30 days prior to the examination months.

(b) *False statements.*

A false, erroneous, or misleading statement made in an application is cause for rejection of the application or revocation of a license issued to the applicant.

(City Code, 1976/83, art. 13, §78(b)(2), (3).) (Ord. 83-931.)

§ 17-6. Appeal to board of arbitration.(a) *Authorized.*

Any person whose application for license shall have been rejected by the Board shall have the right to appeal to a board of arbitration, which shall consist of 1 person selected by the person making the appeal, 1 person selected by the Board herein created, and these 2 to select a 3rd person.

(b) *Board decision final.*

The decision of said board of arbitration or a majority of them shall be final and binding upon all parties to said appeal.

(c) *Fee for arbitration costs.*

A reasonable fee toward covering the cost of arbitration shall be paid by the appellant but shall be refunded if the appellant prevails.

(City Code, 1976/83, art. 13, §78(b)(4).) (Ord. 83-931.)

§ 17-7. Examinations.

(a) *Fee.*

The applicant shall pay the prescribed examination fee and shall appear before the Board at the time and place fixed by the Board. Any applicant who fails to appear for a scheduled examination is subject to filing a new application and the payment of the fee.

(b) *When held.*

Examinations for master, master restricted, or maintenance electricians shall be held on or about the 2nd Saturday of April and October.

(c) *Type; passing grade.*

(1) The examination will consist of written questions in practical electricity and the Baltimore City and National Electric Codes.

(2) A grade of 70% is required for passing.

(d) *Reexaminations.*

(1) An applicant who fails to pass an initial examination is eligible for any succeeding examination.

(2) An applicant who fails to pass 2 or more examinations is not eligible for another examination within 12 months from the date of the last failed examination.

(3) Separate applications and examination fees are required for each examination.

(City Code, 1976/83, art. 13, §78(c).) (Ord. 83-931.)

§ 17-8. Maintenance electricians.

(a) *Persons providing services to public.*

Any person, firm, or corporation who does not hold a master electrician license and rendering a service to the public to maintain, service, and/or repair any kind of electrically operated or controlled equipment, etc., must have at least 1 representative licensed as a maintenance electrician who is responsible to the Board for all employees under his supervision.

(b) *Persons doing own maintenance, etc.*

- (1) Any person, firm, or corporation doing its own maintenance, service, and/or repairs, on its own premises, must have at least 1 representative so licensed who is responsible to the Board for all employees working under his or their supervision.
- (2) Premises requiring a licensed representative unless they hold a master electrician license are: factories, industrial plants, department stores, theatres, public halls, office buildings, apartment houses, schools, arenas, and any other occupancy (other than private dwelling houses, doing their own maintenance service, and/or repairs) doing its own maintenance, service, and/or repairs.
- (3) Each license so issued shall designate which kinds of apparatus or equipment the licensed representative is qualified to maintain, service and/or repair.

(City Code, 1976/83, art. 13, §78(d).) (Ord. 83-931.)

§ 17-9. Surety bond.(a) *Required.*

Every person, firm, or corporation before receiving a master electrician's license shall make, execute, and deliver to said Board a good and sufficient bond to be approved by said Board, in the name of the City of Baltimore, in the sum of \$2,500, the bond to be conditioned upon the faithful performance of any and all work entered upon or contracted for by said master electrician, and to save harmless the owner, or real party in interest in the property for which any such material is furnished, or services performed against loss, damage, and injury which shall arise through want of skill, or through the failure to use suitable or proper material in the performance of any work contracted for or undertaken by said master electrician, or his or its agents or employees.

(b) *Limitations period.*

An action may be maintained thereon in the name of such owner or real party in interest only if commenced within 1 year from and after the date of the installation of the materials furnished or performance of such work or service.

(c) *"Grandfathers".*

Those licensees who are automatically "grandfathered" into City licensing from state licensing have 10 days from the date thereof (May 1, 1983 or July 1, 1983) within which to file the required bond, and their City license is valid during this period.

(City Code, 1976/83, art. 13, §79(i).) (Ord. 83-931; Ord. 84-010; Ord. 90-628.)

§ 17-10. License issuance, renewal; fees.(a) *Initial issuance.*

The first master, master restricted, or maintenance electrician's license will be issued to a successful applicant upon payment of the proper license fee and receipt of a signed license application form.

(b) *Renewals.*

- (1) Renewals may be obtained by an application to the Board and payment of the renewal fee during a period of 3 months preceding the expiration of the license.
- (2) All persons registered as electricians in Baltimore City on April 30, 1983, and on June 30, 1983, are automatically licensed under this subtitle for the period May 1, 1983, or July 1, 1983, through December 31, 1983, without payment of a fee, and are subject to all its applicable provisions.

