

Bill No. 39-16  
Concerning: Housing and Building  
Maintenance Standards -  
Registration of Vacant Property  
Revised: 5/2/2017 Draft No. 11  
Introduced: September 20, 2016  
Enacted: May 2, 2017  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Councilmember Hucker  
Co-Sponsors: Councilmembers Leventhal and Navarro, Vice President Berliner, Councilmembers  
Elrich, Riemer, and Rice, and Council President Floreen

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**AN ACT** to:

- (1) require [[owners of certain unmaintained vacant buildings to register those vacant buildings with]] the Director of the Department of Housing and Community Affairs to identify unmaintained vacant dwellings;
- (2) require owners of certain unmaintained vacant buildings to pay certain fees;
- (3) require inspections for certain unmaintained vacant buildings; and
- (4) generally amend County law on housing and building maintenance standards.

By adding

Montgomery County Code  
Chapter 26, Housing and Building Maintenance Standards  
[[Article I, General  
Article II, Registration of Vacant Property  
Sections 26-19, 26-20, 26-21, 26-22, 26-23, and 26-24]]

Article III, Unmaintained Vacant Property  
Sections 26-20, 26-21, 26-22, 26-23, 26-24, 26-25, and 26-26

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*



- 28 (6) deferred maintenance; and
- 29 (7) the dwelling is boarded up.

30 Unmaintained vacant ~~[[building]] dwelling~~ means a vacant ~~[[building]]~~  
 31 dwelling not maintained as required by Chapter 26, Article 1.

32 [[Visual blight has the same meaning as in Section 26-2.]]

33 **[[26-20]] 26-21. Applicability.**

34 This Article does not apply to any real property that is

- 35 (a) owned by:
  - 36 (1) the government of the United States or its instrumentalities;
  - 37 (2) the State of Maryland or its instrumentalities; or
  - 38 (3) a foreign government or its instrumentalities;
- 39 (b) under active construction or undergoing active rehabilitation,  
 40 renovation, ~~[[or]] repair, or demolition, ~~[[and there is]] or under a~~~~  
 41 building permit to make the building fit for occupancy or to be  
 42 demolished ~~[[that was issued, renewed, or extended within 12 months of~~  
 43 the registration date]];
- 44 (c) for a period not to exceed 24 months, the subject of a probate  
 45 proceeding or the title is the subject of litigation, including a foreclosure  
 46 proceeding; or
- 47 (d) maintained as required by Chapter 26, Article 1.

48 **[[26-21. Registration of unmaintained vacant buildings; inspection;**  
 49 **notification]] 26-22. Designation of unmaintained vacant dwellings; inspection.**

- 50 (a) [[Building maintenance required. The owner of a vacant building must  
 51 maintain the building as required by Chapter 26, Article 1.
- 52 (b) Unmaintained vacant buildings registry. The Department must maintain  
 53 a list of unmaintained vacant buildings.
- 54 (c) Registration required.

55           (1) Within 90 days after a building becomes an unmaintained vacant  
 56 building, the owner must register the building and pay the  
 57 registration fee required in Section 26-23. An owner must renew  
 58 a registration annually from the date of initial registration unless  
 59 there is a change in ownership.

60           (2)]] The Director must identify [[nonregistered]] unmaintained vacant  
 61 [[building]] dwellings throughout the County. The Director must  
 62 notify the owner in writing that the owner’s [[building]] dwelling  
 63 has been designated as an unmaintained vacant [[building]]  
 64 dwelling and of the owner’s right to [[appeal]] seek  
 65 reconsideration of this designation and appeal the decision under  
 66 Section 26-25.

67           [[d)]] (b) Inspections required.

68           (1) Inspections required. The Director must inspect every  
 69 unmaintained vacant [[building]] dwelling at least annually to  
 70 ensure that:

71           (A) the [[building]] dwelling complies with all applicable laws,  
 72 including Chapter 26, Article I; and

73           (B) vacancy of the [[building]] dwelling is not;  
 74           (i) detrimental to the public health, safety, and welfare;  
 75           (ii) a hazard to police officers or firefighters entering the  
 76 [[building]] dwelling in an emergency; or

77           (iii) a public nuisance.

78           (2) Additional inspections authorized. The Director may inspect [[a]]  
 79 an unmaintained vacant [[building]] dwelling more often than  
 80 annually to ensure compliance with this Article.

