

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2012 Legislative Session

Legislative Day No. 4

Bill No. 10 - 2012

Introduced by: Council Member Calvin Ball

Co-Sponsored by: Mary Kay Sigaty, Jennifer Terrasa and Courtney Watson

AN ACT permitting a homeowners association or common ownership community to submit certain documentation that a unit owner seeking a County issued rental license is delinquent on certain fees or violating certain bylaws or covenants; permitting the denial of rental license applications for failing to pay fees or other obligations to the association or community; permitting the denial of a rental license renewal request for failing to pay fees or violating obligations to the association or community; authorizing the Director of the Department of Licenses, Permits and Inspections to suspend or revoke a rental housing license if a homeowners association or common ownership community provides certain documentation indicating a unit owner with a rental license is delinquent on fees or other obligations to the association or community; authorizing the Director of the Department of Licenses, Inspections and Permits to revoke a rental license for false statements on an application; and generally relating to homeowners association and common ownership community fees and obligations, and rental housing licenses.

Introduced and read first time _____, 2012. Ordered posted and hearing scheduled.

By order _____
Stephen M. LeGendre, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2012.

By order _____
Stephen M. LeGendre, Administrator

This Bill was read the third time on _____, 2012 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Stephen M. LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2012 at ____ a.m./p.m.

By order _____
Stephen M. LeGendre, Administrator

Approved by the County Executive _____, 2012

Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the
2 Howard County Code is amended as follows:

3

4 *By amending*

5 *Title 14. Licenses, Permits, and Inspections*

6 *Subtitle 9. Rental Housing License*

7 *Section 14.900 Definitions*

8

9 *Title 14. Licenses, Permits, and Inspections*

10 *Subtitle 9. Rental Housing License*

11 *Section 14.901. Rental Housing License*

12

13

14

15 **Title 14. Licenses, Permits and Inspections**

16 **Subtitle 9. Rental Housing License**

17 **Sec. 14.900. - Definitions.**

18 In this subtitle the following terms have the meanings indicated:

19 (A) COMMON OWNERSHIP COMMUNITY MEANS:

20 (i) A MULTIFAMILY RESIDENTIAL BUILDING THAT IS SUBJECT TO A
21 CONDOMINIUM REGIME PURSUANT TO TITLE 11 OF THE REAL PROPERTY
22 ARTICLE OF THE ANNOTATED CODE OF MARYLAND; OR

23 (ii) A MULTIFAMILY RESIDENTIAL "COOPERATIVE HOUSING CORPORATION",
24 AS THAT TERM IS DEFINED IN SECTION 5-6B-01 OF THE CORPORATIONS AND
25 ASSOCIATIONS ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

26 (B) *COMMON OWNERSHIP COMMUNITY FEES* MEANS FEES CHARGED BY THE ENTITY
27 AUTHORIZED TO IMPOSE A FEE ON THE OWNER OR OCCUPANT OF HOUSING UNITS IN
28 CONNECTION WITH THE PROVISION OF SERVICES OR THE BENEFIT OF COMMON AREAS
29 IN THE COMMUNITY.

30 ~~[[a]]~~(C) *Director* means the Director of the Howard County Department of

1 Inspections, Licenses and Permits or the Director's authorized designee.

2 ~~[(b)]~~(D) *Dwelling* means an enclosed space wholly or partly used or intended to be
3 used for living and sleeping.

4 ~~[(c)]~~(E) *Dwelling unit* has the meaning set forth in the Howard County Property
5 Maintenance Code for Rental Housing.

6 (F) *HOMEOWNERS ASSOCIATION* HAS THE MEANING SET FORTH IN SECTION 11B-101(I)
7 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

8 (G) *HOMEOWNERS ASSOCIATION FEES* MEANS FEES CHARGED BY THE ENTITY
9 AUTHORIZED TO IMPOSE A FEE ON THE OWNER OR OCCUPANT OF HOUSING UNITS IN
10 CONNECTION WITH THE PROVISION OF SERVICES OR THE BENEFIT OF COMMON AREAS
11 IN THE COMMUNITY.

12 ~~[(f)]~~(H) *Howard County Property Maintenance Code for Rental Housing* means
13 the International Property Maintenance Code, 2006 Edition, as adopted in title 3,
14 subtitle 7 of the Howard County Code.

15 ~~[(d)]~~(I) *Owner* has the meaning set forth in the Howard County Property
16 Maintenance Code for Rental Housing.

17 ~~[(e)]~~(J) *Premises* has the meaning set forth in the Howard County Property
18 Maintenance Code for Rental Housing.

