

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2010, Legislative Day No. 12

Bill No. 63-10

Councilmembers Gardina & Kamenetz

By the County Council, July 6, 2010

A BILL
ENTITLED

AN ACT concerning

Rental Housing - Public Nuisances

FOR the purpose of authorizing the Code official to provide notice of the occurrence of public nuisances to the owner of properties subject to the Rental Housing Licensing law; providing for the content of the notices; authorizing the Director of Permits and Development Management to deny, suspend or revoke a license due to the occurrence of public nuisances at certain rental property; requiring a certain hearing; providing for the burden of proof; defining a certain term; and generally relating to the abatement of public nuisances on certain rental properties.

By adding

Section 35-6-110.1
Article 35. Buildings and Housing
Title 6. Rental Housing Licenses
Baltimore County Code, 2003

By repealing and reenacting, with amendments

Section 35-6-111(a)(1)
Article 35. Buildings and Housing
Title 6. Rental Housing Licenses
Baltimore County Code, 2003

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

1 COUNTY, MARYLAND, that Section 35-6-110.1 is hereby added to Article 35. Buildings and
2 Housing, Title 6. Rental Housing Licenses, of the Baltimore County Code, 2003, as amended, to
3 read as follows:

4 § 35-6-110.1

5 (A) IN THIS SECTION, “PUBLIC NUISANCE” MEANS:

6 (1) ANY ANIMAL CONTROL LAW VIOLATIONS UNDER:

7 (I) §12-3-103 OF THE CODE OR ANY SIMILAR STATE LAW (CRUELTY TO
8 ANIMALS)

9 (II) §12-3-108 OF THE CODE (MENACING ANIMAL)

10 (III) ~~§12-3-109 OF THE CODE (PUBLIC NUISANCE ANIMAL); OR~~

11 ~~(IV) §12-3-110 OF THE CODE (ANIMAL AT-LARGE) OR;~~

12 (IV) ARTICLE 12, TITLE 8 OF THE CODE (DANGEROUS ANIMAL)

13 (2) ANY DISORDERLY CONDUCT, DISTURBANCE OF THE PEACE, OR
14 DISORDERLY HOUSE VIOLATIONS UNDER THE CRIMINAL LAW ARTICLE OF THE
15 ANNOTATED CODE OF MARYLAND;

16 (3) ANY CONTROLLED DANGEROUS SUBSTANCE ABUSE VIOLATION UNDER
17 THE CRIMINAL LAW ARTICLE OF THE ANNOTATED CODE OF MARYLAND;

18 (4) ANY ~~HEALTH, SAFETY, OR SANITATION~~ BOARDING- OR ROOMING HOUSE
19 ~~VIOLATION UNDER THIS CODE OR THE BALTIMORE COUNTY ZONING REGULATIONS~~
20 ~~THAT WOULD SUBJECT THE VIOLATOR TO ENFORCEMENT UNDER ARTICLE 3, TITLE~~
21 ~~6 OF THE CODE; OR~~

22 (5) ANY ALCOHOL VIOLATION UNDER ARTICLE 2B OF THE ANNOTATED CODE

1 OF MARYLAND.

2 (B) (1) ON FINDING ~~THAT~~ THAT, WITHIN A 6-MONTH PERIOD TWO PUBLIC
3 ~~NUISANCE ACTIVITIES~~ INCIDENTS HAVE OCCURRED AT A DWELLING OR DWELLING
4 UNIT SUBJECT TO THIS TITLE, WHETHER ENGAGED IN BY THE OWNER, AN
5 OCCUPANT, A TENANT OF THE DWELLING OR DWELLING UNIT, OR THEIR INVITEES,
6 THE CODE OFFICIAL SHALL ~~ATTEMPT TO CAUSE A WRITTEN NOTICE OF THE PUBLIC~~
7 ~~NUISANCES TO BE SENT TO THE PROPERTY OWNER.~~

8 ~~(2) FAILURE TO PERFECT DELIVERY OF THE NOTICE MAY NOT PREVENT~~
9 ~~ENFORCEMENT UNDER THIS SECTION~~ PROVIDE NOTICE OF THE PUBLIC NUISANCE
10 INCIDENTS TO THE PROEPRTY OWNER IN ACCORDANCE WITH §3-6-203(C) OF THE
11 CODE.

12 ~~(3)~~ (2) THE NOTICE SHALL INCLUDE:

13 (I) A DESCRIPTION OF THE PUBLIC ~~NUISANCES~~ NUISANCE INCIDENTS
14 AND THE DATE OR APPROXIMATE DATE ON WHICH THEY OCCURRED; AND

15 (II) A STATEMENT THAT IF A THIRD PUBLIC NUISANCE INCIDENT
16 OCCURS ON THE PROPERTY WITHIN SIX MONTHS AFTER THE DATE OF THE NOTICE,
17 THE DIRECTOR MAY DENY A LICENSE TO AN APPLICANT OR SUSPEND OR REVOKE
18 A LICENSE.

