

ARTICLE 13
HOUSING AND URBAN RENEWAL

(As Last Amended by Ords. 23-275, 24-308, and 24-336)

Published by
BALTIMORE CITY DEPARTMENT OF LEGISLATIVE REFERENCE
Benjamin Guthorn, Director
2024

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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; Ord. 22-124.)

§ 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; Ord. 22-124.)

§ 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.*

Subject to Title 4 {“Administrative Procedure Act – Regulations”} of the City General Provisions Article, 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.

Editor’s Note: By authority of Ordinance 20-431, Section 5, the Director of Legislative Reference, in consultation with the Law Department, has conformed subsections (w) and (y)(1)) of this section to refer expressly to the requirements of the recently-enacted Administrative Procedure Act that, effective January 15, 2021, governs the proposal, adoption, and publication of administrative rules and regulations.

(x) *Joint and several powers.*

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

(y) *Rules and regulations — condemnations.*

- (1) Subject to Title 4 {“Administrative Procedure Act – Regulations”} of the City General Provisions Article, 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.

Editor’s Note: See Note to subsection (w).

- (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; Texts Conformed 02/19/21.)

§ 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.)

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.*

Subject to Title 4 {“Administrative Procedure Act – Regulations”} of the City General Provisions Article, 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.

Editor’s Note: By authority of Ordinance 20-431, Section 5, the Director of Legislative Reference, in consultation with the Law Department, has conformed this section to refer expressly to the requirements of the recently-enacted Administrative Procedure Act that, effective January 15, 2021, governs the proposal, adoption, and publication of administrative rules and regulations.

(Ord. 06-181; Text Conformed 02/19/21.)

§ 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, Ord. 11-466 deferred the sunset through June 30, 2020; and Ord.. 20-367 further deferred the sunset through June 30, 2022. No further deferral was enacted.

Ordinance 24-308, which was enacted January 22, 2024, and effective as of July 20, 2024, substantially amended 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) *Commissioner.*

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

(d) *Developer.*

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

(e) *Department.*

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

(f) *Dwelling unit.*

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

(g) *Housing funds.*

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

(h) *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.

(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;
- (v) tax credits; or
- (vi) any other funds, resources, or financial assistance provided by the City as determined by any rule or regulation promulgated under this subtitle.

(i) *Neighborhood.*

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

(j) *Penthouse.*

“Penthouse” means a floor on top of the uppermost story of a building, that is used for residential purposes and has luxurious features.

(k) *Planning Director.*

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

(l) *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.

(m) *Significant land use authorization.*

“Significant land use authorization” means any action of the Mayor, City Council, Board of Municipal and Zoning Appeals, or Zoning Administrator that increases the permissible number of dwelling units in a land area by 20 or more dwelling units above the number of dwelling units permitted before the action.

(n) *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.

(Ord. 07-474; Ord. 14-264; Ord. 15-427; Ord. 22-124; Ord. 24-308.)

§ 2B-2. 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 50% 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 60% 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 80% of the AMI, adjusted for household size.

(c) *Affordable unit.*

“Affordable unit” means a dwelling unit that is required by this subtitle to be provided to a family earning an income that is either:

- (1) low income;
- (2) moderate income;
- (3) very low income; or
- (4) extremely low income.

(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 a household with extremely low, very low, low, or moderate income.

(f) *Extremely low income.*

“Extremely low income” means a household income below 30% AMI.

(g) *Housing cost.*

“Housing cost” means for rental units, a monthly payment for lease, sublet, let, or other rights to occupy a residential unit, excluding utilities, parking, and discretionary fees.

(h) *Low income.*

“Low income” means a household income at or below 60% AMI.

(i) *Market rate.*

“Market rate” means not restricted to an affordable rent or affordable ownership cost.

(j) *Moderate income.*

“Moderate income” means a household income at or below 80% AMI.

(k) *Very low income.*

“Very low income” means a household income at or below 50% AMI.
(*Ord. 07-474; Ord. 24-308.*)

§ 2B-3. Rules and regulations.(a) *In general.*

Subject to Title 4 {“Administrative Procedure Act – Regulations”} of the City General Provisions Article, the Commissioner, in consultation with 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) determining eligibility to rent affordable units; and
- (3) setting standards for rental prices for affordable units.

(c) *Scope – Requiring timely response.*

- (1) The rules and regulations must 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.

- (2) The Department shall compile the rules and regulations adopted under this section in a manual and make that manual available to the public.

(Ord. 07-474; Text Conformed 02/19/21; Ord. 24-308.)

§§ 2B-4 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 is comprised of the following 10 members:

- (1) 4 members appointed by the Mayor and confirmed by the City Council in accordance with City Charter article IV, § 6; and
- (2) 3 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 or the Housing Commissioner’s designee;
- (4) the Planning Director or the Planning Director’s designee; and
- (5) the Director of the Office of Equity and Civil Rights or the Director’s designee, who shall serve as a non-voting member of the Board.

(b) *Qualifications – General.*

- (1) Of the 4 members appointed by the Mayor:

- (i) 1 must be a for-profit developer with experience in public financing;

- (ii) 1 must be a lender or investor with experience in multi-family projects and public financing or a mixed income or multi-family developer;
- (iii) 1 must have experience in housing, community development, planning, social services, or public health; and
- (iv) 1 must be a renter earning an income at or below 60% AMI.

(2) Of the 3 members nominated by the Council President:

- (i) 1 must be a for-profit multi-family developer that uses public financing, subsidies, or tax credits;
- (ii) 1 must be a nonprofit affordable housing developer; and
- (iii) 1 must be a renter earning an income at or below 60% AMI.

(c) *Qualifications – Residency.*

All of the members must be residents of the City.

(Ord. 07-474; Ord. 13-126; Ord 24-308.)

§ 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 December 31 of each year, the Commissioner must:

- (1) submit a report to the Mayor and the City Council, the Board, and to the Planning Commission that assesses efforts during the preceding fiscal year to create and sustain inclusionary housing in the City;
- (2) post the report on the Department of Housing and Community Development's website;
and
- (3) file the report with the Department of Legislative Reference.

(b) *Contents generally.*

The report must include:

- (1) the total number of new affordable units created under this subtitle for that year and cumulatively for moderate, low, very low, and extremely low income households;
- (2) for that year, the percent of new dwelling units created in the City that are affordable units for moderate, low, very low, and extremely low income households;
- (3) aggregated annual data provided under § 2B-24 {"Annual report - Residential project"} of this subtitle; and
- (4) attach the annual reports from the properties with new affordable units created under this subtitle.

(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; Ord. 24-308.)

§ 2B-17. Duties.

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

(1) reviewing and providing comments on the regulations promulgated under § 2B-3 {“Rules and Regulations”} of this subtitle; and

(2) reviewing and providing comments on inclusionary housing plans submitted by residential projects to the Board as required under § 2B-22 {“Inclusionary housing plan”} of this subtitle.

(Ord. 07-474; Ord. 24-308.)

§§ 2B-18 to 2B-20. {Reserved}

Part III. Inclusionary Requirements

§ 2B-21. Inclusionary requirements.

(a) *Applicability of section.*

This section applies to any residential project:

(1) that provides 20 or more dwelling units;

(2) that receives:

(i) a major public subsidy; or

(ii) a significant land use authorization;

(3) that is newly constructed, wholly renovated, or converted from a non-residential building; and

(4) the cost of the construction or conversion exceeds \$60,000 per rental unit.

(b) *Affordable units required.*

(1) In every residential project subject to this section, at least 5% of all dwelling units for rent must be affordable to low income households.

- (2) In every residential project subject to this section, at least 5% of all dwelling units for rent must be affordable units to very low income households.
- (3) In every residential project where the developer is offered an additional subsidy or offered the opportunity to apply for an additional subsidy for affordable units for very low income or extremely low income households, up to an additional 5% of dwelling units for rent must be affordable to very low and extremely low income households upon an award of the additional subsidy.

