

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

County Council Of Howard County, Maryland

2006 Legislative Session

Legislative Day No.13

Bill No. 80 -2006

Introduced by: The Chairman at the request of the County Executive

AN ACT adopting certain national codes as the Howard County Property Maintenance Code for Rental Housing; adopting local amendments; making certain technical corrections to rental housing licensing provisions; amending certain rental housing licensing provisions to ensure consistency with the Howard County Property Maintenance Code for Rental Housing; and generally relating to the Howard County Property Maintenance Code for Rental Housing.

Introduced and read first time _____, 2006. Ordered posted and hearing scheduled.

By order _____
Sheila M. Tolliver, 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 _____, 2006.

By order _____
Sheila M. Tolliver, Administrator

This Bill was read the third time on _____, 2006 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2006 at ____ a.m./p.m.

By order _____
Sheila M. Tolliver, Administrator

Approved by the County Executive _____, 2006

James N. Robey, 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*
2 *Section 3.700 “Howard County Property Maintenance Code for rental housing” of*
3 *Subtitle 7 “Property Maintenance Code for Rental Housing” of Title 3 “Buildings” of*
4 *the Howard County Code is hereby repealed.*

5

6 *Section 2. Be It Further Enacted by the County Council of Howard County, Maryland,*
7 *that Section 3.700 “Howard County Property Maintenance Code for rental housing” is*
8 *added to Subtitle 7 “Property Maintenance Code for Rental Housing” of Title 3*
9 *“Buildings” of the Howard County Code to read as follows:*

10

11

TITLE 3. BUILDINGS.

12

SUBTITLE 7. PROPERTY MAINTENANCE CODE FOR RENTAL HOUSING.

13

14

SECTION 3.700. HOWARD COUNTY PROPERTY MAINTENANCE CODE

15

FOR RENTAL HOUSING.

16

(A) *ADOPTION OF NATIONAL CODE.* EXCEPT AS PROVIDED IN

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SUBSECTION (B) OF THIS SECTION, THE INTERNATIONAL PROPERTY
18 MAINTENANCE CODE, 2006, AS PUBLISHED BY THE INTERNATIONAL
19 CODE COUNCIL IS HEREBY ADOPTED AS THE HOWARD COUNTY
20 PROPERTY MAINTENANCE CODE FOR RENTAL HOUSING.

21

(B) *LOCAL AMENDMENTS.* THE FOLLOWING AMENDMENTS MODIFY
22 CERTAIN PROVISIONS OF THE ADOPTED CODE.

23

(1) *IN GENERAL.*

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(I) AS USED IN THIS SUBTITLE, THE TERM “THIS CODE”
25 SHALL MEAN THE HOWARD COUNTY PROPERTY
26 MAINTENANCE CODE FOR RENTAL HOUSING.

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(II) AS USED IN THIS SECTION, THE TERM “CODE OFFICIAL”
28 SHALL MEAN THE DIRECTOR OF THE DEPARTMENT OF
29 INSPECTIONS, LICENSES AND PERMITS OR THE
30 DIRECTOR’S AUTHORIZED DESIGNEE.

- 1 (III) WHERE THE NAME OF THE JURISDICTION IS TO BE
- 2 INDICATED IN ANY SECTION OF THIS CODE, INSERT
- 3 "HOWARD COUNTY, MARYLAND".
- 4 (2) *SUBSECTION 101.1 TITLE.*
- 5 DELETE THIS SUBSECTION AND SUBSTITUTE THE FOLLOWING:
- 6 *101.1 TITLE.* THESE REGULATIONS SHALL BE KNOWN AS THE
- 7 HOWARD COUNTY PROPERTY MAINTENANCE CODE FOR
- 8 RENTAL HOUSING, HEREINAFTER REFERRED TO AS "THIS
- 9 CODE".
- 10 (3) *SUBSECTION 101.2 SCOPE.*
- 11 DELETE THIS SUBSECTION AND SUBSTITUTE THE FOLLOWING:
- 12 *101.2 SCOPE.*
- 13 (I) THE SCOPE OF THIS CODE IS LIMITED TO EXISTING
- 14 STRUCTURES IN THE FOLLOWING OCCUPANCIES AS
- 15 DEFINED IN THE HOWARD COUNTY BUILDING CODE:
- 16 A. INSTITUTIONAL, USE GROUP I-1; AND
- 17 B. RESIDENTIAL,
- 18 1. USE GROUPS R-1, R-2, R-4; AND
- 19 2. USE GROUPS R-3 THAT ARE NOT OWNER-
- 20 OCCUPIED, OCCUPIED BY THE OWNER'S
- 21 IMMEDIATE FAMILY, OR OWNER-OCCUPIED
- 22 WITH 2 OR MORE ROOMERS OR BOARDERS.
- 23 (II) THIS CODE SHALL NOT APPLY TO THE FOLLOWING
- 24 EXISTING OCCUPANCIES AS DEFINED IN THE HOWARD
- 25 COUNTY BUILDING CODE:
- 26 A. ASSEMBLY, ALL USE GROUPS;
- 27 B. BUSINESS, USE GROUP B;
- 28 C. EDUCATIONAL, USE GROUP E;
- 29 D. FACTORY AND INDUSTRIAL USE GROUPS F-1 AND
- 30 F-2;
- 31 E. HIGH HAZARD, ALL USE GROUPS;

