

CITY OF HAGERSTOWN, MARYLAND

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF HAGERSTOWN,
BY DELETING AND REPEALING CHAPTER 197 THEREOF
RENTAL FACILITIES, AND RE-ENACTING IT WITH A NEW
CHAPTER 197, TO BE ENTITLED *RENTAL FACILITIES*,
WHICH CHAPTER ENACTS AN AMENDED LICENSING AND INSPECTION
PROGRAM FOR RESIDENTIAL RENTAL FACILTIES**

RECITALS

WHEREAS, there exist a significant number of residential rental facilities in the City of Hagerstown, Maryland; and

WHEREAS, the Mayor and Council of the City of Hagerstown have previously adopted Chapter 197 of the City Code, entitled *Rental Facilities*, establishing a program for licensing and inspection of residential rental facilities; and

WHEREAS, the aforesaid Chapter 197 has enabled the City to identify and eliminate many sub-standard living conditions and code violations present in residential rental facilities, and improve living conditions within the corporate limits of the City of Hagerstown; and

WHEREAS, the Mayor and Council of the City of Hagerstown desire to continue to promote and assure safety, health and habitability in housing conditions in residential rental facilities in the City of Hagerstown; and

WHEREAS, the Mayor and Council desire to continue to prevent the deterioration of residential rental facilities in the City of Hagerstown, to support property values, and to encourage responsible property management and use of said residential rental facilities; and

WHEREAS, the Mayor and Council desire to reduce the frequency of inspections conducted pursuant to the Program;

NOW, THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Council of the City of Hagerstown, Maryland, as its duly constituted legislative body as follows:

Section 1. The Code of the City of Hagerstown is hereby amended by deleting and repealing Chapter 197, *Rental Facilities*.

Section 2. The Code of the City of Hagerstown is hereby amended by adding thereto a new chapter to replace Chapter 197 hereinabove repealed, to be Chapter 197, *Rental Facilities*, to read as follows:

(SEE ATTACHED TEXT OF CHAPTER 197)

0-10-08

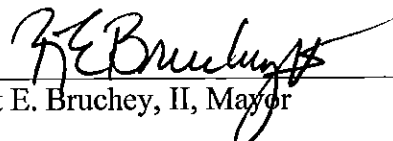
Section 3. Effective Date. This amendment to the Code of the City of Hagerstown shall become effective immediately upon the effective date of this Enacting Ordinance.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Enacting Ordinance shall become effective at the expiration of thirty (30) calendar days following its approval.

WITNESS AND ATTEST
AS TO CORPORATE SEAL

MAYOR AND COUNCIL OF THE
CITY OF HAGERSTOWN, MARYLAND


Donna Spickler, City Clerk

BY: 
Robert E. Bruchey, II, Mayor

Date of Introduction: April 27, 2010
Date of Passage: May 25, 2010
Effective Date: June 25, 2010

Prepared by:
NAIRN & BOYER, LLC
City Attorneys

0-10-08

Chapter 197

RENTAL FACILITIES

§197-1. Purpose.

The purpose of this chapter is to assure compliance with all laws, ordinances and regulations applicable to residential housing facilities in the City of Hagerstown. A further purpose of this chapter is to promote and assure safety, health and habitability in the housing conditions in rental facilities in the City, to prevent deterioration of rental facilities in the City, to support property values, and to encourage responsible management and use of rental facilities through licensing and inspection.

§197-2. Definitions.

- A. CITY – City of Hagerstown, Maryland.
- B. DEPARTMENT – The Engineering and Code Administration Department of the City.
- C. EXEMPT TENANT – A tenant of a single unit rental facility who is related to an owner of said facility as grandparent, parent, sibling, child, or grandchild, whether naturally, step or in-law.
- D. OWNER - Any person, partnership, association, company, corporation or other entity having a legal or equitable interest in, or control of a rental facility. Owner shall also mean any person who, alone, jointly or severally, shall have the charge, care or control of any premises as executor, administrator, trustee or guardian of the estate of the owner. Owner shall also mean any person having any interest in a partnership, association, company, corporation or other entity which owns or has any ownership interest or control of a premise. Any person, firm, partnership, association, company, corporation or other entity whose name appears on the deed or property tax bill for the premises of a premise shall be deemed to be the owner of the premises.
- E. OWNER-OCCUPIED – When any owner actually resides on a regular permanent basis, and has his/her sole primary residence in or at a premises which includes a rental unit.
- F. PREMISES – Any single parcel or lot of real property in the City, including the land and all improvements or structures, upon which a rental facility is located.
- G. RENTAL FACILITY – A structure containing one (1) or more rental units.