(c) *More restrictive governs.*

If the City negotiates or a residential project promises to provide a greater percentage of affordability or longer time period of affordability, that more restrictive provision governs over the requirements of this subtitle to the extent of any conflict.

(d) Exclusions.

The provisions of this section do not apply to:

- (1) dormitories, as defined in § 1-305(g) of the Zoning Code;
- (2) fraternity or sorority houses, as defined in § 1-306(p) of the Zoning Code;
- (3) residential-care facilities, as defined in § 1-312(p) of the Zoning Code; or
- (4) a residential project that is designed for, marketed to, and leased to students enrolled in accredited educational institutions located in Baltimore City, also known as “student housing”.

(Ord. 07-474; Ord. 24-308.)

§ 2B-22. Inclusionary housing plan.

(a) *Inclusionary housing plan required.*

Residential projects subject to the affordability unit requirements of this subtitle must submit an inclusionary housing plan to the Department of Housing and Community Development and the Inclusionary Housing Board when applying for a building permit.

(b) *Inclusionary housing plan requirements.*

(1) *In general.*

Residential projects required to submit an inclusionary housing plan under subsection (a) must submit a plan in the form established by the Commissioner.

(2) *Affirmative fair housing marketing.*

An inclusionary housing plan must include a plan for affirmatively marketing the affordable units in the residential project to those individuals least likely to apply to become tenants without special outreach efforts.

(c) *Review and comment on inclusionary housing plan.*

Before the City issues building permits for a residential project that is subject to the affordability unit requirements of this subtitle, the residential project's inclusionary housing plan must first be reviewed and commented upon by the Inclusionary Housing Board.

(d) *Commissioner authority to create inclusionary housing plan form.*

The Commissioner, with the advice and consent of the Inclusionary Housing Board, shall create and amend as necessary a form for an inclusionary housing plan.

(Ord. 07-474; Ord. 16-581; Ord. 24-308.)

§ 2B-23. Fair housing laws and regulations.

All residential projects created under this subtitle are subject to applicable federal, state, and local housing laws and regulations.

(Ord. 07-474; Ord. 16-581; Ord. 24-308.)

§ 2B-24. Annual report - Residential project.

(a) Residential projects subject to the affordability requirements of this subtitle must submit an annual report to the Department and the Inclusionary Housing Board.

(b) The contents of the annual report required under subsection (a) of this section must include:

- (1) the number of affordable units in the residential project for each income level applicable under this subtitle;
- (2) the square footage of each bedroom in each affordable unit;
- (3) whether an affordable unit is leased and occupied at the time of the report and to which income level the tenant belongs;
- (4) whether or not the residential project is in compliance with the inclusionary housing plan;
- (5) the number of tenants, delineated by group, occupying affordable units who were identified as belonging to a group least likely to lease as a result of the affirmative marketing required under § 2B-22(b) {"Inclusionary housing plan requirements"} of this subtitle;
- (6) an accounting of the monthly rent collected for each affordable unit for that year, as prepared by an independent accountant;

- (7) a comparison, displayed as both a number and percentage, of the monthly rent collected for each affordable unit against the monthly rent that could have been collected if each affordable unit was a market-rate unit, as prepared by an independent accountant;
- (8) an accounting of the efficacy of the high-performance inclusionary tax credit;
- (9) the type of major public subsidy that made the residential project subject to the affordability unit requirements of this subtitle; and
- (10) any additional information related to compliance with this subtitle or any rules and regulations issued under this subtitle as determined by the Commissioner.

(c) The Commissioner will prominently post all annual reports required under subsection (a) of this section on the City's website.

(Ord. 07-474; Ord. 24-308.)

§§ 2B-25 to 2B-30. {Reserved}

Part IV. Standards for Affordable Units

§ 2B-31. Comparable design.

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.

(Ord. 07-474; Ord. 24-308.)

§ 2B-32. Placement.

(a) *In general.*

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

(b) *Simultaneous offering.*

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

(Ord. 07-474; Ord. 24-308.)

§ 2B-33. Affordable unit count.

(a) *In general.*

The mix of affordable units required by this subtitle must be at the same ratio as the offerings for the building as a whole.

(b) *Floor plan.*

If a building offers different price points for units with identical numbers of bedrooms and bathrooms, the inclusionary unit must be for the floor plan with the lowest monthly rent.

(c) *Penthouse units.*

No penthouse units will be included in the count of affordable units.

(Ord. 07-474; Ord 24-308.)

§ 2B-34. 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; Ord. 24-308.)

§ 2B-35. Master leasing affordable units.

(a) *In general.*

The City or designated housing providers may enter master lease agreements to manage affordable units developed to comply with § 2B-21(b)(2) {"Inclusionary requirements."} of this article.

(b) *Designated housing providers.*

The Commissioner may designate housing providers to manage and rent affordable units in accordance with the regulations and procedures adopted by the Commissioner.

(Ord. 24-0308.)

§§ 2B-36 to 2B-40. {Reserved}

Part V. Continued Affordability**§ 2B-41. Rental units.****(a) *Affordability period.***

- (1) Every affordable rental unit subject to this subtitle must remain at an affordable housing cost, as provided in this section, for a period of not less than 30 years from the date of its initial occupancy.
- (2) 1 year prior to the expiration of the affordability period, the owner shall notify the Department of Housing and Community Development of the opportunity to master lease the affordable units, at which time, the City or designated nonprofit housing providers may have the first right of refusal to master lease the affordable units to continue affordability after the affordability period expires.

(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) *Affordability variance.*

- (1) All affordable units under this section must be initially leased to moderate, low, very low, or extremely low income households, as outlined in § 2B-21 of this subtitle {"Inclusionary requirements"}.
- (2) If a tenant's income increases:
 - (i) the tenant will be allowed to stay in the unit; and
 - (ii) the tenant's rent can be increased at the same ratio as the original leasing.
- (3) If the income of a tenant in an affordable unit, as described in this section, increases to 100% of AMI:
 - (i) the tenant shall pay full market rent; and
 - (ii) another unit must be made available to comply with the affordability requirements in this section.

(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.

(Ord. 07-474; Ord. 24-308.)

§§ 2B-42 to 2B-50. {Reserved}

Part VI. Administrative Review, Judicial Review, and Penalties

§ 2B-51. Administrative appeals.

(a) *Right of appeal.*

Any person aggrieved by a decision or ruling of the Commissioner under this subtitle may appeal that decision or ruling to the Board of Municipal and Zoning Appeals.

(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; Ord. 24-308.)

§ 2B-52. Judicial and appellate review.

(a) *Judicial review.*

A party aggrieved by a final decision of the Board of Municipal and Zoning Appeals under § 2B-51 {"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; Ord. 24-308.)

§ 2B-53. Penalties.(a) *In general.*

The Department of Housing and Community Development shall issue a fine of no more than \$1,000 to a person who violates a provision of this subtitle or a rule, regulation, or order adopted or issued under this subtitle.

(b) *Each violation a separate offense.*

Each violation a person commits of a provision of this subtitle or a rule, regulation, or order adopted or issued under this subtitle is a separate offense.

(c) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

(Ord. 24-308.)

NOTE: Ordinance 24-308 contains, in part, the uncodified language provided below.

