

PROCESS FOR RESPONDING TO PUBLIC NUISANCE INCIDENT COMPLAINTS

(35-6-110.1, Baltimore County Code, 2003)

OVERVIEW

Council Bill 63-10 will go into effect on September 27, 2010. The Code Enforcement Bureau will adhere to the following process.

This process only applies to rental housing subject to the county's Rental Housing Registration Law (Article 35, Title 6 of the Baltimore County Code, 2003).

No action will be taken until a citizen complaint of a public nuisance incident is filed by signed affidavit and the Code Official has confirmed that 2 complaints or calls for service regarding public nuisance incidents have been recorded with the Police Department, the Animal Control Division, and/or Code Enforcement*. The 2 complaints or calls for service must occur within a 6-month period and may not be two separate complaints about the same public nuisance incident. For purposes of Steps 1 through 6 below, the determination of whether complaints or calls for service regarding public nuisance incidents are the same incident or different is in the sole discretion of the Code Official (i.e. the Director or the Director's designee).

*Code Enforcement action/conviction relating to Rooming and Boarding – House violations only.

PROCEDURE

After an affidavit of complaint has been filed, the Code Official will:

Step 1:

Confirm that the dwelling or dwelling unit complained about is subject to the Rental Housing Registration Law. If it is not subject to the Rental Housing Registration Law, the Code Official shall so inform the complainant and close the file.

Step 2:

If necessary, confirm with the complainant whether the complaint or call for service was to the Police Department, Animal Control Division, or Code Enforcement Bureau.

Step 3:

Contact the relevant agencies in Step 2 and request copies of records confirming that a complaint was made or that calls for service were made. This does not necessarily require the submission to the Code Official of a formal police report or similar formal report by the other agency. Call records or any other written indication of a complaint or call for service is sufficient.

Step 4:

Review the facts as alleged in the affidavit and the records provided by the other agency and determine whether the facts as alleged constitute evidence that a public nuisance incident, as defined in 35-6-110.1(a) of the County Code, has occurred. The Code Official may consult the Office of Law for guidance. If the facts alleged do not constitute evidence of a public nuisance incident, the incident shall not be considered a public nuisance incident for purposes of this policy and the complainant shall be so informed.

Step 5:

After confirming that 2 public nuisance incidents have occurred at a particular dwelling or dwelling unit, the Code Official will provide a notice to the property owner, in accordance with the provisions for issuing a correction notice, informing the property owner that 2 public nuisance incidents have occurred at the dwelling or dwelling unit.

The notice will include a description of each public nuisance incident and the date or approximate date on which they occurred and a statement that if a third public nuisance incident occurs at the dwelling or dwelling unit within 6 months after the date of the notice, the owner's rental license may be revoked, suspended or a potential fine imposed.

The notice will also provide that a meeting is to take place within 2 weeks of notification with the Code Official to discuss the property owner's plan of action to abate the public nuisances.

Step 6:

If a third affidavit of complaint regarding a public nuisance incident at a dwelling or dwelling unit is filed within 6 months after the date the notice provided under Step 5 is issued, the Code Official will confirm the affidavit of complaint as outlined in Steps 1 through 4. The Director may issue a notice of suspension/revocation of the rental housing license or impose a potential fine and order the property owner to appear before the Code Enforcement Hearing Officer.

Step 7:

The Department's next steps will be mandated by the Code Enforcement Hearing Officer's order.