81            [(e) County notification. The Director of the Department of Finance must  
 82            notify all property owners of the requirements of this Article at the same  
 83            time as the Director notifies property owners of any real property taxes  
 84            due.]]

85    **[[26-22]] 26-23. Exemptions.**

86            (a) The Director may grant an exemption from the [[registration]]  
 87            requirement in Section [[26-21]] 26-22 for any real property that is:

88            (1) in compliance with [[26-21]] 26-22(a) and the property owner  
 89            has been actively seeking in good faith to rent [[of]] or sell the  
 90            property if:

91            (A) the time period for sale or rent does not exceed 1 year from  
 92            the initial listing, offer, or advertisement of sale or rent of a  
 93            residential building; and

94            (B) the building has a valid certificate of occupancy;

95            (2) for a period not to exceed 12 months, the subject of a pending  
 96            application for a necessary approval for development before the  
 97            Planning Board, Board of Appeals, or Office of Zoning and  
 98            Administrative Hearings; or

99            (3) for a period not to exceed 24 months, the subject of [[an  
 100            inheritance]] a probate proceeding.

101            (b) The cumulative time period that a vacant [[building]] dwelling may be  
 102            exempted from this Article must not exceed 3 years.

103            (c) An application for an exemption [[from the registration requirement]]  
 104            must be made on a form the Director prescribes.

105            (d) A person that believes the Director has incorrectly denied the person's  
 106            application for an exemption may appeal that decision [[according to]]  
 107            under Section [[26-24]] 26-25.

108 **[[26-23]] 26-24. Fees; lien.**

109 [[a)] (a) Fees. The County Executive must set one or more fees by regulation  
 110 under Method (2). The fee must increase for larger numbers of  
 111 inspections performed that the Director determines are necessary to  
 112 ensure compliance with this Section.

113 [[b) A vacant building owned by the County or its instrumentalities must  
 114 comply with the registration requirement of Section 26-21, but is not  
 115 subject to any fees required in paragraph (a).]]

116 (b) Lien. Any unpaid fee under this Article constitutes a lien on the property  
 117 and may be collected in the same manner as taxes are collected.

118 **[[26-24]] 26-25. Right to appeal.**

119 (a) Within 10 days after the [[designation of an owner's building as a]  
 120 Director sends written notice that an owner's property has been  
 121 designated as an unmaintained vacant [[building]] dwelling, the owner  
 122 may petition the Director for reconsideration by filing the form  
 123 prescribed by the Director. Within 30 days after receiving the petition,  
 124 the Director must issue a notice of final determination.

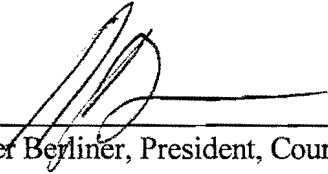
125 (b) Any person aggrieved by [[an]] a designation or notice of final action of  
 126 the Director under this Article may, within [[10 days after receiving]] 15  
 127 days after the Director sends written notice of the action, appeal that  
 128 action to the Circuit Court under the Maryland Rules of Procedure for  
 129 judicial review of a final administrative agency decision. An appeal  
 130 does not stay the Director's action. A party aggrieved by the decision of  
 131 the Circuit Court may appeal that decision to the Court of Special  
 132 Appeals.

133 **26-26. Annual report.**

134           By March 1 each year, the Director must submit to the County Executive and  
135 County Council a report on the Department's activities related to unmaintained  
136 vacant dwellings. The report must include:

- 137           (a)   the zip code of each property inspected during the prior calendar year;  
138           (b)   for each property inspected, a summary of violations by number found  
139                 and number corrected;  
140           (c)   the number of citations issued to each property owner during the prior  
141                 calendar year; and  
142           (d)   the amount of fees collected from each property owner during the prior  
143                 calendar year.

Approved:

  
\_\_\_\_\_  
Roger Berliner, President, County Council

*May 2, 2017*  
\_\_\_\_\_  
Date

Approved:

\_\_\_\_\_  
Isiah Leggett, County Executive

\_\_\_\_\_  
Date

*This is a correct copy of Council action.*

\_\_\_\_\_  
Linda M. Lauer, Clerk of the Council

\_\_\_\_\_  
Date