- 1 F. INSTITUTIONAL, USE GROUPS I-2, I-3, AND I-4;
- 2 G. MERCANTILE, USE GROUP M; AND
- 3 H. RESIDENTIAL, USE GROUP R-3, IF THE DWELLING
- 4 IS:
- 5 1. OWNER OCCUPIED;
- 6 2. OCCUPIED BY MEMBERS OF THE OWNER'S
- 7 IMMEDIATE FAMILY; OR
- 8 3. OWNER OCCUPIED HAVING NO MORE THAN
- 9 ONE ROOMER OR BOARDER.
- 10 (III) THIS CODE SHALL CONSTITUTE THE MINIMUM
- 11 REQUIREMENTS AND STANDARDS FOR PREMISES,
- 12 STRUCTURES, EQUIPMENT, AND FACILITIES FOR LIGHT,
- 13 VENTILATION, SPACE, HEATING, SANITATION,
- 14 PROTECTION FROM THE ELEMENTS, LIFE SAFETY,
- 15 SAFETY FROM FIRE AND OTHER HAZARDS, SAFE AND
- 16 SANITARY MAINTENANCE; RESPONSIBILITIES OF AN
- 17 OWNER, OPERATOR, OR OCCUPANT; THE OCCUPANCY
- 18 OF EXISTING STRUCTURES AND PREMISES; AND
- 19 ADMINISTRATION, ENFORCEMENT, AND PENALTIES.
- 20 (4) *SUBSECTION 101.5 LICENSING.*
- 21 ADD NEW SUBSECTION 101.5 AFTER SUBSECTION 101.4 AS
- 22 FOLLOWS:
- 23 *101.5 LICENSING.* A STRUCTURE WITHIN THE SCOPE OF THIS
- 24 CODE SHALL NOT BE OCCUPIED UNLESS THE PROPERTY
- 25 OWNER OBTAINS THE LICENSE REQUIRED BY TITLE 14,
- 26 SUBTITLE 9 OF THE HOWARD COUNTY CODE.
- 27 (5) *SUBSECTION 102.6 HISTORIC BUILDINGS.*
- 28 DELETE THIS SUBSECTION.
- 29 (6) *SUBSECTION 102.7 REFERENCED CODES AND STANDARDS.*
- 30 (I) DELETE "CHAPTER 8" AND SUBSTITUTE "THE HOWARD
- 31 COUNTY BUILDING CODE AS ADOPTED IN TITLE 3,

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SUBTITLE 1 OF THE HOWARD COUNTY CODE, AS APPLICABLE, ”.

(II) AT THE END OF THIS SUBSECTION, INSERT THE FOLLOWING:

102.7.1 BUILDING. WHENEVER THE TERM “*INTERNATIONAL BUILDING CODE*” IS USED IN THIS CODE, IT SHALL MEAN THE HOWARD COUNTY BUILDING CODE ADOPTED PURSUANT TO TITLE 3, SUBTITLE 1 OF THE HOWARD COUNTY CODE.

102.7.2 ELECTRICAL. WHENEVER THE TERM “*ICC ELECTRICAL CODE*” IS USED IN THIS CODE, IT SHALL MEAN THE HOWARD COUNTY ELECTRICAL CODE ADOPTED PURSUANT TO TITLE 3, SUBTITLE 2 OF THE HOWARD COUNTY CODE.

102.7.3 FIRE PREVENTION. WHENEVER THE TERM “*INTERNATIONAL FIRE CODE*” IS USED IN THIS CODE, IT SHALL MEAN THE HOWARD COUNTY FIRE PREVENTION CODE ADOPTED PURSUANT TO TITLE 17, SUBTITLE 1 OF THE HOWARD COUNTY CODE.

102.7.4 PLUMBING AND GASFITTING. WHENEVER THE TERMS “*INTERNATIONAL PLUMBING CODE*” OR “*INTERNATIONAL FUEL GAS CODE*” ARE USED IN THIS CODE, THEY SHALL MEAN THE HOWARD COUNTY PLUMBING AND GASFITTING CODE ADOPTED PURSUANT TO TITLE 3, SUBTITLE 3 OF THE HOWARD COUNTY CODE.

102.7.5 MECHANICAL. WHENEVER THE TERM “*INTERNATIONAL MECHANICAL CODE*” IS USED IN THIS CODE, IT SHALL MEAN THE MECHANICAL CODE OF HOWARD COUNTY ADOPTED PURSUANT TO TITLE 3, SUBTITLE 1 OF THE HOWARD COUNTY CODE.

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102.7.6 ZONING. WHENEVER THE TERM
“INTERNATIONAL ZONING CODE” IS USED IN THIS CODE,
IT SHALL MEAN THE HOWARD COUNTY ZONING
REGULATIONS AS ADOPTED PURSUANT TO TITLE 16 OF
THE HOWARD COUNTY CODE.

(7) *SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE
INSPECTION.*

DELETE THE NAME OF THIS SECTION, “DEPARTMENT OF
PROPERTY MAINTENANCE INSPECTION”, AND SUBSTITUTE
“DEPARTMENT OF INSPECTIONS, LICENSES AND PERMITS”.

(8) *SUBSECTION 103.1 GENERAL.*

DELETE THIS SUBSECTION AND SUBSTITUTE THE FOLLOWING:
103.1 GENERAL. THE CODE OFFICIAL IS THE DIRECTOR OF THE
DEPARTMENT OF INSPECTIONS, LICENSES AND PERMITS OR
THE DIRECTOR’S AUTHORIZED DESIGNEE.