19
20 **Section 14.901. Rental Housing License**

21 (d) *Application:*

22 (1) The owner of a dwelling unit shall apply for the license and pay all appropriate
23 fees. An application for a rental housing license shall be made on a form provided
24 by the Director and submitted together with the license fee. If any information
25 contained on an application changes after a license is issued, the license holder shall
26 provide the Director with the updated information.

27 (2) A rental housing license application shall include:

28 (i) A description of the dwelling unit by unit number (if appropriate), house
29 number, street name, zip code, and the name of the complex if the dwelling
30 unit is located in a named complex;

31 (ii) The name and address of:

- 1 a. The owner of record and of the managing operator; [[and]]
2 b. If the owner is a corporation, the name and address of the resident
3 agent; AND
4 C. THE HOMEOWNERS ASSOCIATION OR COMMON OWNERSHIP
5 COMMUNITY, IF APPLICABLE;
6 (iii) The name and business address of an adult individual who:
7 a. Is a resident of Maryland;
8 b. Is customarily present in a business office in Maryland; and
9 c. Who shall be designated by the owner as the owner's authorized
10 agent for receiving notices, court process, and other papers on behalf of
11 the owner; however, an owner who is a natural person, resident of
12 Maryland, and who is customarily present in a business office in
13 Maryland may designate themselves as the authorized agent;
14 (iv) The type of dwelling unit;
15 (v) The number of units and stories;
16 (vi) Date and type of construction;
17 (vii) Type of smoke detectors;
18 (viii) Type of heating system;
19 (ix) Type of hot water heating;
20 (x) Source of water; [[and]]
21 (xi) Type of sewage [[disposal.]] DISPOSAL; AND
22 (XII) CERTIFICATION FROM THE HOMEOWNERS ASSOCIATION OR COMMON
23 OWNERSHIP COMMUNITY THAT THERE IS NO FINAL ADJUDICATION AGAINST THE
24 HOMEOWNER THAT USE OF THE UNIT AS A RENTAL VIOLATES THE COVENANTS OR
25 BYLAWS THAT GOVERN THE UNIT, OR THAT THE OWNER IS MORE THAN 30 DAYS
26 PAST DUE ON HOMEOWNERS ASSOCIATION OR COMMON OWNERSHIP COMMUNITY
27 FEES FOR THE UNIT.
28 (e) *Issuance of License.*
29 (i) Upon receipt of an application for a rental housing license, the Director shall
30 inspect the dwelling unit.
31 (ii) [[If]] THE DIRECTOR SHALL ISSUE A LICENSE IF the dwelling unit meets the

1 requirements of the Howard County Property Maintenance Code for Rental Housing
2 AND THE REQUIREMENTS OF THE RENTAL LICENSE APPLICATION AS SET FORTH IN THIS
3 SECTION . [[the Director shall issue a license.]]

4 (III) IF THE DIRECTOR DOES NOT ISSUE A LICENSE, THE DIRECTOR SHALL ISSUE A
5 WRITTEN DENIAL THAT STATES WHAT MUST BE DONE TO BRING THE UNIT INTO
6 COMPLIANCE WITH THIS SECTION.

7 (IV) IF THE DIRECTOR IS SATISFIED THAT THE DEFICIENCIES STATED IN A DENIAL HAVE
8 BEEN CORRECTED, THE DIRECTOR SHALL ISSUE A LICENSE FOR THE UNIT. [[If the
9 dwelling unit does not meet the requirements of the Howard County Property
10 Maintenance Code for Rental Housing, the Director shall issue a written denial of a
11 license and shall indicate what needs to be done to bring the dwelling unit into
12 conformity with the Howard County Property Maintenance Code for Rental
13 Housing. When the dwelling unit meets the requirements of the Howard County
14 Property Maintenance Code for Rental Housing, the Director shall issue the
15 license.]]

16 (f) *Renewal of License.*

17 (I) A rental housing license may be renewed IF [[provided]]:

18 A. [[that]] the dwelling unit continues to meet the requirements of the Howard
19 County Property Maintenance Code for Rental Housing AND OTHER REQUIREMENTS
20 UNDER THIS SECTION OF THE HOWARD COUNTY CODE; AND

21 B. THE HOMEOWNER PROVIDES CERTIFICATION FROM THE HOMEOWNERS
22 ASSOCIATION OR COMMON OWNERSHIP COMMUNITY THAT THERE IS NO FINAL
23 ADJUDICATION THAT:

- 24 1. USE OF THE UNIT AS A RENTAL VIOLATES THE COVENANTS OR BYLAWS; OR
- 25 2. THE OWNER IS MORE THAN 30 DAYS PAST DUE ON HOMEOWNERS ASSOCIATION
26 OR COMMON OWNERSHIP COMMUNITY FEES FOR THE UNIT.