As used in this Chapter, Rental Facility shall not include:

1. A newly constructed rental facility, for the four (4) year period immediately following the issuance of the use and occupancy permit for said rental facility.
 2. A rental facility where any portion of the premises is owner-occupied, and said premises contains no more than one (1) rental unit.
 3. A rental facility which is owned and operated by the Housing Authority of the City of Hagerstown.
- H. RENTAL UNIT – Any single dwelling unit located in the City which is rented, leased or let, whether for consideration or not, by the owner of said premises to one (1) or more tenants for occupancy as a residence. A rental unit shall not include a unit actually being used for traditional hotel, motel, bed and breakfast, nursing home or hospital purposes.
- I. ROOMING HOUSE FACILITY – A rental facility which consists of rental units that are not equipped with individual bathroom and kitchen facilities, but share common bathroom and kitchen facilities within the rental facility.
- J. ROOMING UNIT – A room intended for living and sleeping purposes within a rooming house facility.

§197-3 Rental Facility License Required.

It shall be unlawful for the owner(s) of any rental facility to permit occupancy of any rental unit by another unless said rental unit is currently licensed by the City, and said license has not been denied, revoked or suspended.

§197-4. Application; License Fee.

In addition to the inspection requirements of Section 197-6 of this Chapter, an applicant for a rental facility license shall provide the following information for each rental facility on the appropriate application form provided by the Department.

- A. The address of the rental facility.
- B. The number of rental units contained in the rental facility.

- C. The name, street address and telephone number of all owners of the rental facility.
- D. If the owner of the rental facility is not an individual, the applicant shall provide the owner's name, street address and telephone number, and the resident agent's name and address.
- E. The name, street address and telephone number of a designated contact person for the owner(s).
- F. Except for a single unit rental facility occupied by an exempt tenant, payment of a nonrefundable annual license fee of:
 - (1) Fifty dollars per rental unit; or
 - (2) One hundred dollars for each rooming-house facility, plus \$10 for each rental unit in said rooming-house facility.
- G. The applicant shall be required to update the information provided pursuant to sub-sections C, D, and E of this Section, if said information shall change after the issuance of a license.

§197-5. Tenant Turnover.

The applicant shall notify the Department when any rental unit of a licensed rental facility becomes vacant, if the applicant intends to offer the unit for rent and the unit has not been inspected in the preceding forty-eight (48) months. The Department shall notify the applicant of required interior inspections of all Rooming House Facilities And Rooming Units.

§197-6. Inspection.

- A. In connection with the application requirements contained in §197-4 of this chapter, the rental facility shall be subject to an initial inspection of the exterior and biennially thereafter; if however, an exterior inspection reveals no violations the subsequent exterior inspection shall be quadrennial.

The interior of each rental unit, except for a single unit rental facility to be occupied by an exempt tenant, shall be inspected at tenant turnover prior to being occupied by a new tenant, but never more frequently than 48 months from the most recent interior inspection conducted pursuant to this section. Interior rental unit inspections shall be conducted within three full business days of receipt by the Department of the notice required in §197-5. Failure

of the Department to offer the inspection within three full business days or to conduct said inspection when scheduled shall be deemed to be a waiver of the inspection requirement for said rental unit. The Department may accept an interior inspection performed by the Hagerstown Housing Authority as part of the Tenant-based Section 8 Inspection Program in lieu of the City required interior inspection.

The interior of every rooming unit shall be inspected once every 48 months. A minimum of seven calendar days prior to the scheduled inspection the owner is required to give written notice of the scheduled inspection to all current occupants of the Rooming House Facility and the Department is required to post a notice of scheduled inspections at the Rooming House Facility.

- B. All inspections conducted hereunder shall be conducted by the Department and shall be performed pursuant to the standards of the property maintenance code then currently adopted by the City. The applicant shall make the rental facility and/or each rental unit, as the case may be, available for inspection by the Department on the scheduled inspection date. The Department shall provide reasonable advance notice of inspection to the applicant, and the applicant shall have the right to be present at the inspection.

§197-7. Issuance of License; Renewal.

Upon receipt of a completed application form and full payment of the appropriate fee, the Department shall issue a rental facility license for the subject rental facility within 30 days, unless such license is or has been denied, suspended or revoked pursuant to §197-8 hereof. Said license shall expire on its anniversary date, and shall be renewable annually, with application for said renewal being made at least 60 days prior to the expiration date of the then current license. License renewal application shall be on the form provided by the Department.

§197-8. Denial; Revocation or Suspension.

- A. A rental facility license may be denied, revoked or suspended in whole or in part at any time by the Department if, after receipt of a notice of violation, the owner fails to eliminate violations of the property maintenance code identified during any inspection within the time ordered in the notice. Denial, revocation or suspension of a rental facility license shall be in addition to, and not in substitution of the penalties provided for in Section 197-10 of this Chapter. A license shall be denied, revoked or suspended only for the rental unit(s) in which a violation exists.

- B. Any property owner directly affected by an action of the Department under the provisions of this Chapter may appeal such action to the Board of Technical Appeals.

§197-9. Severability.

The provisions of this Chapter are severable. If any provision of this Chapter or its application to any person or circumstance is held to be invalid, such invalidity shall not effect the other provisions or applications of this Chapter which can be given effect without the invalid provision or application.

§197-10. Violations and Penalties.

Any owner violating the requirements of this Chapter shall be guilty of a municipal infraction and shall be punished by a fine not exceeding \$1,000.00. Any such violation shall be cited as a prepayable fine in the amount of \$500.00.