(9) *SUBSECTION 103.4 LIABILITY.*

- (I) IN THE FIRST SENTENCE, DELETE “AN ACT” AND
SUBSTITUTE “ANY LAWFUL ACT”;
- (II) IN THE SECOND SENTENCE, DELETE “UNTIL THE FINAL
TERMINATION OF THE PROCEEDINGS” AND SUBSTITUTE
“IN ACCORDANCE WITH THE PROVISIONS OF
MARYLAND LAW”; AND
- (III) IN THE THIRD SENTENCE, DELETE “DEPARTMENT OF
PROPERTY MAINTENANCE INSPECTION” AND
SUBSTITUTE “DEPARTMENT OF INSPECTIONS, LICENSES
AND PERMITS”.

(10) *SUBSECTION 103.5 FEES.*

DELETE THIS SUBSECTION.

(11) *SUBSECTION 104.4 RIGHT OF ENTRY.*

DELETE THIS SUBSECTION AND SUBSTITUTE THE FOLLOWING:
104.4 RIGHT OF ENTRY. THE CODE OFFICIAL IS AUTHORIZED

1 TO ENTER A DWELLING UNIT, PROPERTY, OR PREMISES AT
2 REASONABLE TIMES SOLELY FOR THE PURPOSE OF
3 INSPECTING FOR COMPLIANCE WITH THIS CODE. IF ENTRY IS
4 REFUSED, THE CODE OFFICIAL MAY SEEK A COURT ORDER TO
5 PERMIT ENTRY AND FREE ACCESS TO THE DWELLING UNIT,
6 PROPERTY, OR PREMISES.

7 (12) *SUBSECTION 104.7 DEPARTMENT RECORDS.*

8 DELETE "IN EXISTENCE" AND SUBSTITUTE "SUBJECT TO THE
9 LICENSING PROVISIONS OF TITLE 14, SUBTITLE 9 OF THE
10 HOWARD COUNTY CODE".

11 (13) *SUBSECTION 104.8 OCCUPANT OR TENANT TO GIVE ACCESS.*

12 ADD NEW SUBSECTION 104.8 AFTER SUBSECTION 104.7 AS
13 FOLLOWS:

14 *104.8 OCCUPANT OR TENANT TO GIVE ACCESS.* AN OCCUPANT
15 OR TENANT OF A DWELLING UNIT, PROPERTY, OR PREMISES
16 SHALL GIVE ACCESS TO ANY PART OF THE DWELLING UNIT,
17 PROPERTY, OR PREMISES AT REASONABLE TIMES FOR THE
18 PURPOSE OF MAKING INSPECTIONS, MAINTENANCE, REPAIRS,
19 OR ALTERATIONS AS ARE NECESSARY TO COMPLY WITH THIS
20 CODE.

21 (14) *SUBSECTION 106.1 UNLAWFUL ACTS.*

22 DELETE THIS SUBSECTION AND SUBSTITUTE THE FOLLOWING:

23 *106.1 UNLAWFUL ACTS.* AN OWNER, OCCUPANT, OR TENANT
24 SHALL NOT ERECT, CONSTRUCT, ALTER, EXTEND, REPAIR,
25 REMOVE, DEMOLISH, MAINTAIN, FAIL TO MAINTAIN,
26 PROVIDE, FAIL TO PROVIDE, OCCUPY, PERMIT ANOTHER
27 PERSON TO OCCUPY ANY PREMISES, PROPERTY, DWELLING
28 UNIT, OR EQUIPMENT REGULATED BY THIS CODE, OR CAUSE
29 THE SAME TO BE DONE IN VIOLATION OF ANY OF THE
30 PROVISIONS OF THIS CODE; FAIL TO OBEY A LAWFUL ORDER

1 OF THE CODE OFFICIAL; OR REMOVE OR DEFACE A PLACARD
2 OR NOTICE POSTED UNDER A PROVISION OF THIS CODE.

3 (15) *SUBSECTION 106.3 PROSECUTION FOR VIOLATION.*

4 DELETE THIS SUBSECTION, RENAME, AND SUBSTITUTE THE
5 FOLLOWING:

6 *106.3 ENFORCEMENT AND PENALTIES.* A PERSON WHO
7 VIOLATES A PROVISION OF THIS CODE IS GUILTY OF A
8 MISDEMEANOR AND, UPON CONVICTION, IS SUBJECT TO A
9 FINE, NOT EXCEEDING \$1,000, OR IMPRISONMENT, NOT
10 EXCEEDING 30 DAYS, OR BOTH. ALTERNATIVELY, AND IN
11 ADDITION TO AND CONCURRENT WITH ALL OTHER REMEDIES
12 AT LAW OR AT EQUITY, THE DEPARTMENT OF INSPECTIONS,
13 LICENSES AND PERMITS MAY ENFORCE THIS CODE WITH
14 CIVIL PENALTIES AS PROVIDED IN TITLE 24 "CIVIL
15 PENALTIES" OF THE HOWARD COUNTY CODE. A VIOLATION
16 OF THIS SUBTITLE IS A CLASS B OFFENSE. EACH DAY THAT A
17 VIOLATION CONTINUES IS A SEPARATE OFFENSE.