(c) *Inactive license.*

- (1) A licensee who holds a valid electrical license from the Board may be classified as inactive status, during which time he shall not install, maintain, service, or repair electrical wires, conductors, or apparatus for heat, light, or power purposes.
- (2) The licensee may retain his license on an inactive basis upon payment of an annual renewal fee.
- (3) A bond must be secured in order for the licensee to return to active status.

(d) *Terms and renewals.*

- (1) All licenses expire as of January 1 of each year, and are subject to a renewal fee.
- (2) Any person, firm, or corporation who desires to renew a license after the expiration date but prior to March 1 will be subject to a payment of a delinquent fee of \$35.
- (3) Any person, firm, or corporation who fails to renew a license by March 1 of any year shall be treated as a new applicant and will be subjected to the same exam as new applicants and be required to pay the same fees.
- (4) Any person, firm, or corporation which renews its license between January 1, 1984 and March 1, 1984 shall not be subject to a renewal fee and shall not be required to take the same examination as a new applicant.

(e) *Fees.*

The following charges shall be made:

- | | |
|--|------|
| (1) Examination | \$35 |
| (2) New Master and Master Restricted License | \$75 |
| (3) New Restricted License | \$75 |
| (4) New Maintenance License | \$50 |
| (5) Renewal of Master and
Master Restricted License | \$75 |

- (6) Renewal of Restricted License \$75
- (7) Renewal of Maintenance License \$50
- (8) Reciprocal License:
 - (i) Master \$75
 - (ii) Master Restricted \$75
 - (iii) Restricted \$75
 - (iv) Maintenance \$50
- (9) License Transfer:
 - (i) Master \$35
 - (ii) Master Restricted \$35
 - (iii) Restricted \$35
 - (iv) Maintenance \$25

(City Code, 1976/83, art. 13, §79(a)-(e).) (Ord. 83-931; Ord. 84-010; Ord. 90-628.)

§ 17-11. Display of license.

Any and all persons granted a license or renewal of same shall display the same in a conspicuous place in the office or place of business of such licensee.

(City Code, 1976/83, art. 13, §79(g).) (Ord. 83-931; Ord. 84-010; Ord. 90-628.)

§ 17-12. License not assignable.

No license or renewal of same granted or issued under the provisions of this subtitle shall be assignable or transferable, and every license and renewal of same shall specify the name of the person, firm, or corporation to whom it is issued, and in the case of a corporation, the principal officer or the designated representatives of said corporation, through whom the application for the said license was made.

(City Code, 1976/83, art. 13, §79(h).) (Ord. 83-931; Ord. 84-010; Ord. 90-628.)

§ 17-13. Suspensions and revocations.

The Board shall have full power to suspend for not more than 90 days or revoke for proper cause any license or renewal of the same after a full hearing of all parties in interest.

(City Code, 1976/83, art. 13, §79(f).) (Ord. 83-931; Ord. 84-010; Ord. 90-628.)

§ 17-14. Application of subtitle.*(a) In general.*

Nothing in this subtitle shall be construed to prevent any person from doing or performing the kinds of work of master, master restricted, or maintenance electrician, as herein defined, provided that such work is performed under the direction and supervision of a duly licensed master or maintenance electrician; but no such work shall be performed excepting under such direction and supervision of a duly licensed master or maintenance electrician, and the said licensed electrician shall be responsible for any and all work so done under his direction and supervision.

(b) Exceptions under law.

The provisions of this subtitle shall not apply:

(1) to journeymen electricians or apprentices while such journeymen or apprentices are practicing their trade of journeymen electrician or apprentice; nor

(2) to any public service companies subject to regulation by the Public Service Commission. *(City Code, 1976/83, art. 13, §80(a), (c).) (Ord. 83-931.)*

§ 17-15. Penalties.

Any person, firm, or corporation who shall practice or engage or continue in the work of a master or maintenance electrician without having complied with all the provisions of this subtitle, and any person not licensed as master or maintenance electrician who shall do or perform any such work except under the direction of a master or maintenance electrician, and any person having been licensed as a master or maintenance electrician and who shall fail to renew his license as herein provided and shall do or perform any such work, or who shall violate any of the provisions of this subtitle, shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not less than \$25 nor more than \$500 or to an imprisonment not exceeding 90 days, or both, in the discretion of the Court, and any such conviction shall ipso facto revoke and annul any license that may have been issued to such person.

(City Code, 1976/83, art. 13, §80(b).) (Ord. 83-931.)

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SUBTITLE 18
ON-SITE UTILITY CONTRACTORS

§ 18-1. Definitions.

(a) *In general.*

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

(b) *Commissioner.*

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

(c) *On-site utility contractor.*

“On-site utility contractor” means any person doing or contracting to do any on-site utility work.