SECTION 3. AND BE IT FURTHER ORDAINED, That, after 200 affordable housing units have been completed and occupied pursuant to this Ordinance, or 3 years after the issuance of the first tax credits or other major public subsidy issued to support this program, whichever occurs first:

1. The Department of Housing and Community Development, in consultation with the Inclusionary Housing Board, shall commission a study that includes:
 - A. An assessment of the effectiveness of this Ordinance in producing and affirmatively marking affordable housing units;
 - B. A summary of the impact of the provisions of this Ordinance on the rental market;
 - C. An estimate of the effective cost of implementation of this Ordinance;
 - D. A compilation of all prior reports relating to this Ordinance; ~~and~~
 - E. A list of proposed changes to the Code to make this Ordinance more effective;
 - F. A map and a list of the locations of the affordable units; and
 - G. Any other relevant information deemed necessary by the Department of Housing and Community Development and the Inclusionary Housing Board.
2. The study shall be delivered to the Mayor, City Council, and the general public no later than 120 days after 200 affordable housing units have been completed and occupied pursuant to this Ordinance or 3 years after the issuance of the first tax credits or other major public subsidy issued to support this program, whichever comes first;
3. No later than 60 days after the study has been delivered, the City Council shall hold a hearing and make recommendations to revise this Ordinance and any related tax credit Ordinances; and
4. This Ordinance shall remain in full force and effect while this evaluation process takes place.

SECTION 4. AND BE IT FURTHER ORDAINED, That the affordable housing units created by this Ordinance shall remain affordable for the life of the affordability period designated in this Ordinance.

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**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; Ord. 22-124.)

§ 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**

Editor's Notes: 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. Subsequently, Ordinance 20-428 (i) added a new § 4-12 to require the public posting of certain vacant structures with information of the structure's ownership; (ii) repealed a provision (§ 4-7) that required certain vacant structure registration information to be confidential; and (iii) added a new § 4-14 to require the Housing Commissioner to submit an annual report detailing compliance with this subtitle – all with an effective date of May 1, 2021.

§ 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 principal 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” has the meaning stated in § 1-107(a) {“Person: In general”} of the City Code’s General Provisions Article.

(2) *Qualified inclusion of governmental entities.*

Notwithstanding § 1-107(b) {“Person: Exclusion”} of the General Provisions Article, in this subtitle “person” also includes, except as used in § 4-17 {“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; Ord. 19-332; Ord. 20-428; Ord. 22-124; Ord. 22-125.)

§ 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.

Subject to Title 4 {"Administrative Procedure Act – Regulations"} of the City General Provisions Article, the Commissioner may adopt rules and regulations to carry out this subtitle.

Editor's Note: By authority of Ordinance 20-431, Section 5, the Director of Legislative Reference, in consultation with the Law Department, has conformed this section to refer expressly to the requirements of the recently-enacted Administrative Procedure Act that, effective January 15, 2021, governs the proposal, adoption, and publication of administrative rules and regulations.

(Ord. 02-475; Text Conformed 02/19/21.)

§ 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.(a) *Form and contents.*

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. {Repealed by Ord. 20-428}**§ 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 paragraph (1) of this subsection 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 paragraph (1) of this subsection 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; Ord. 19-332.)

§ 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. Vacant structures: Posting ownership information.

(a) *In general.*

The Department of Housing and Community Development shall affix, in a position that is conspicuous and visible from the street or road fronting the property, a sign containing:

- (1) the information set forth in § 4-6(a) {"Registration statement: Form and contents"} of this subtitle; or

- (2) at a minimum, information on how to access the information set forth in § 4-6(a) {"Registration statement: Form and contents"} of this subtitle.

(b) *Time.*

The sign required by subsection (a) of this section must be posted within 10 days of registering the vacant structure with the Commissioner under § 4-5 {"Registration required"} of this subtitle.

(c) *Vacant structures in default or foreclosure.*

In addition to the requirements set forth in subsection (a) of this section, if the property is in default or in foreclosure, the sign required by this section must also include the name, address, and telephone number of any creditors or lien holders.

(d) *Sign specifications.*

A sign required by this section must be:

- (1) impervious to weather conditions;
- (2) legibly written in a font size of not less than 18 points; and
- (3) no smaller than 8 ½ inches by 11 inches in size.

(Ord. 20-428.)

§ 4-13. {Reserved}

§ 4-14. Annual report.

On or before June 30 of each year, the Commissioner shall submit an annual report to the Mayor and City Council detailing compliance with this subtitle, including:

- (1) the number of properties registered under § 4-5 {"Registration required"} of this subtitle; and
- (2) the number of signs that the Department of Housing and Community Development has posted on vacant structures as required by § 4-12 {"Vacant structures: Posting ownership information"} of this subtitle.

(Ord. 20-428.)

§ 4-15. {Reserved}

§ 4-16. 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; Ord. 20-428.*)

§ 4-17. 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; Ord. 20-428.*)

SUBTITLE 5
LICENSING OF RENTAL DWELLINGS

Editor’s 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” has the meaning stated in § 1-107(a) {“Person: In general”} of the City Code’s General Provisions Article.

(2) *Qualified inclusion of governmental entities.*

Notwithstanding § 1-107(b) {“Person: Exclusion”} of the General Provisions Article, in this subtitle “person” also 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;
- (3) any supportive housing facility; and
- (4) 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.

(j) *Supportive housing facility.*

“Supportive housing facility” has the meaning stated in § 202.2.56 of the Baltimore City Building Code.

(*Ord. 02-475; Ord. 10-342; Ord. 10-342; Ord. 18-130; Ord. 22-125; Ord. 24-298.*)

§ 5-2. Rules and regulations.

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

Editor’s Note: By authority of Ordinance 20-431, Section 5, the Director of Legislative Reference, in consultation with the Law Department, has conformed this section to refer expressly to the requirements of the recently-enacted Administrative Procedure Act that, effective January 15, 2021, governs the proposal, adoption, and publication of administrative rules and regulations.

(*Ord. 02-475; Ord. 18-130; Text Conformed 02/19/21.*)

§ 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; Ord. 19-332.)

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 OPPORTUNITY TO PURCHASE

Note: Ordinance 23-275, enacted on October 16, 2023, repealed Subtitle 6 {"Tenant's Right of First Refusal"} in its entirety and added §§ 6-1 through 6-20, to be under the new subtitle, "Subtitle 6. Opportunity to Purchase". Section 3 of Ordinance 23-275 states that the "Ordinance takes effect on the 180th day after the date it is enacted" — April 13, 2024. This new subtitle was subsequently amended by Ordinance 24-336 for the purpose of clarifying a definition. Ordinance 24-336 took effect on the same date as Ordinance 23-275.

Legislative History Pre-Repeal: City Code, 1976/83, art. 13, §46.) (Ord. 79-1228; Ord. 88-140, Ord. 99-422, Ord. 22-124, and Ord. 22-125.

Part 1. Definitions; General Provisions

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

It is the intent and purpose of this 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 and that residential property owners shall not be unreasonably impeded in selling their properties nor required to accept unreasonable terms of sale.

(Ord. 23-275.)

§ 6-2. Definitions.

(a) *In general.*

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

(b) *Commissioner.*

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

(c) *Landlord.*

(1) *In general.*

"Landlord" means any person who is the owner of a rental single-family dwelling unit.

(2) *Inclusion.*

"Landlord" includes any person authorized to exercise any aspect of the management of the rental single-family dwelling unit, except those persons engaged solely in custodial and maintenance functions.

(d) *Owner.*

“Owner” means any person recorded in the official records of the State or City as holding title to a rental single-family dwelling unit.

(e) *Rent.*

(1) *In general.*

“Rent” means the consideration, including any bonus, benefit, or gratuity, demanded or received per day, week, month, year, or other period of time, as the case may be, for the use or occupancy of housing accommodations or the transfer of a lease for those accommodations.

(2) *Inclusion.*

“Rent” includes any charge to a tenant under a rent-to-own agreement if the tenant’s acceptance of the agreement is mandatory or if the tenant is not entitled to a refund of the charge if the tenant does not purchase the unit.

(f) *Single-family dwelling unit.*

“Single-family dwelling unit” has the meaning stated in § 202.2.22.4 of the Baltimore City Building Code.