18 (16) *SUBSECTION 106.4 VIOLATION PENALTIES.*

19 DELETE THIS SUBSECTION, RENAME, AND SUBSTITUTE THE
20 FOLLOWING:

21 *106.4 REVOCATION.* THE DIRECTOR OF INSPECTIONS,
22 LICENSES AND PERMITS MAY SUSPEND, REVOKE, OR REFUSE
23 TO RENEW A RENTAL HOUSING LICENSE IF THE CODE
24 OFFICIAL FINDS THAT AN OWNER OF A PROPERTY HAS
25 VIOLATED A PROVISION OF THIS CODE, THIS TITLE, OR
26 REGULATIONS THAT IMPLEMENT THIS TITLE IN CONNECTION
27 WITH THE CONSTRUCTION, MAINTENANCE, ALTERATION, OR
28 REPAIR OF A PREMISES, PROPERTY, DWELLING UNIT,
29 EQUIPMENT, OR LAND WITHIN HOWARD COUNTY.

30 (17) *SUBSECTION 106.5 ABATEMENT OF VIOLATION.*

31 DELETE THIS SUBSECTION.

- 1 (18) *SUBSECTION 107.1 NOTICE TO PERSON RESPONSIBLE.*
- 2 (I) IN THE TITLE, DELETE “TO PERSON RESPONSIBLE”; AND
- 3 (II) IN THE FIRST SENTENCE, DELETE “PERSON
- 4 RESPONSIBLE” AND SUBSTITUTE “OWNER, TENANT,
- 5 OCCUPANT, OR PERSON RESPONSIBLE”.
- 6 (19) *SUBSECTION 107.2 FORM.*
- 7 DELETE ITEMS 5 AND 6.
- 8 (20) *SUBSECTION 107.4. PENALTIES.*
- 9 DELETE “106.4” AND SUBSTITUTE “106.3”.
- 10 (21) *SUBSECTION 108.2 CLOSING OF VACANT STRUCTURES.*
- 11 (I) IN THE SECOND SENTENCE, AFTER “PRIVATE PERSONS”
- 12 DELETE THE REMAINDER OF THIS SECTION;
- 13 (II) AFTER “PERSONS” INSERT A PERIOD; AND
- 14 (III) AFTER “PERSONS.” INSERT “THE OWNER IS
- 15 RESPONSIBLE FOR REIMBURSING THE COUNTY FOR THE
- 16 COST OF NECESSARY REPAIRS. THE DIRECTOR OF
- 17 FINANCE SHALL BILL THE OWNER FOR THE COST OF
- 18 THE WORK. THE OWNER SHALL PAY THE BILL FOR THE
- 19 WORK WITHIN 30 DAYS OF BILLING. IF THE OWNER
- 20 DOES NOT PAY THE BILL WITHIN 30 DAYS, THE CODE
- 21 OFFICIAL MAY SEEK A COURT ORDER REQUIRING THE
- 22 OWNER TO REIMBURSE THE COUNTY FOR THE COST OF
- 23 REPAIRS.”
- 24 (22) *SUBSECTION 108.4 PLACARDING.*
- 25 DELETE “BEARING” THROUGH THE END OF THE SENTENCE
- 26 AND SUBSTITUTE THE FOLLOWING:
- 27 BEARING THE PHRASE “UNLICENSED PREMISES, UNLAWFUL
- 28 TO OCCUPY ANY CURRENTLY VACANT DWELLING UNIT IN
- 29 THESE PREMISES OR ANY DWELLING UNIT BECOMING
- 30 VACANT UNTIL A RENTAL HOUSING LICENSE HAS BEEN
- 31 OBTAINED.”.

- 1 (23) *SUBSECTION 109.4 EMERGENCY REPAIRS.*
2 ADD THE FOLLOWING TO THE END OF THIS SUBSECTION:
3 THE OWNER IS RESPONSIBLE FOR REIMBURSING THE COUNTY
4 FOR THE COST OF NECESSARY REPAIRS. THE DIRECTOR OF
5 FINANCE SHALL BILL THE OWNER FOR THE COST OF THE
6 WORK. THE OWNER SHALL PAY THE BILL FOR THE WORK
7 WITHIN 30 DAYS OF BILLING. IF THE OWNER DOES NOT PAY
8 THE BILL WITHIN 30 DAYS, THE CODE OFFICIAL MAY SEEK A
9 COURT ORDER REQUIRING THE OWNER TO REIMBURSE THE
10 COUNTY FOR THE COST OF REPAIRS.
- 11 (24) *SUBSECTION 109.5 COSTS OF EMERGENCY REPAIRS.*
12 DELETE THIS SUBSECTION.
- 13 (25) *SUBSECTION 109.6 HEARING.*
14 DELETE THE SECOND SENTENCE AND SUBSTITUTE THE
15 FOLLOWING:
16 A PERSON MAY APPEAL AN ORDER TO TAKE EMERGENCY
17 MEASURES TO A HEARING EXAMINER OF THE HOWARD
18 COUNTY BOARD OF APPEALS IN ACCORDANCE WITH THE
19 RULES OF PROCEDURE SET FORTH IN TITLE 16, SUBTITLE 3 OF
20 THE HOWARD COUNTY CODE.
- 21 (26) *SUBSECTION 110.3 FAILURE TO COMPLY.*
22 (I) AT THE END OF THIS SUBSECTION, AFTER “PRIVATE
23 PERSONS” DELETE THE REMAINDER OF THIS SECTION;
24 (II) AFTER “PERSONS” INSERT A PERIOD; AND
25 (III) AFTER “PERSONS.” INSERT THE FOLLOWING: THE
26 OWNER IS RESPONSIBLE FOR REIMBURSING THE
27 COUNTY FOR THE COST OF NECESSARY REPAIRS. THE
28 DIRECTOR OF FINANCE SHALL BILL THE OWNER FOR
29 THE COST OF THE WORK. THE OWNER SHALL PAY THE
30 BILL FOR THE WORK WITHIN 30 DAYS OF BILLING. IF
31 THE OWNER DOES NOT PAY THE BILL WITHIN 30 DAYS,