(d) *On-site utility work.*

(1) *In general.*

“On-site utility work” means the installation of and operations on a building sanitary sewer, building storm water sewer, or water service pipe, and any of their appurtenances, on premises:

(i) from the connection at the property line or, for private water and sewage disposal systems, from the connection at the well or septic tank,

(ii) to:

(a) a point at least 5 feet from the foundation wall of any structure on the property; or

(b) if the foundation wall is within 5 feet of the property line, to the foundation wall.

(2) *Exclusions.*

“On-site utility work” does not include a single utility connection for a 1-family dwelling.

(e) *Person.*

(1) *In general.*

“Person” means:

(i) an individual;

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

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

(2) *Exclusions.*

“Person” does not include a governmental entity or an instrumentality or unit of a governmental entity.

(Ord. 02-475.)

§ 18-2. {Reserved}

§ 18-3. On-Site Utility Contractors Board.

(a) *Board established.*

There is an On-Site Utility Contractors Board of Baltimore City.

(b) *Composition.*

The Board consists of the following 5 members:

(1) the Commissioner or designee;

(2) the Director of Construction and Buildings Inspection or designee;

(3) the Director of Public Works or designee;

(4) a member, appointed by the Mayor, who is an on-site utility contractor licensed by the City and resides in or has a place of business in the City; and

(5) a member, appointed by the Mayor, who is a master plumber licensed by the State, has at least 2 years’ experience in utility construction, and resides in or has a place of business in the City.

(c) *Appointments to be nonpartisan.*

Appointments to the Board are to be made without regard to the appointee’s political affiliation.

(d) *Compensation; expenses.*

The appointed members of the Board:

(1) serve without compensation; but

(2) are entitled to reimbursement for reasonable expenses incurred in the performance of their duties, as provided in the Ordinance of Estimates.

(e) *Board chair.*

The Commissioner serves as the Board's chair.
(*Ord. 02-475; Ord. 16-503.*)

§ 18-4. General authority of Board.

To safeguard the health and safety of the people of the City, the Board may:

- (1) adopt rules, regulations, and specifications governing the qualification and licensing of on-site utility contractors in the City;
- (2) develop and administer examinations to test an applicant's knowledge of on-site utility work, if the Board considers testing necessary in a particular case;
- (3) accept applications for licensure as an on-site utility contractor;
- (4) issue, deny, suspend, and revoke licenses as necessary or appropriate; and
- (5) hold hearings on proposed denials, suspensions, and revocations.

(*Ord. 02-475.*)

§ 18-5. Health Commissioner to consult.

The Commissioner of Health or the Commissioner's representative must consult with the Board as necessary from time to time.
(*Ord. 02-475.*)

§ 18-6. {Reserved}

§ 18-7. License required.

No person may perform or directly supervise any on-site utility work in the City unless licensed to do so under this subtitle.
(*Ord. 02-475.*)

§ 18-8. Only individuals to be licensed.

(a) *In general.*

The license may be issued only to an individual and not to a firm or corporation.

(b) *Company representatives.*

For every firm or corporation doing or contracting to do on-site utility work, a license must be obtained:

- (1) by at least 1 member of the firm or 1 officer of the corporation; and

(2) by every on-site supervisor of the on-site utility work.
(Ord. 02-475.)

§ 18-9. Qualifications for license.

(a) *Board to set.*

An applicant for a license must furnish evidence satisfactory to the Board that the applicant meets the qualifications set by the Board.

(b) *Minimum standards.*

These qualifications must:

- (1) be comparable to the prequalification criteria set for contractors in Baltimore City and neighboring jurisdictions; and
- (2) include, but not be limited to, at least 2 years' experience in the installation of building sanitary sewer, building storm water sewer, and water service pipe utilities.

(c) *Additional considerations.*

The Board may consider, but not give conclusive weight to, the fact that an applicant:

- (1) possesses a current on-site utility contractor's license, or its equivalent, issued by another political subdivision of this State; or
- (2) is an officer or employee of a firm or corporation currently prequalified with the City to perform Category B utilities construction work.

(Ord. 02-475.)

§ 18-10 Bonds.

(a) *Required.*

Before any person may be issued an on-site utility contractors license, the person must deliver to the Commissioner a good and sufficient bond satisfactory to the Commissioner, in the name of the City of Baltimore.

(b) *Amount and tenor.*

The bond must be:

- (1) for the amount of \$2,500; and
- (2) conditioned on:
 - (i) the contractor's faithful performance of all work done or contracted for by the on-site utility contractor; and

- (ii) the contractor's indemnifying and saving harmless the City and the owner or real party in interest of the property for which any material is furnished or services performed against loss, failure to use suitable material, or failure to properly perform any work contracted for or undertaken by the contractor and any agent or employee of the contractor.