(g) *Statement of interest.*

“Statement of interest” means a written and clear expression of interest to a landlord that the person writing the statement is interested in purchasing the landlord’s rental single-family dwelling unit.

(h) *Tenant.*

“Tenant” means any person who:

(i) occupies a rental single-family dwelling unit as a residence with the consent of the landlord; and

(ii) has an obligation to pay rent or provide other consideration to the landlord for those accommodations.

(Ord. 23-275; Ord. 24-336.)

§ 6-3. Scope of subtitle.

The following transfers of title 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 State Estates and Trusts Article;

- (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 persons required under this subtitle, and those persons have failed to exercise the opportunity to purchase 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 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 all biological children and stepchildren, and full effect shall be given to legal adoption; and
- (11) a transfer of title by the Housing Authority of Baltimore City.
(Ord. 23-275.)

§ 6-4. Rules of interpretation.

(a) *In general.*

In this subtitle, the following rules of interpretation apply.

(b) *Time limits.*

The time periods specified in this subtitle are minimum periods. A landlord may provide a tenant with reasonable extensions of time to purchase the rental single-family dwelling unit.

(c) *Presumption of knowledge.*

Potential third-party purchasers are presumed to act with full knowledge of the rights and procedures established in this subtitle.

(d) *Manner of delivery.*

Unless otherwise expressly stated in this subtitle, delivery of items required by this subtitle shall be made either by first-class mail or hand-delivery to the required party.

(e) *Resolution of defects or ambiguities.*

To the extent possible, any defect or ambiguity in this subtitle shall be resolved in favor of tenants.

(Ord. 23-275; Ord. 24-336.)

§ 6-5. Rules and regulations.

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

(Ord. 23-275.)

§ 6-6. {RESERVED}

Part 2. Opportunity to Purchase – Procedures and Requirements

§ 6-7. Opportunity to purchase – generally.

Before a landlord may settle on the sale of a rental single-family dwelling unit, the landlord shall give the tenant an opportunity to purchase the rental single-family dwelling unit at a price and under terms that constitute an offer of sale in accordance with the requirements of this subtitle.

(Ord. 23-275; Ord. 24-336.)

§ 6-8. Offer of sale.

(a) *In general.*

Prior to offer the rental dwelling unit for sale to another party, a landlord shall provide a written offer of sale to:

- (1) the tenant within the rental single-family dwelling unit; and
- (2) the Commissioner, on behalf of the Mayor and City Council.

(b) *Contents of offer of sale.*

(1) *In general.*

The offer of sale required by this section shall include:

- (i) the asking price and the material terms of sale; and
- (ii) a statement that the landlord shall provide the tenant, within 7 calendar days of a request, the following:
 - 1. a complete copy of any third-party contact to purchase the rental single-family dwelling unit, with the purchaser name redacted; and
 - 2. copies of available licensing inspection reports of the rental single-family dwelling unit for the previous 2 years.

(2) *Delay.*

For each calendar day of delay by the landlord to provide the information required by subsection (b)(1)(ii) of this section, the time period for the tenant to express interest in purchasing the rental single-family dwelling unit or to negotiate a contract with the landlord for the purchase of the rental single-family dwelling unit, as the case may be, shall be extended by 1 day.

(c) *Additional information.*

The landlord shall share the fact sheet regarding tenant rights under this section, which can be obtained from the Department of Housing and Community Development's office or website.

(d) *Changes after notice of sale.*

(1) *"Material change" defined.*

In this subsection, "material change" means:

- (i) a change in the purchaser under a third-party contact; or
- (ii) a reduction in the sales price of 10% or more.

(2) *In general.*

- (i) If there is a subsequent third-party contract after the initial offer of sale was transmitted that results in a material change or if the terms of a third-party contract to purchase the rental single-family dwelling unit materially change between the time an offer of sale is made and the settlement, the landlord shall provide the tenant with a new offer of sale reflecting the new terms.

- (ii) If the initial time period to indicate interest has expired, the tenant shall have all rights preserved under this subtitle except that the period to indicate interest in purchasing the rental single-family dwelling unit under the revised terms of sale may not exceed 7 calendar days from the date of receipt of the new offer of sale.

(3) *Sale price increase.*

A landlord is not required to provide a new offer of sale if there is an increase in the sale price.

(Ord. 23-275; Ord. 24-336.)

§ 6-9. Opportunity to purchase.

(a) *On receipt of offer of sale.*

On receipt of the written offer of sale required by § 6-8 {"Offer of sale"} of this subtitle, a tenant shall have 14 calendar days to deliver a written statement of interest to the landlord.

(b) *Acceptance of offer of sale.*

- (1) The tenant may accept the offer of sale by submitting a written contract within 14 calendar days from the date of the submission of the statement of interest.
- (2) The contract must include substantially the same terms and conditions set forth in the any third-party contract of sale, including any contract term that provides for a reasonable real estate commission.

(c) *Settlement; Financing.*

- (1) In order for the tenant to secure financing, any contract of sale shall provide a reasonable period of no less than 30 days between the execution of the contract and settlement.
- (2) A landlord shall afford a tenant a reasonable and commensurate extension of time, if:
 - (i) the tenant is obtaining financing through a government or other loan program designed for low- or moderate-income persons or first-time homebuyers; and
 - (ii) the government agency or other lender estimates in writing that a financing decision will be made within 60 calendar days after the date of the contract.

(d) *Expiration.*

If 6 months elapses from the date the landlord has delivered the written offer of sale required by § 6-8 {"Offer of sale"} to a tenant and the landlord has not gone to settlement on the sale of the single family-dwelling unit, the landlord shall send a new written offer of sale to the relevant parties before selling the rental single-family dwelling unit.

(Ord. 23-275; Ord. 24-336.)

§ 6-10. Assignment of Rights.

The rights of a tenant under this subtitle may not be assigned and any attempted assignment is void.
(Ord. 24-336.)

§ 6-11 to 6-13. {RESERVED}

Part 3. Miscellaneous provisions.

§ 6-14. Earnest money deposit.

(a) *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, a mortgage 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 be at least 1% of the purchase price.

(b) *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.

(c) *Financing contingency.*

A sales contract shall contain a reasonable financing contingency clause which:

- (1) shall not require the tenant to obtain financing in less than 60 days from the date a contract is tendered by the landlord; and
- (2) shall excuse the tenant from performance of the sales contract if the tenant is unable to obtain adequate financing within said 60-day period.

(Ord. 23-275.)

§ 6-15. Waiver of rights.

Unless otherwise expressly stated, a landlord may not request, and the tenant may not grant, a waiver of any requirement under this subtitle unless the waiver is in exchange for consideration that the tenant, in their sole discretion, find acceptable.

(Ord. 23-275.)

§ 6-16. Affidavit on transfers to third parties.*(a) Affidavit of compliance required.*

In any transfer of real property subject to this subtitle to a party other than the tenant, the landlord shall file in the land records of Baltimore City, and with the Commissioner of the Baltimore City Department of Housing and Community Development, an affidavit in the form set forth in subsection (c) of this section, 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 required by subsection (a) of this section, the rights and title of a third party transferee and the transferee's heirs, successors, or assigns shall be free of any restriction or claim arising in favor of the tenant under this subtitle.

(c) Statements required.

The affidavit affirming compliance with the requirements of this subtitle described under subsection (a) of this section shall:

- (1) if the tenant has responded to the offer of sale required under this subtitle, include the following statement:

“(Name of tenant), being the tenant of the property known as (street address) in Baltimore City, following an offer of sale as required by § 6-7 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 § 6-7 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 § 6-8, that period being 7 days.”; or

- (2) if the tenant has waived right of first refusal, include the following statement:

“(Name of tenant), being the tenant of the property known as (street address) in Baltimore City, following an offer of sale as required by § 6-7 of Article 13 of the Baltimore City Code, sent (date of mailing), has not entered into a contract for sale.