1 THE CODE OFFICIAL MAY SEEK A COURT ORDER
2 REQUIRING THE OWNER TO REIMBURSE THE COUNTY
3 FOR THE COST OF REPAIRS.

4 (27) *SECTION 111 MEANS OF APPEAL .*

5 DELETE THIS SECTION IN ITS ENTIRETY.

6 (28) *SECTION 202 GENERAL DEFINITIONS.*

7 (I) DELETE THE DEFINITION FOR “DWELLING UNIT” AND
8 SUBSTITUTE THE FOLLOWING:

9 **DWELLING UNIT.** A BUILDING, STRUCTURE, OR ANY
10 PORTION OF A BUILDING OR STRUCTURE THAT
11 CONTAINS A SINGLE UNIT PROVIDING INDEPENDENT
12 LIVING FACILITIES FOR ONE OR MORE PERSONS,
13 INCLUDING PERMANENT PROVISIONS FOR LIVING,
14 EATING, COOKING, OR SLEEPING. A DWELLING UNIT
15 SHALL INCLUDE, WITHOUT LIMITATION, A MULTI-
16 FAMILY HOUSE, SINGLE-FAMILY HOUSE, APARTMENT,
17 APARTMENT HOUSE, BOARDING HOUSE, ROOMING
18 HOUSE, DORMITORY, ROOMING UNIT, EFFICIENCY UNIT,
19 HOTEL, MOTEL, PREMISES, OR THE COMMON AREA OF A
20 MULTI-FAMILY DWELLING OWNED BY A SINGLE
21 OWNER.

22 (II) DELETE THE DEFINITION FOR “OWNER” AND
23 SUBSTITUTE THE FOLLOWING:

24 **OWNER.** A PERSON, AGENT, OPERATOR, FIRM, OR
25 CORPORATION HAVING A LEGAL OR EQUITABLE
26 INTEREST IN THE DWELLING UNIT; HOLDING
27 RECORDED TITLE IN THE OFFICIAL RECORDS OF THE
28 STATE, COUNTY, OR MUNICIPALITY; OR JOINTLY OR
29 SEVERALLY HAVING CONTROL OF THE PROPERTY,
30 INCLUDING, WITHOUT LIMITATION, AN EXECUTOR,
31 ADMINISTRATOR, TRUSTEE, RECEIVER, GUARDIAN, OR

1 OTHER REPRESENTATIVE APPOINTED ACCORDING TO
2 LAW, AND THE SENIOR OFFICER, DIRECTOR, OR
3 TRUSTEE OF THE ASSOCIATION OF UNIT OWNERS OF A
4 CONDOMINIUM.

5 (29) *SUBSECTION 304.14 INSECT SCREENS.*

6 DELETE "DURING THE PERIOD FROM [DATE] TO [DATE],".

7 (30) *SUBSECTION 305.3.1 LEAD-BASED PAINT.*

8 ADD NEW SUBSECTION 305.3.1 AFTER SUBSECTION 305.3 AS
9 FOLLOWS:

10 *305.3.1. LEAD-BASED PAINT.* THE OWNER OF A DWELLING UNIT
11 SHALL COMPLY WITH REQUIREMENTS OF THE MARYLAND
12 DEPARTMENT OF THE ENVIRONMENT FOR LEAD-BASED PAINT
13 AND SHALL PROVIDE THE REQUIRED DISCLOSURES IN
14 ACCORDANCE WITH STATE LAW.

15 (31) *SUBSECTION 307.2.1 RUBBISH STORAGE FACILITIES.*

16 ADD THE FOLLOWING AT THE END OF THIS SUBSECTION:
17 EXCEPTION: THE OCCUPANT OF A ONE-FAMILY DWELLING
18 SHALL BE RESPONSIBLE FOR THE SAFE AND SANITARY
19 STORAGE AND REMOVAL OF ALL RUBBISH.

20 (32) *SUBSECTION 307.3.1 GARBAGE FACILITIES.*

21 ADD THE FOLLOWING AT THE END OF THIS SUBSECTION:
22 EXCEPTION: THE OCCUPANT OF A ONE-FAMILY DWELLING
23 SHALL BE RESPONSIBLE FOR THE SAFE AND SANITARY
24 STORAGE AND REMOVAL OF ALL GARBAGE.

25 (33) *SUBSECTION 308.1 INFESTATION.*

26 (I) IN THE FIRST SENTENCE DELETE "INSECT" AND
27 SUBSTITUTE "INSECT, VERMON,".