27 (II) IF THE REQUIREMENTS OF THE RENTAL LICENSE APPLICATION AS SET OUT IN THIS
28 SECTION ARE NOT MET, THE DIRECTOR SHALL ISSUE A WRITTEN DENIAL THAT STATES WHAT
29 MUST BE DONE TO BRING THE UNIT IN COMPLIANCE WITH THIS SECTION.

30 (III) IF THE DIRECTOR IS SATISFIED THAT THE DEFICIENCIES STATED IN A DENIAL HAVE
31 BEEN CORRECTED, THE DIRECTOR SHALL ISSUE A RENEWAL LICENSE FOR THE UNIT.

1 (IV) The Director shall not issue a renewal license for any dwelling unit for which
2 there are outstanding violation notices from any County Agency.

3 (g) *Suspension of License.*

4 (I) The Director may suspend a rental housing license if the owner of a dwelling
5 unit fails to correct a violation OF THE HOWARD COUNTY PROPERTY
6 MAINTENANCE CODE FOR RENTAL HOUSING WITHIN THE TIME PERIOD
7 STATED IN THE NOTICE AND ORDER ISSUED BY THE DIRECTOR.

8 (II) THE DIRECTOR SHALL SUSPEND A RENTAL HOUSING LICENSE IF A
9 HOMEOWNERS ASSOCIATION OR COMMON OWNERSHIP COMMUNITY
10 PROVIDES DOCUMENTATION OF A FINAL ADJUDICATION THAT:

11 A. USE OF THE UNIT AS A RENTAL VIOLATES THE COVENANTS OR BYLAWS
12 THAT GOVERN THE UNIT; OR

13 B. THE OWNER IS MORE THAN 30 DAYS PAST DUE ON HOMEOWNERS
14 ASSOCIATION OR COMMON OWNERSHIP COMMUNITY FEES FOR THE UNIT.

15 [[within the time period stated in the notice and order issued by the
16 Director.]]

17 (III) The suspension UNDER THIS SUBTITLE shall end [[upon correction of the
18 violation]] WHEN:

19 A. THE DIRECTOR IS SATISFIED THAT THE VIOLATION HAS BEEN CORRECTED;
20 OR

21 B. THE HOMEOWNERS ASSOCIATION OR COMMON OWNERSHIP COMMUNITY
22 SUBMITS TO THE DIRECTOR DOCUMENTATION THAT THE OWNER HAS
23 CORRECTED ANY VIOLATION OF COVENANTS OR BYLAWS THAT GOVERN THE
24 UNIT OR MADE PAYMENT OF OVERDUE HOMEOWNERS ASSOCIATION OR
25 COMMON OWNERSHIP COMMUNITY FEES.

26 (j) *Revocation of License.* The Director may revoke a rental housing license if one of
27 the following occurs:

28 (i) The owner of the dwelling unit fails:

29 a. To keep the dwelling unit in good repair; or

30 b. To correct a violation within the time period stated in a notice or order
31 issued by the Director;

1 (ii) The dwelling unit presents a danger to the health, safety, or welfare of the
2 public or the occupants; [[or]]

3 (iii) The dwelling unit fails to comply with the provisions of the Howard County
4 Property Maintenance Code for Rental [[Housing.]]HOUSING; OR

5 (IV) THE HOMEOWNERS ASSOCIATION OR COMMON OWNERSHIP COMMUNITY
6 PROVIDES DOCUMENTATION OF A FINAL ADJUDICATION THAT:

7 A. USE OF THE UNIT AS A RENTAL VIOLATES THE COVENANTS OR BYLAWS THAT
8 GOVERN THE UNIT; OR

9 B. THE OWNER IS MORE THAN 30 DAYS PAST DUE ON HOMEOWNERS ASSOCIATION
10 OR COMMON OWNERSHIP COMMUNITY FEES FOR THE UNIT.

11 **Sec. 14.905. - Enforcement and penalties.**

12 (a) *Generally.* The Department may institute any action at law or equity, including
13 injunction or mandamus, to enforce the provisions of this subtitle.

14 (b) *Criminal Penalties.* A person who violates any provision of this subtitle OR
15 KNOWINGLY PROVIDES A FALSE STATEMENT TO THE DEPARTMENT is guilty of a
16 misdemeanor and upon conviction, is subject to a fine not exceeding \$1,000.00 or
17 imprisonment not exceeding 30 days or both.

18 (c) *Civil Penalties.* Alternatively, and in addition to and concurrent with all other
19 remedies, the Department of Inspections, Licenses and Permits may enforce this subtitle
20 pursuant to title 24, "Civil Penalties" of the Howard County Code. A violation of this
21 subtitle is a Class B offense. Each day that a violation continues is a separate offense.

22
23 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County,
24 *Maryland, that this Act shall become effective 61 days after its enactment.*