(c) *Limit of liability.*

An action may be maintained on the bond only if it is brought within 1 year after the date of the installation of the material or performance of the work or service.

(Ord. 02-475.)

§ 18-11. License fee and term.

(a) *Fee.*

The license fee is \$150, payable at the time of application.

(b) *Term.*

The license expires annually on December 31.

(Ord. 02-475.)

§ 18-12. Renewal of license.

A license may be renewed annually, on or before December 31, on payment of a renewal fee of \$150.

(Ord. 02-475.)

§ 18-13. License non-assignable; single-company representation.

(a) *License non-assignable.*

A license issued under this subtitle is neither assignable nor transferrable.

(b) *Single-company representation.*

A licensee may represent only 1 firm or corporation at any one time.

(Ord. 02-475.)

§ 18-14. Lapsed license.

(a) *Reinstatement allowed.*

Any person who allows his or her license to lapse may apply for reinstatement and, at the discretion of the Board, may be reinstated on payment of the renewal fee.

(b) *6-month limit.*

However, after a lapse of 6 months or more, the former licensee will be treated as a new applicant, subject to the same requirements as new applicants.

(Ord. 02-475.)

§ 18-15. {Reserved}

§ 18-16. Suspensions, revocations, denials.

(a) *In general.*

The Board may suspend or revoke an on-site utility contractors license or deny the renewal of a license for just cause.

(b) *Just cause.*

Just cause for suspension, revocation, or denial includes, but is not limited to:

- (1) failure to provide the required bond;
- (2) violation of any material provision of the Building, Fire, and Related Codes Article or of any other board, City, State, or federal law, ordinance, rule, or regulation;
- (3) unsatisfactory work or negligence, incompetence, or misconduct in the performance of on-site utility work;
- (4) fraud, deceit, or misrepresentation in the performance of any work or in obtaining or renewing a license, permit, or bond;
- (5) selling, lending, or otherwise permitting any improper use of a license or permit; or
- (6) failure to notify the Board of current address.

(Ord. 02-475; Ord. 13-093.)

§ 18-17. Hearing.

(a) *Board to provide.*

Before suspending, revoking, or denying the renewal of a license, the Board must provide the licensee with an opportunity for a hearing on the matter.

(b) *Notice.*

At least 5 days before the hearing, the Board must notify the licensee, by certified or registered mail, of:

- (1) the nature of the alleged violation; and

(2) the time and place of the hearing.

(c) *Decision.*

(1) The Board must issue a written decision, stating its reasons, within 10 days of the hearing.

(2) In its decision, the Board may order that the license be:

- (i) suspended for a specified term of up to 90 days;
- (ii) suspended indefinitely, until the licensee gives evidence satisfactory to the Board that the condition for which the license was suspended has been corrected and will not recur;
- (iii) revoked, in which case application for reinstatement may not be made until 6 months after the revocation;
- (iv) not renewed under the same conditions as those specified above for a suspension or revocation; or
- (v) continued in full force.

(Ord. 02-475.)

§ 18-18. {Reserved}

§ 18-19. Enforcement.

In addition to any other remedy provided in this subtitle or otherwise by law, this subtitle may be enforced by the Commissioner in the manner provided in § 104{“Duties and powers of Building Official”} of the Baltimore City Building Code.

(Ord. 02-475; Ord. 13-093.)

§ 18-20. Penalties.

(a) *In general.*

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 for each violation.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

(Ord. 02-475.)

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SUBTITLES 19 TO 20
{RESERVED}

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SUBTITLE 21
REGISTRATION OF LICENSED SERVICE PROVIDERS

§ 21-1. Definitions.

(a) *In general.*

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

(b) *Commissioner.*

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

(c) *Person.*

(1) *In general.*

“Person” means:

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

(2) *Exclusions.*

“Person” does not include a governmental entity or an instrumentality or unit of a governmental entity.

(d) *Service provider.*

“Service provider” means any person doing business in this City as:

- (1) a master plumber;
- (2) a gas fitter;
- (3) a heating, ventilation, air-conditioning, or refrigeration contractor; or
- (4) a home improvement contractor.

(Ord. 02-475.)

§ 21-2. {Reserved}

§ 21-3. Registration required.

Every service provider must:

(1) register with the Commissioner;

(2) provide the Commissioner with:

(i) the address of his or her place of business; and

(ii) the name under which the business is carried on; and

(3) give immediate notice to the Commissioner of any change in that information.

(Ord. 02-475.)

§ 21-4. Registration fees.

For the registration of a service provider under this subtitle, the fee is as \$25.

(Ord. 02-475.)

§ 21-5. {Reserved}

§ 21-6. Penalties.

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 for each violation.

(Ord. 02-475.)