28 (II) IN THE SECOND SENTENCE:

29 A. DELETE "INSECTS" AND SUBSTITUTE "INSECTS,
30 VERMON,"; AND

- 1 B. DELETE “APPROVED PROCESSES” AND
2 SUBSTITUTE “A PROCESS APPROVED BY THE
3 DEPARTMENT OF INSPECTIONS, LICENSES AND
4 PERMITS”.
- 5 (34) *SUBSECTION 308.2 OWNER.*
6 DELETE “PRIOR TO RENTING OR LEASING THE STRUCTURE”.
- 7 (35) *SUBSECTION 308.3 SINGLE OCCUPANT.*
8 DELETE THIS SUBSECTION.
- 9 (36) *SUBSECTION 308.4 MULTIPLE OCCUPANCY.*
10 DELETE THIS SUBSECTION.
- 11 (37) *SUBSECTION 308.5 OCCUPANT.*
12 DELETE THIS SUBSECTION.
- 13 (38) *SUBSECTION 404.2. MINIMUM ROOM WIDTHS.*
14 DELETE “COUNTERFRONTS” EACH TIME IT APPEARS AND
15 SUBSTITUTE “COUNTER FRONTS”
- 16 (39) *SUBSECTION 404.4 BEDROOM AND LIVING ROOM*
17 *REQUIREMENTS.*
18 DELETE THIS SUBSECTION, RENAME, AND SUBSTITUTE AS
19 FOLLOWS:
20 *404.4 BEDROOM REQUIREMENTS.* EVERY BEDROOM SHALL
21 COMPLY WITH THE REQUIREMENTS SECTIONS 404.4.1.
22 THROUGH 404.4.5.
- 23 (40) *SUBSECTION 404.4.1 ROOM AREA.*
24 DELETE THIS SUBSECTION, RENAME, AND SUBSTITUTE THE
25 FOLLOWING:
26 *404.4.1 AREA FOR SLEEPING PURPOSES.* EVERY BEDROOM
27 OCCUPIED BY ONE PERSON SHALL CONTAIN AT LEAST 70
28 SQUARE FEET (6.5 M²) OF FLOOR AREA, AND EVERY BEDROOM
29 OCCUPIED BY MORE THAN ONE PERSON SHALL CONTAIN AT
30 LEAST 50 SQUARE FEET (4.6 M²) OF FLOOR AREA FOR EACH
31 OCCUPANT THEREOF.

1 (41) *SUBSECTION 404.4.4. PROHIBITED OCCUPANCY.*

2 DELETE “NONHABITABLE” AND SUBSTITUTE
3 “UNINHABITABLE”.

4 (42) *SUBSECTION 404.5 OVERCROWDING.*

5 DELETE THIS SUBSECTION AND SUBSTITUTE THE FOLLOWING:
6 *404.5 OVERCROWDING.* DWELLING UNITS SHALL NOT BE
7 OCCUPIED BY MORE OCCUPANTS THAN PERMITTED BY THE
8 MINIMUM AREA REQUIREMENTS OF TABLE 404.5.

9 TABLE 404.5 MINIMUM AREA REQUIREMENTS

SPACE	MINIMUM AREA IN SQUARE FEET		
	1 - 2 OCCUPANTS	3 – 5 OCCUPANTS	6 OR MORE OCCUPANTS
LIVING ROOM (A,B)	NO REQUIREMENTS	120	150
DINING ROOM (A,B)	NO REQUIREMENTS	80	100
BEDROOMS	SHALL COMPLY WITH SECTION 404.4		

10 FOR SI: 1 SQUARE FOOT = 0.093 M².

11 A. SEE SECTION 404.5.2 FOR COMBINED LIVING
12 ROOM/DINING ROOM SPACES.

13 B. SEE SECTION 404.5.1 FOR LIMITATIONS ON
14 DETERMINING THE MINIMUM OCCUPANCY AREA FOR
15 SLEEPING PURPOSES.

16 (43) *SUBSECTION 404.5.1 SLEEPING AREA.*

17 ADD NEW SUBSECTION 404.5.1 AFTER SUBSECTION 404.5 AS
18 FOLLOWS:

19 *404.5.1 SLEEPING AREA.* THE MINIMUM OCCUPANCY AREA
20 REQUIRED BY TABLE 404.5 SHALL NOT BE INCLUDED AS A
21 SLEEPING AREA IN DETERMINING THE MINIMUM OCCUPANCY
22 AREA FOR SLEEPING PURPOSES. ALL SLEEPING AREAS SHALL
23 COMPLY WITH SECTION 404.4.

24 (44) *SUBSECTION 404.5.2 COMBINED SPACES.*

25 ADD NEW SUBSECTION 404.5.2 AFTER SUBSECTION 404.5.1 AS
26 FOLLOWS:

1 *404.5.2 COMBINED SPACES.* COMBINED LIVING ROOM AND
2 DINING ROOM SPACES SHALL COMPLY WITH THE
3 REQUIREMENTS OF TABLE 404.5 IF THE TOTAL AREA IS EQUAL
4 TO THAT REQUIRED FOR SEPARATE ROOMS AND IF THE SPACE
5 IS LOCATED SO AS TO FUNCTION AS A COMBINATION LIVING
6 ROOM/DINING ROOM.

7 (45) *SUBSECTION 404.8 LOCATION OF FOOD PREPARATION*
8 *EQUIPMENT.*

9 ADD NEW SUBSECTION 404.8 AFTER SUBSECTION 404.7 AS
10 FOLLOWS:

11 *404.8 LOCATION OF FOOD PREPARATION EQUIPMENT.* A
12 PERSON SHALL NOT USE PORTABLE COOKING EQUIPMENT,
13 INCLUDING, BUT NOT LIMITED TO, A BARBEQUE, CHARCOAL,
14 OR PROPANE GRILL OR STOVE WITHIN 15 FEET OF A
15 MULTIFAMILY DWELLING.