(d) Corporate owner.

Where a rental single-family dwelling unit subject to this section is owned by a corporation, LLC, or other business organization, the affidavit required by subsection (a) of this section shall be made by a duly authorized officer of the organization or duly authorized representative of the ownership entity.

(Ord. 23-275; Ord. 24-336.)

§ 6-17. Reporting.*(a) Landlord's duty to report.*

- (1) A landlord shall report each rental single-family dwelling unit transfer subject to this subtitle to the Commissioner within 30 days of the transfer in the manner required by the Commissioner.
- (2) The duty to report under this subsection shall include transfers to a party other than the tenant.

(b) Commissioner's annual report.

On or before June 30 of the each year, the Commissioner shall submit a report to the Mayor and City Council detailing:

- (1) disaggregated by zip code, the total number of transfers subject this subtitle, including:
 - (i) transfers to a tenant; and
 - (ii) transfers to a party other than a tenant;

- (2) any recommendations for legislative or policy amendments to better ensure that City tenants are benefitting from this subtitle.

(Ord. 23-275; Ord. 24-336.)

§§ 6-18 TO 6-19. {RESERVED}***Part 4. Penalties*****§ 6-20. Penalties.***(a) In general.*

Any person who violates any provision of this subtitle shall be guilty of a misdemeanor and, on conviction, shall be subject to a fine of up to \$1,000 for each violation.

(b) Other remedies not precluded.

The criminal penalty described in this section is not intended to preclude any other civil or administrative remedy available at law.

(Ord. 23-275.)

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SUBTITLE 6A
TENANTS' RIGHT TO COUNSEL IN EVICTION CASES

Editor's Note: For the effective date and phasing-in of this subtitle, *see* Editor's Note at the end of this subtitle.

§ 6A-1. Definitions.

(a) *In general.*

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

(b) *Commission.*

“Commission” means the Baltimore City Affordable Housing Trust Fund Commission established by Article I, § 14 of the City Charter.

EDITOR'S NOTE: *See also* § 6A-4 {“Additional Commission member”} of this subtitle.

(c) *Commissioner.*

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

(d) *Covered individual.*

(1) *In general.*

“Covered individual” means any individual who occupies a dwelling within the City of Baltimore under a claim of legal right other than the owner.

(2) *Inclusion.*

“Covered individual” includes any tenant in a building owned, operated, or managed by the Housing Authority of Baltimore City.

(e) *Covered proceeding.*

(1) *In general.*

“Covered proceeding” means:

- (i) any judicial or administrative proceeding to evict or terminate the tenancy or housing subsidy of a covered individual;
- (ii) any proceeding that is the functional equivalent of a proceeding described in item (i) of this paragraph; or
- (iii) any first appeal of a proceeding described in item (i) or (ii) of this paragraph.

(2) *Inclusions.*

“Covered proceeding” includes any judicial or administrative proceeding to remedy a violation of:

- (i) City Public Local Laws § 9-9 {“Rent Escrow Law: In general”};
- (ii) City Public Local Laws § 9-9A {“Rent Escrow Law: Landlord’s non-compliance with lease”};
- (iii) City Public Local Laws § 9-10 {“Rent Escrow Law: Retaliatory actions”};
- (iv) State Real Property Article § 8-208.1 {“Retaliatory actions due to reporting violations or complaints prohibited”}; or
- (v) State Real Property Article § 8-216 {“Restrictions relating to taking or threatening to take possession of dwelling unit”}.

(f) *Designated organization.*

“Designated organization” means any not-for-profit organization or association that is designated by the Commissioner under this subtitle and engaged pursuant to Article VI, § 11 of the City Charter regarding procurement that:

- (1) has the capacity to provide legal representation to covered individuals facing eviction; and
- (2) agrees to adhere to the standards of practice established in rules and regulations adopted under this subtitle.

(g) *Designated community group.*

“Designated community group” means a not-for-profit community organization or association designated by the Commissioner that has the capacity to conduct tenant outreach, engagement, education, and information regarding this subtitle.

(h) *{Repealed}*

Editor’s Note: For the Code-wide standard definition of “includes” and “including”, see City General Provisions Article, § 1-105.

(i) *Legal representation.*(1) *In general.*

“Legal representation” means ongoing legal representation provided by a designated organization to a covered individual and all legal advice, advocacy, and assistance associated with that representation.

(2) *Inclusions.*

“Legal representation” includes the filing of a notice of appearance on behalf of the covered individual in a covered proceeding.

(Ord. 20-465; Ord. 22-125.)

§ 6A-2. Rules and regulations.

Subject to Title 4 {“Administrative Procedure Act – Regulations”} of the City General Provisions Article, the Commissioner, with the advice and consultation of the Commission, shall adopt rules and regulations to carry out this subtitle, including providing tenant education regarding their rights under this subtitle.

Editor’s Note: By authority of Ordinance 20-431, Section 5, the Director of Legislative Reference, in consultation with the Law Department, has conformed this section to refer expressly to the requirements of the recently-enacted Administrative Procedure Act that, effective January 15, 2021, governs the proposal, adoption, and publication of administrative rules and regulations.

(Ord. 20-465; Text Conformed 02/19/21.)

§ 6A-3. Right to counsel in eviction-related proceedings.(a) *In general.*

- (1) Subject to provisions of this subtitle, including any rules and regulations, and with the advice and consultation of the Commission, the Commissioner shall ensure that all covered individuals are offered legal representation from a designated organization in a covered proceeding as soon as practicable after the initiation of that proceeding, but no later than at the time of the covered individual’s first scheduled appearance in a covered proceeding if possible.
- (2) The Commissioner shall seek to prioritize the provision of legal representation based on median income with covered individuals having the lowest median income receiving the highest priority.

(b) *Limitation.*

Covered individuals shall receive legal representation unless circumstances specific to the individual or case, such as a conflict with the Maryland Attorneys’ Rules of Professional Conduct, make legal representation infeasible to render.

(c) *Engagement and education.*

Subject to Article VI, § 11 of the City Charter regarding procurement, in addition to overseeing the administration of this subtitle, the Commissioner, with the advice and consultation of the Commission, may engage designated community groups to engage and educate tenants about their rights, through activities such as:

- (1) hosting know-your-rights trainings and other workshops for tenants;
- (2) distributing written information to tenants;
- (3) assisting tenants to form and maintain tenant associations;
- (4) referring tenants to designated community groups; and
- (5) engaging in any other activity designed to engage, educate, or inform tenants about their rights.

(d) *Availability of funds.*

Legal representation under this section is subject to the appropriation of funds in accordance with the City Charter.

(Ord. 20-465.)

§ 6A-4. Additional Commission member.

(a) *In general.*

In addition to those Commission members specified in Article I, § 14(d)(2) of the City Charter, the Mayor shall appoint an additional Commissioner in accordance with Article IV, § 6 of the City Charter.

(b) *Qualifications.*

(1) *“Extremely low-income household” defined.*

In this subsection, “extremely-low income household” means a household whose aggregate gross income does not exceed 30% of the area median income, as adjusted for the size of the household.

(2) *In general.*

The Commission member appointed under this section shall be:

- (1) a tenant residing in Baltimore City; and
- (2) a member of an extremely low-income household.

(Ord. 20-465.)

§ 6A-5. Annual report.

(a) *In general.*

No later than November 1 of each year, the Commissioner, with the advice and consultation of the Commission, shall submit a report to the Mayor and City Council, which shall include information from the prior fiscal year regarding:

- (1) the number of covered individuals served;
- (2) the extent of legal representation performed;
- (3) metrics on evaluating outcomes; and
- (4) the engagement and education of tenants.

(b) *Posting.*

The Commissioner shall prominently post the report required by this section on the City's website.