19 (C) IF WITHIN SIX MONTHS AFTER THE DATE OF THE NOTICE REQUIRED UNDER
20 SUBSECTION (B) OF THIS SECTION, A THIRD PUBLIC NUISANCE INCIDENT HAS
21 OCCURRED, SUBJECT TO § 35-6-111 OF THIS TITLE, THE DIRECTOR MAY DENY A
22 LICENSE TO AN APPLICANT OR SUSPEND OR REVOKE A LICENSE.

1 (D) (1) IN ANY ~~APPEAL~~ HEARING UNDER § 35-6-111(A) OR (B) OF THIS TITLE, THE
2 CODE OFFICIAL SHALL DEMONSTRATE BY A PREPONDERANCE OF THE EVIDENCE
3 THAT EACH VIOLATION STATED IN THE NOTICE ISSUED UNDER SUBSECTION (B) OF
4 THIS SECTION AND THE ORDER ISSUED UNDER SUBSECTION (C) OF THIS SECTION
5 HAS OCCURRED.

6 (2) THE CODE OFFICIAL IS NOT REQUIRED TO DEMONSTRATE THAT THERE
7 HAS BEEN A CONVICTION FOR A CRIMINAL OFFENSE OR, IN THE CASE OF ANIMAL
8 CONTROL OFFENSES OR ~~CODE ENFORCEMENT~~ BOARDING- OR ROOMING HOUSE
9 OFFENSES, THAT ANY HEARING OFFICER OR ADMINISTRATIVE BOARD HAS UPHELD
10 ANY CITATIONS ISSUED BY THE ANIMAL CONTROL DIVISION OR THE CODE
11 OFFICIAL, TO SHOW THE EXISTENCE OF A PUBLIC NUISANCE.

12 (3) THE ~~CODE OFFICIAL SHALL BE DEEMED TO HAVE FAILED TO MEET THIS~~
13 ~~STANDARD~~ HEARING OFFICER MAY DECLINE TO DENY, SUSPEND, OR REVOKE A
14 LICENSE IF THE PROPERTY OWNER DEMONSTRATES BY A PREPONDERANCE OF THE
15 EVIDENCE THAT THE PROPERTY OWNER:

16 (I) WAS NOT THE PROPERTY OWNER AT THE TIME OF ANY OF THE
17 PUBLIC NUISANCE ~~ACTIVITY~~ INCIDENTS THAT ~~IS~~ ARE THE BASIS OF THE NOTICE OR
18 ORDER;

19 (II) HAD KNOWLEDGE OF THE PUBLIC NUISANCE ~~ACTIVITY~~ INCIDENTS,
20 BUT HAS PROMPTLY AND VIGOROUSLY TAKEN ~~ALL NECESSARY~~ REASONABLE
21 ACTIONS TO ABATE EACH PUBLIC NUISANCE; OR

22 (III) HAD NO KNOWLEDGE OF THE PUBLIC NUISANCE ~~ACTIVITY~~

1 INCIDENTS AND COULD NOT, WITH REASONABLE CARE AND DILIGENCE, HAVE
2 KNOWN OF THE PUBLIC NUISANCE ~~ACTIVITY~~ INCIDENTS AND ON RECEIPT OF THE
3 NOTICE OR ORDER PROMPTLY TOOK ~~ALL~~ REASONABLE ACTIONS ~~NECESSARY~~ TO
4 ABATE THE PUBLIC NUISANCES.

5 (4) THE HEARING OFFICER MAY DECLINE TO DENY, SUSPEND OR REVOKE A
6 LICENSE FOR ANY REASON THAT JUSTICE REQUIRES.

7 SECTION 2. AND BE IT FURTHER ENACTED, that Section 35-6-111(a)(1) of Article
8 35. Buildings and Housing, Title 6. Rental Housing Licenses, of the Baltimore County Code, 2003,
9 as amended, be and it is hereby repealed and reenacted, with amendments, to read as follows:

10 § 35-6-111.

11 (a) (1) Before the Director takes any final action under § 35-6-110 OR § 35-6-110.1 of this title,
12 the Director shall give the tenant, applicant or licensee against whom the action is contemplated an
13 opportunity for a hearing in front of the Hearing Officer.

14 SECTION 3. AND BE IT FURTHER ENACTED, that this Act shall take effect 45 days
15 from the date of its enactment.