16 (46) *SUBSECTION 506.3 SEWAGE BACKUP.*

17 ADD NEW SUBSECTION 506.3 AFTER SUBSECTION 506.2 AS
18 FOLLOWS:

19 *506.3 SEWAGE BACKUP.* IN THE EVENT OF A SEWAGE BACKUP,
20 THE OWNER SHALL BE REQUIRED TO IMMEDIATELY RESTORE
21 THE PREMISES TO A CLEAN AND SANITARY CONDITION BY A
22 PROCESS APPROVED BY THE DEPARTMENT OF INSPECTIONS,
23 LICENSES AND PERMITS.

24 (47) *SUBSECTION 602.2 RESIDENTIAL OCCUPANCIES.*

25 IN THE FIRST SENTENCE, DELETE “INDICATED IN APPENDIX D
26 OF THE *INTERNATIONAL PLUMBING CODE*”.

27 (48) *SUBSECTION 602.3 HEAT SUPPLY.*

- 28 (I) IN THE FIRST SENTENCE, DELETE “[DATE] TO [DATE]”
29 AND SUBSTITUTE “OCTOBER 1 TO MAY 1”; AND
30 (II) IN THE FIRST EXCEPTION, DELETE THE SECOND
31 SENTENCE.

- 1 (49) *SUBSECTION 602.4 OCCUPIABLE WORK SPACES.*
2 DELETE “[DATE] TO [DATE]” AND SUBSTITUTE “OCTOBER 1 TO
3 MAY 1”.
- 4 (50) *SUBSECTION 603.2 REMOVAL OF COMBUSTION PRODUCTS.*
5 ADD THE FOLLOWING AS THE SECOND EXCEPTION TO THIS
6 SUBSECTION:
7 EXCEPTION NUMBER 2: PORTABLE UNVENTED KEROSENE
8 HEATERS ARE NOT PERMITTED.
- 9 (51) *SUBSECTION 701.3 TESTING AND MAINTENANCE.*
10 ADD NEW SUBSECTION 701.3 AFTER SUBSECTION 701.2 AS
11 FOLLOWS:
12 *701.3 TESTING AND MAINTENANCE.* SPRINKLER SYSTEMS SHALL
13 BE CERTIFIED AS FULLY OPERATIONAL AT LEAST ANNUALLY
14 BY A MARYLAND STATE LICENSED SPRINKLER CONTRACTOR.
15 FIRE ALARM SYSTEMS SHALL BE CERTIFIED AT LEAST
16 ANNUALLY BY AN APPROVED COMPANY OR INDIVIDUAL.
17 EXCEPTIONS:
18 (I) LIMITED AREA SPRINKLER SYSTEMS (CONNECTED TO
19 DOMESTIC SUPPLY WITH SIX HEADS OR LESS);
20 (II) 110 VOLT FIRE ALARM SYSTEMS THAT DO NOT HAVE
21 AN ANNUNCIATOR PANEL; AND
22 (III) CONDOMINIUM RENTAL UNITS.
- 23 (52) *SUBSECTION 702.1.1 EMERGENCY PLANNING.*
24 ADD NEW SUBSECTION 702.1.1 AFTER SUBSECTION 702.1 AS
25 FOLLOWS:
26 *702.1.1 EMERGENCY PLANNING.* THE ADMINISTRATION OF
27 EVERY RESIDENTIAL CARE/ASSISTED LIVING FACILITY SHALL
28 HAVE A PLAN IN EFFECT TO PROTECT A PERSON IN THE
29 EVENT OF A FIRE. THE PLAN SHALL BE IN WRITING AND
30 SHALL BE AVAILABLE TO ALL SUPERVISORY PERSONNEL.
31 THE PLAN SHALL BE AMENDED TO ENSURE THE SAFETY OF

1 ALL RESIDENTS AND SHALL BE AMENDED OR REVISED AS
2 THE RESIDENTS OR THEIR NEEDS CHANGE. STAFF SHALL BE
3 INSTRUCTED OF THEIR DUTIES AND RESPONSIBILITIES UNDER
4 THE PLAN AND A RECORD OF SUCH INSTRUCTIONS SHALL BE
5 MAINTAINED. A COPY OF THE PLAN SHALL BE READILY
6 AVAILABLE AT ALL TIMES WITHIN THE FACILITY.

7 (53) *SUBSECTION 702.5 ARRANGEMENT.*

8 ADD NEW SUBSECTION 702.5 AFTER SUBSECTION 702.4 AS
9 FOLLOWS:

10 *702.5 ARRANGEMENT.* REQUIRED PATH OR TRAVEL FROM ANY
11 ROOM SHALL NOT BE THROUGH ANOTHER ROOM THAT IS
12 NOT UNDER THE IMMEDIATE CONTROL OF THE OCCUPANT OF
13 THE FIRST ROOM OR THROUGH A BATHROOM OR OTHER
14 SPACE SUBJECT TO LOCKING.

15 (54) *SUBSECTION 704.2.1. TAMPERING.*

16 ADD NEW SUBSECTION 704.2.1 AFTER SUBSECTION 704.2 AS
17 FOLLOWS:

18 *704.2.1. TAMPERING.* ANY TENANT OR OCCUPANT TAMPERING
19 OR INTERFERING WITH THE EFFECTIVENESS OF A SMOKE
20 DETECTOR IS IN VIOLATION OF THIS CODE.