(c) *Hearing.*

No later than December 1 of each year, the City Council or an appropriate committee of the City Council shall conduct a hearing on the report required by this section.

(Ord. 20-465.)

§ 6A-6. {Repealed by Ord. 22-125}

Editor's Note: For the Code-wide standard for severability, *see* City General Provisions Article, § 1-214.

Editor's Note to Subtitle: The preceding subtitle was added by Ordinance 20-465. That Ordinance was enacted on December 2, 2020, but with a delayed effective date of April 1, 2021. Section 3 of Ord. 20-465 further provides for a phase-in of the program, as follows:

- (a) Legal representation to all covered individuals in all covered proceedings, as set forth in this Ordinance, shall be phased-in during a period of time not to exceed 4 years, in a manner that the Commissioner, with the advice and consultation of the Commission determines appropriate based on all relevant factors, including those factors specified in subsection (b) of this Section.
- (b) Factors that the Commissioner and the Commission shall consider when phasing-in legal representation to covered individuals include:
 - (1) the prioritization of individuals over the phase-in period;
 - (2) the availability of funding from the City, State, and other sources, as the case may be;
 - (3) the availability of trained and qualified attorneys to provide legal representation;
 - (4) the scope of the need for legal representation; and
 - (5) any other appropriate logistical consideration.

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SUBTITLE 6B
SECURITY DEPOSIT GRANTS

Editor's Note: This subtitle was added by Ordinance 21-040, effective October 30, 2021. Section 3 of the Ordinance further provides that the Ordinance “will remain effective through September 30, 2022, and, immediately after that date, with no further action by the Mayor and the City Council, this Ordinance will be abrogated and of no further effect”.

§ 6B-1. Definitions.

(a) *In general.*

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

(b) *Director.*

“Director” means the Executive Director of the Mayor’s Office of Children and Family Success.

(c) *Family.*

“Family” means 1 or more individuals who reside together as a household.

(d) *Mayor’s Office.*

“Mayor’s Office” means the Mayor’s Office of Children and Family Success.

(e) *Program.*

“Program” means the Baltimore City Emergency Security Deposit Grant Program.

(f) *Security deposit.*

“Security deposit” means an amount of money that a tenant pays to a landlord that the landlord must return to the tenant at the end of the lease minus any amount the landlord used for the tenant’s:

- (1) non-payment of rent;
- (2) breach of the lease; or
- (3) damage to property.

(g) *Security deposit grant; grant.*

“Security deposit grant” or “grant”:

- (1) means a one-time payment by the Program of up to \$2,000 toward a security deposit; and

(2) is not considered income to the tenant in determining the tenant’s income eligibility, unless otherwise required by any state or federal law that governs the source of funds for this grant.

(Ord. 21-040; Ord. 22-124.)

§ 6B-2. Program established.

(a) *In general.*

There is an Emergency Security Deposit Grant Program in Baltimore City.

(b) *Purpose.*

The purpose of the Program is to provide families who are in need of permanent housing with security deposit grants for permanent housing.

(c) *Administration.*

The Program shall be administered by the Mayor’s Office.

(Ord. 21-040.)

§ 6B-3. Rules and regulations.

(a) *In general.*

Subject to the requirements in this section and subject to Title 4 {“Administrative Procedure Act – Regulations”} of the City General Provisions Article, the Mayor’s Office shall adopt rules and regulations to carry out the provisions of this part {*subtitle*}.

(b) *Hearing period.*

In addition to the requirements set forth in the Title 4 {“Administrative Procedure Act - Regulations”} of the City General Provisions Article, the Mayor’s Office must hold a public hearing prior to:

(1) adopting any rules and regulations required by this section; or

(2) amending or repealing any rules and regulations adopted under this subtitle.

(Ord. 21-040.)

§ 6B-4. Program eligibility.

(a) *Application required.*

Families seeking to participate in the Program shall submit an application to the Mayor’s Office in the form the Mayor’s Office requires.

(b) *Eligibility.*

A family is eligible to participate in the Program if the family:

- (1) resides in Baltimore City at the time of application; and
- (2) meets the income requirements for a grant.

(Ord. 21-040.)

§ 6B-5. Program admission.(a) *In general.*

Subject to the provisions of this section, eligible families shall be admitted into the Program.

(b) *Funding availability.*

Admission into the Program is subject to the availability of funds and is not an entitlement.

(Ord. 21-040.)

§ 6B-6. {Reserved}**§ 6B-7. Grant payment.**(a) *Manner of payment.*

A security deposit grant made under this section *{subtitle}* shall be given directly to the landlord on behalf of the family.

(b) *Audits.*

The Mayor's Office shall conduct audits at least annually to ensure that families receiving security deposit grants are eligible for assistance.

(Ord. 21-040.)

§ 6B-8. Grant priority; equity.

To ensure that grants are disbursed in an equitable manner, the Mayor's Office shall prioritize grant recipients based on:

- (1) median household income in the vicinity of a family's desired permanent housing, with areas with the lowest median income receiving highest priority; and
- (2) whether the family has received a security deposit grant from the Mayor's Office in a prior year.

(Ord. 21-040.)

§6B-9. Denial of grant by the Mayor’s Office.

(a) *In general.*

The Mayor’s Office may deny a grant to a family if the Mayor’s Office finds that the family:

- (1) failed to supply the information to the Mayor’s Office required by this subtitle or the rules and regulations adopted under this subtitle;
- (2) does not reside in Baltimore City at the time of application; or
- (3) does not meet the income requirements for a grant.

(b) *Written notice of denial.*

If the Mayor’s Office denies a family’s application for a grant, it must provide the family with a written notice of the denial, including the reasons for the denial, within 15 business days of the denial.

(c) *Appeal.*

(1) *In general.*

The family may appeal the Mayor’s Office’s denial to the Director of the Mayor’s Office.

(2) *Format of appeal.*

In appealing the Mayor’s Office’s denial, the family must:

- (i) put the appeal in writing;
- (ii) state the reasons why the Mayor’s Office should have granted the grant; and
- (iii) send the appeal to the Director within 15 business days of receipt of the Mayor’s Office’s written denial.

(3) *Decision.*

The Director must issue a written decision within business 15 days of receipt of the family’s appeal.

(Ord. 21-040.)

§ 6B-10. Compliance.

Tenants and landlords involved in the Program must comply with all State and local laws regarding security deposits.

(Ord. 21-040.)

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 must 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 must include in the lease the information required above for an agent authorized to receive court process on behalf of the owner.

(a-1) *Payment for water and wastewater services.*

Editor's Note: This subsection (a-1) was enacted on January 13, 2020, by Ord. 20-336 {"Water Accountability and Equity Act"}. For the effective date of this subsection, as more recently set by Ord. 20-468 {"Water Accountability ... Act – Modifications"}, see **Editor's Note** in City Code Article 24 {"Water"}, at the end of that article's Subtitle 2 {"Bills"} – especially the quotes there from Ord. 20-468, Sections 4 and 5(b).

(1) Any property owner or managing operator who requires that a tenant pay the costs of water or wastewater services, whether directly to the Department of Public Works or as reimbursement to the owner or managing operator, shall include that requirement in an express provision of a written lease.

(2) The lease shall include a provision that the landlord makes the tenant a designee under Maryland's Public Information Act to request and to receive copies of any account records for the water or wastewater account at issue.

- (3) Whenever a landlord requires the tenant to reimburse the landlord for allocated costs of water or wastewater service, the lease required by this subsection shall also:
- (i) describe the calculation method used by the owner or owner’s agent to allocate the cost of water and wastewater services to the tenant; and
 - (ii) specify the average monthly allocated costs of water and wastewater services for the leased dwelling unit or rooming unit in the 12 months preceding execution of the lease or renewal of the lease.

