

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2009, Legislative Day No. 5

Bill No. 17-09

Mr. Joseph Bartenfelder, Chairman and Councilmembers Gardina, Moxley & Olszewski
By Request of County Executive

By the County Council, March 2, 2009

A BILL
ENTITLED

AN ACT concerning

Boarding- or Rooming House - Definition and clarification

FOR the purpose of raising the level of ownership interest an individual must have to be considered an owner of a property for purposes of boarding- or rooming house analysis; providing that an individual who lives in a building for a certain amount of time may be considered to reside in a building for purposes of boarding- or rooming house analysis under certain circumstances; providing for the burden of proof under certain circumstances; clarifying the intent of county rental housing law; clarifying a certain term; and generally relating to boarding- or rooming houses.

By repealing and reenacting, with amendments

Section 101, Definition of "Boarding- or rooming house"
Baltimore County Zoning Regulations

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

By adding

Section 35-6-103(c)
Article 35. Buildings and Housing
Title 6. Rental Housing Licenses
Baltimore County Code, 2003

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that Section 101, Definition of “Boarding- or rooming house,” of the
3 Baltimore County Zoning Regulations, is repealed and reenacted, with amendments, to read as
4 follows:

5 § 101. Definitions

6 BOARDING- OR ROOMING HOUSE:

7 A. A building:

8 1. Which is the domicile of the owner and in which rooms with or without meals are
9 provided, for compensation, to three or more [adult persons] INDIVIDUALS WHO ARE 18 YEARS
10 OLD OR OLDER AND not related by blood, marriage or adoption to the owner; or

11 2. Which is not the owner's domicile and which is occupied in its entirety, for
12 compensation, by three or more [adult persons] INDIVIDUALS WHO ARE 18 YEARS OLD OR
13 OLDER AND not related to each other by blood, marriage or adoption.

14 B. The term does not include a hotel, motel, apartment building or a facility for foster care (as
15 defined in the Family Law Article, Section 5-501(g) of the Annotated Code of Maryland and
16 COMAR 07.06.16). The term does include a care home (as defined in the Health General Article,
17 Section 19-307(b) of the Annotated Code of Maryland.)

1 C. For purposes of this definition only, "owner" means [a person] AN INDIVIDUAL who:

2 1. Has more than a [25%] 50% legal or equitable interest in the property; and

3 2. Shares in more than [25%] 50% of the profits or losses derived from the
4 compensation paid under Paragraph A. of this definition.

5 D. IF AN INDIVIDUAL WHO IS 18 YEARS OLD OR OLDER AND WHO IS NOT
6 RELATED TO THE OWNER BY BLOOD, MARRIAGE OR ADOPTION RESIDES FOR
7 MORE THAN 30 DAYS DURING ANY TWELVE-MONTH PERIOD IN A BUILDING
8 IN WHICH COMPENSATION IS RECEIVED FROM ANY PERSON, THE BUILDING
9 SHALL BE CONSIDERED THE DOMICILE OF THE INDIVIDUAL FOR PURPOSES OF
10 THIS DEFINITION.

11 E. THE OWNER OF A BUILDING SHALL HAVE THE BURDEN OF PROVING THAT AN
12 INDIVIDUAL IS RELATED BY BLOOD, MARRIAGE, OR ADOPTION EITHER TO
13 THE OWNER OR TO THE OTHER INDIVIDUALS IN THE DOMICILE AS REQUIRED
14 UNDER PARAGRAPH A.1 OR A.2 OF THIS DEFINITION.

15 SECTION 2. AND BE IT FURTHER ENACTED, that Section 35-6-103(c) is hereby added
16 to Title 6. Rental Housing Licenses, of Article 35. Buildings and Housing, of the Baltimore County
17 Code, 2003, as amended, to read as follows:

18 § 35-6-103.

19 (C) THIS TITLE DOES NOT AUTHORIZE THE USE OF A DWELLING AS A
20 BOARDING OR ROOMING HOUSE, EXCEPT AS AUTHORIZED UNDER THE BALTIMORE
21 COUNTY ZONING REGULATIONS.

22 SECTION 3. AND BE IT FURTHER ENACTED, that this Act, having passed by the
23 affirmative vote of five members of the County Council, shall take effect April 19, 2009.