21 (55) *SUBSECTION 704.5 SPRINKERS.*

22 ADD NEW SUBSECTION 704.5 AFTER SUBSECTION 704.4 AS
23 FOLLOWS:

24 *704.5 SPRINKERS.* SPRINKLERS SHALL BE CLEAN AND FREE
25 FROM CORROSION, PAINT, AND DAMAGE. KITCHEN SUPPLIES
26 OR STORAGE STOCK SHALL BE AT LEAST 18 INCHES BELOW
27 SPRINKLER DEFLECTORS.

28 (56) *SECTION 705 STORAGE OF HAZARDOUS MATERIAL.*

29 ADD NEW SECTION 705 AFTER SECTION 704 AS FOLLOWS:
30 *705 STORAGE OF HAZARDOUS MATERIALS.*

1 705.1 HAZARDOUS MATERIALS. UNLESS STORAGE COMPLIES
2 WITH THE APPLICABLE REQUIREMENTS OF THE HOWARD
3 COUNTY BUILDING CODE AND THE HOWARD COUNTY FIRE
4 PREVENTION CODE, A PERSON SHALL NOT STORE OR
5 ACCUMULATE:

6 (I) COMBUSTIBLE, FLAMMABLE, EXPLOSIVE, OR OTHER
7 HAZARDOUS MATERIALS, SUCH AS PAINTS, VOLATILE
8 OILS, OR CLEANING FLUIDS; OR

9 (II) COMBUSTIBLE RUBBISH, SUCH AS WASTEPAPER, BOXES
10 AND RAGS.

11 705.2 STORAGE OF VEHICLES THAT CONTAIN HAZARDOUS
12 MATERIALS. IN A COMMON AREA OF A MULTI-FAMILY
13 DWELLING OWNED BY ONE PERSON, PATIO, BALCONY,
14 HALLWAY, OR STAIRWELL OF A STRUCTURE OR PREMISES, A
15 PERSON SHALL NOT STORE OR ACCUMULATE A
16 MOTORCYCLE, MOPED, GASOLINE-POWERED LAWNMOWER,
17 OR OTHER SIMILAR EQUIPMENT THAT MAY CONTAIN A
18 HAZARDOUS MATERIAL INCLUDING, WITHOUT LIMITATION,
19 GASOLINE.

20
21 *Section 3. Be It Further Enacted by the County Council of Howard County, Maryland,*
22 *that subsection (f) of Section 14.900 "Definitions", subsection (a) of Section 14.901*
23 *"Rental housing license", subsection (d) of section 14.902 "Enforcement authority",*
24 *and subsection (c) of Section 14.905 "Enforcement and Penalties" all of Subtitle 9*
25 *"Rental Housing License" of Title 14 "Licenses, Inspections and Permits" of the*
26 *Howard County Code are amended to read as follows:*

27
28 **TITLE 14. LICENSES, INSPECTIONS AND PERMITS.**

29 **SUBTITLE 9. RENTAL HOUSING LICENSE.**

30
31

1 **Section 14.900. Definitions.**

2 In this subtitle the following terms have the meanings indicated.

3 (f) “*Howard County Property Maintenance Code for Rental Housing*” means the
4 International Property Maintenance Code, [[2003]] 2006 Edition, as adopted in Title 3,
5 Subtitle 7 of the Howard County Code.

6
7 **Section 14.901. Rental housing license.**

8 (a) *Rental housing license required.* Except as provided in subsection (b) of this section,
9 the owner of a dwelling unit in Howard County that is within the scope of the Howard
10 County Property Maintenance Code for Rental Housing shall not rent or lease a dwelling
11 unit unless the owner obtains a rental housing license under this subtitle. [[The public
12 areas of all multifamily dwellings shall be licensed regardless of the ownership of the
13 individual dwelling units.]]

14
15 **Section 14.902. Enforcement authority.**

16 (d) *Right of Entry.*

17 (1) The owner, occupant, TENANT, or other person in charge of a dwelling
18 [[unit]] UNIT, PROPERTY, OR PREMISES REGULATED BY THIS
19 SUBTITLE shall give the director entry and free access to any part of the
20 dwelling [[unit]] UNIT, PROPERTY, OR PREMISES for the purposes of
21 inspection. If entry or access is refused or restricted, the director may seek
22 a court order to allow entry and free access.

23 (2) The occupant OR TENANT of a dwelling [[unit]] UNIT, PROPERTY,
24 OR PREMISES shall give the owner or operator access at reasonable
25 times to make inspections and to carry out maintenance, repairs, or
26 alterations necessary to comply with the provisions of this subtitle.

27
28 **Section 14.905. Enforcement and penalties.**

29 (c) *Civil Penalties.* Alternatively, and in addition to and concurrent with all other
30 remedies, the Department OF INSPECTIONS, LICENSES AND PERMITS may enforce
31 this subtitle pursuant to Title 24, “Civil Penalties” of the Howard County Code. A

1 violation of this subtitle ~~[[shall be]]~~ IS a class B offense. Each day that a violation
2 ~~[[exists]]~~ CONTINUES is a separate offense.

3

4 *Section 4. And Be It Further Enacted by the County Council of Howard County,*
5 *Maryland, that this Act shall become effective 61 days after its enactment.*