(a-2) *Late fees.*

Editor’s Note: This subsection (a-2) was enacted by Ordinance 21-014 {“Late Fees for Past Due Rent”}, with an effective date of April 30, 2021. Section 3 of Ord. 21-014, however, specifies that “this Ordinance shall only apply prospectively to new leases and shall have no retroactive effect on leases entered into prior to the effective date of this Ordinance”.

(1) *“Government benefit” defined.*

In this subsection, “government benefit” means:

- (i) temporary cash assistance or other assistance described in Title 5 of the State Human Services Article;
- (ii) supplemental security income;
- (iii) social security disability income;
- (iv) unemployment insurance benefits;
- (v) Veteran’s Administration benefits;
- (vi) social security benefits; or
- (vii) assistance from any other similar federal, state, or City government benefits program.

(2) *Scope of subsection.*

This subsection does not apply to leases for public housing administered by the Housing Authority of Baltimore City.

(3) *In general.*

A residential lease shall include a provision that the landlord may not apply late fees to the rent until the tenant is more than 10 days past due with the rent.

(4) *Additional late fee provisions.*

In addition, a residential lease that includes a provision permitting a landlord to apply a penalty for the late payment of rent must include a provision that prohibits a landlord from applying a penalty fee for late payment of rent until:

- (i) the tenant's payment of the rent is more than 10 days late; or
- (ii) the tenant has received the tenant's regularly scheduled government benefit disbursement if the tenant has previously provided the landlord with written notice that shows the day of the month the government benefit is normally issued or mailed is later than the day on which the rent is due.

(b) *Changes.*

- (1) Within 10 days of a change in any information required by subsection (a) of this section to be contained in a lease, the property owner must notify the tenant of the change.
- (2) The notice must be sent to the tenant by first class mail.

(c) *Additional required disclosures.*

Editor's Note: In conjunction with its enactment of Subtitle 6A, Ordinance 20-465 also amended this § 7-3(c), subject to the same delayed effective date of April 1, 2021.

- (1) Along with the copy of the lease required to be given to the tenant by § 7-2 of this subtitle, the tenant must be given a copy of a tenants rights brochure approved by the Housing Commissioner that discusses:
 - (i) free or reduced price legal representation available to tenants;
 - (ii) pre-trial and day of trial mediation programs available to resolve landlord-tenant disputes; and
 - (iii) a tenant's right to know the amount of rent that is in arrears.
- (2) A tenant must also be given a copy of the brochure required by paragraph (1) of this subsection:
 - (i) at the time that a lawsuit is commenced by the owner or landlord against the tenant;
 - (ii) if the Baltimore City Sheriff's Office is used to serve a summons and complaint by the landlord seeking eviction, including for summary ejectment, tenant holding over, or breach of lease, at the time that the summons and complaint are served on the tenant; and

(iii) at the time that the Housing Authority of Baltimore City sends a notice to terminate a tenant's subsidy or tenancy.

(City Code, 1976/83, art. 13, §56(b).) (Ord. 81-290; Ord. 02-475; Ord. 13-175; Ord. 18-137; Ord. 19-332; Ord. 20-336; Ord. 20-465; Ord. 21-014.)

§ 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 or landlord 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 § 7-2 of this subtitle and the tenants rights brochure as provided in § 7-3(c) of 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; Ord. 18-137.)

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. Rent increases barred – during states of emergency.*(a) "Emergency" defined.*

In this section, "emergency" means the catastrophic health emergency declared by the Governor of Maryland on March 5, 2020, as amended or extended by the Governor, under State Public Safety Article, § 14-3A-02.

(b) Scope.

This section only applies to rental fee increases on existing tenants during an emergency. Nothing in this section may be construed as applying to leases for new tenants. Further, nothing in this section with respect to an increase in the tenant's portion of a rental fee applies to any public housing authority who must comply with federal laws, regulations, or other federal requirements to determine a tenant's rental fee.

(c) In general.

A landlord may not increase a tenant's rental fee if:

- (1) the increase would take effect during an emergency; or
- (2) notice of the increase is not in compliance with subsection (d) of this section.

(d) *Notice of rent adjustment.*

(1) *In general.*

During an emergency and within 90 days after the expiration of an emergency, a landlord may not notify a tenant of a rental fee increase.

(2) *Pre-emergency rent increase notices.*

A landlord must inform a tenant in writing to disregard any notice of a rental fee increase if:

- (i) the landlord provided the notice to the tenant prior to an emergency; and
- (ii) the effective date of the increase would occur on or after the date the emergency began.

(e) *Late fees prohibited.*

(1) *“Late fee” defined.*

(i) In this subsection, “late fee” means any additional charge or fee imposed because a rental fee is not made when the rental fee is due under the terms of a lease.

(ii) “Late fee” includes a fee imposed:

- (A) as a flat rate;
- (B) as a percentage of the rental fee due; or
- (C) in any other terms.

(2) *In general.*

A landlord may not charge, assess, or otherwise seek to collect a late fee from a tenant for the nonpayment or the late payment of a rental fee that comes due during an emergency.

(f) *City to post notice.*

The Department of Housing and Community Development must post on its website information regarding the requirements of this section, including the date that an emergency expires and the date that is 90 days after the expiration of the emergency.

(Ord. 20-364.)

§ 8-5. 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; Ord. 20-364.)*

§ 8-6. Enforcement by tenant.

A tenant may seek relief from an appropriate court to restrain or enjoin any violation of § 8-2 and § 8-3 of this subtitle in accordance with State law.

(City Code, 1976/83, art. 13, §57(e).) (Ord. 81-280; Ord. 20-364.)

§ 8-7. Enforcement by citation.

(a) *In general.*

This subtitle may be enforced by issuance of an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}.

(b) *Process not exclusive.*

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

(c) *Each day a separate offense.*

Each day a violation continues is a separate offense.

Editor's Note: Ordinance 20-364 {"Baltimore City COVID-19 Rent Increase Protection Act"} added the preceding §§8-4 and 8-7 and amended §§8-5 and 8-6. That Ordinance was enacted on May 18, 2020, with the following effective dates:

Per Section 4. "That City Code Article 13, § 8-4 {"Rent increases barred – during states of emergency"}, as enacted by this Ordinance, is effective retroactively from March 5, 2020."

Per Section 5. "That, notwithstanding Section 4 of this Ordinance, City Code Article 13, § 8-7 {"Enforcement by citation"} as enacted by this Ordinance and City Code Article 1, § 40-14(e)(1) as amended by this Ordinance take effect on the date of enactment and may only be applied to violations of this Ordinance committed after the date of its enactment."

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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) Subject to Title 4 {"Administrative Procedure Act – Regulations"} of the City General Provisions Article, the Department of Public Works may adopt rules and regulations to carry out this subsection.

Editor's Note: By authority of Ordinance 20-431, Section 5, the Director of Legislative Reference, in consultation with the Law Department, has conformed this subsection (b)(1) to refer expressly to the requirements of the recently-enacted Administrative Procedure Act that, effective January 15, 2021, governs the proposal, adoption, and publication of administrative rules and regulations.

- (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; Text Conformed 02/19/21.)

§ 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 8C
LEASE RENEWALS**

§ 8C-1. Definitions.

(a) *In general.*

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

(b) *Dwelling unit.*

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

(c) *Landlord.*

(1) *In general.*

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

(2) *Inclusions.*

“Landlord” includes any person who has an option to buy or who has entered into a contract to buy any dwelling with the intent to offer the dwelling unit for rent.

(d) *Person.*

(1) *In general.*

“Person” has the meaning stated in § 1-107(a) {“Person: In general”} of the City Code’s General Provisions Article.

(2) *Qualified inclusion of governmental entities.*

Notwithstanding § 1-107(b) {“Person: Exclusion”} of the General Provisions Article, in this subtitle “person” also includes, except as used in § 8C-6 {“Penalties”} of this subtitle, a governmental entity or an instrumentality or unit of a governmental entity.

(Ord. 21-037; Ord. 22-125.)

§ 8C-2. Lease renewal required.

(a) *In general.*

Except for good cause described in subsection (b) of this section, at least 75 days but no more than 100 days prior to the end of a term lease or periodic tenancy, a landlord shall offer a tenant a reasonable opportunity to renew the lease subject to a reasonable, non-retaliatory increase in the rent or change in lease terms.

(b) *Good cause exceptions.*(1) *Substantial breach.*

In this subsection, “substantial breach of the lease” does not include failure to pay rent or other charges.

(2) *In general.*

The requirement set forth in subsection (a) of this section does not apply if:

- (i) the tenant has caused a substantial breach of the lease that warrants non-renewal, and after receiving written notice to cure or correct the breach, the tenant has failed to comply within 45 days;
- (ii) the landlord seeks to recover possession of the leased premises for use by the landlord or the landlord’s spouse, child, parent, or grandparent as their primary residence;
- (iii) the landlord seeks to permanently remove the leased premises from the rental market;
- (iv) the landlord, after having obtained all necessary permits, seeks to undertake substantial repairs or renovations that cannot be completed while the leased premises is occupied; or
- (v) the leased premises are owner-occupied and the landlord leases out a single rental unit on the premises.

(3) *Notice to tenant.*

If a landlord declines to offer to renew the lease for good cause as described in paragraph (2) of this subsection, the landlord shall send a notice at least 75 days but no more than 100 days prior to the end of the lease term to the tenant advising the tenant that the landlord is declining to offer a renewal and stating with specificity the facts related to the good cause for declining to offer a renewal, including, if a substantial breach of the lease is alleged, the specific facts related to the breach.

(Ord. 21-037.)

§ 8C-3. Method of notice.

A landlord’s offer to renew the lease or notice declining to offer a renewal must be in writing and delivered to the tenant by first-class mail with certificate of mailing or by electronic means if consented to in advance by the tenant in the writing.

(Ord. 21-037.)

§ 8C-4. Presumption of offer and acceptance.(a) *In general.*

Except as otherwise provided in subsection (b) of this section, there shall be a presumption that the landlord's offer of a lease renewal is on the same terms and conditions as the current lease and the tenant's acceptance of that offer.

(b) *Exceptions.*

The presumption described in subsection (a) of this section does not exist if:

- (1) the landlord provides timely notice declining to renew for good cause as specified in § 8C-2(b) of this subtitle;
- (2) the tenant fails to respond to a timely notice offering to renew the lease as specified in § 8C-2(a) of this subtitle; or
- (3) a notice declining to renew the lease is provided by the tenant to the landlord under the terms of the lease or other applicable law.

(Ord. 21-037.)

§ 8C-5. {Reserved}

§ 8C-6. Penalties.

Any person who violates any provision of this subtitle 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.

(Ord. 21-037.)

§ 8C-7. {Reserved}

§ 8C-8. Termination of subtitle.

This subtitle shall automatically expire on the 181st day following the expiration of the catastrophic health emergency declared by the Governor of Maryland on March 5, 2020, as amended or extended by the Governor.

(Ord. 21-037.)

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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) *{Repealed}*

Editor’s Note: For the Code-wide standard definition of “person”, see City General Provisions Article, § 1-107.

(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) may not be construed to mean:

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

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

(City Code, 1976/83, art. 13, §68.) (Ord. 82-777; Ord. 22-124; Ord. 22-125.)

§ 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 § 3116 {"Parking Lots, Driveways, and Other Paved Surfaces"} 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; Ord. 20-361.)

§ 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; Ord. 22-124.)

§ 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) *{Repealed}*

Editor’s Note: For the Code-wide standard definition of “person”, see City General Provisions Article, § 1-107.

(Ord. 02-475; Ord. 13-093; Ord. 22-125.)

§ 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.)

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:

(1) subject to Title 4 {“Administrative Procedure Act – Regulations”} of the City General Provisions Article, to 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;

Editor’s Note: By authority of Ordinance 20-431, Section 5, the Director of Legislative Reference, in consultation with the Law Department, has conformed this subsection (a)(1) to refer expressly to the requirements of the recently-enacted Administrative Procedure Act that, effective January 15, 2021, governs the proposal, adoption, and publication of administrative rules and regulations.

(2) to develop and administer examinations, testing applicants’ knowledge of the trade and work of gas fitting; and

(3) to 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; Text Conformed 02/19/21.)

§ 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:
 - (i) he or she has worked at the gas fitting trade for at least 2 years and has attended the gas fitting school sponsored by the Baltimore Gas and Electric Company or an equivalent school; or
 - (ii) he or she has worked at the gas fitting trade exclusively for at least 1 year with a company that provides theoretical and practical training in an approved training program.
- (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 qualified as a “Journeyman Gas Fitter”.

(d) *Waiver of test requirement.*

In lieu of the above testing requirements, a Master Gas Fitter license or a Journeyman Gas Fitter license may be issued to an applicant:

- (1) who has passed an examination, given by a county or municipality in the State of Maryland, which the Board deems requires the same degree of competency, skill and achievement in the gas fitting field that is required by Baltimore City; and
- (2) who has an active license issued by the examining county or municipality and furnishes written verification from the county or municipality that he or she has been actively engaged in business for not less than 1 year immediately prior to the date of filing said application; and
- (3) the county or municipality reciprocates by issuing licenses of a similar class to licensed gas fitters of Baltimore City, authorizing such licensees to do the same type of work within that county or municipality.

(City Code, 1976/83, art. 13, §42.) (Ord. 80-025; Ord. 82-703.)

§ 16-10. Fees for examination and license.(a) *Examination fees.*

The following charges shall be made to cover the cost of examination:

- | | |
|-----------------------------------|------|
| (1) Master Gas Fitter License | \$25 |
| (2) Journeyman Gas Fitter License | \$15 |

(b) *License fees.*

The following charges for licenses are:

- | | |
|-----------------------------------|------|
| (1) Master Gas Fitter License | \$75 |
| (2) Journeyman Gas Fitter License | \$25 |

(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; rules and regulations; 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) Subject to Title 4 {"Administrative Procedure Act – Regulations"} of the City General Provisions Article, the Board shall adopt rules and regulations for:
 - (i) the examination of master or maintenance electricians as herein defined; and
 - (ii) 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.

Editor's Note: By authority of Ordinance 20-431, Section 5, the Director of Legislative Reference, in consultation with the Law Department, has conformed paragraphs (2) and (5) of this subsection to refer expressly to the requirements of the recently-enacted Administrative Procedure Act that, effective January 15, 2021, governs the proposal, adoption, and publication of administrative rules and regulations.

- (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) Subject to Title 4 {"Administrative Procedure Act – Regulations"} of the City General Provisions Article, 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; Text Conformed 02/19/21.)

§ 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.)

**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) *{Repealed}*

Editor’s Note: For the Code-wide standard definition of “person”, see City General Provisions Article, § 1-107.

(Ord. 02-475; Ord. 22-125.)

§ 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) subject to Title 4 {"Administrative Procedure Act – Regulations"} of the City General Provisions Article, adopt rules, regulations, and specifications governing the qualification and licensing of on-site utility contractors in the City;

Editor’s Note: By authority of Ordinance 20-431, Section 5, the Director of Legislative Reference, in consultation with the Law Department, has conformed this item (1) to refer expressly to the requirements of the recently-enacted Administrative Procedure Act that, effective January 15, 2021, governs the proposal, adoption, and publication of administrative rules and regulations.

- (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; Text Conformed 02/19/21.)

§ 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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ART. 13

BALTIMORE CITY CODE

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) *{Repealed}*

Editor’s Note: For the Code-wide standard definition of “person”, see City General Provisions Article, § 1-107.

(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; Ord. 22-125.)

§ 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.)