

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND****2006 Legislative Session**Bill No. CB-27-2006

Chapter No. \_\_\_\_\_

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by \_\_\_\_\_

Co-Sponsors \_\_\_\_\_

Date of Introduction \_\_\_\_\_

**BILL**

1 AN ACT concerning

2 Housing Code

3 For the purpose of amending the Housing Code to add safety and security requirements for  
 4 owners of multifamily rental facilities; to provide time periods for administration,  
 5 implementation and compliance; to add administrative requirements and procedures for licensing  
 6 owners of multifamily rental facilities; to require safety and security requirements for the  
 7 issuance and renewal of multifamily rental facility licenses; and generally relating to multifamily  
 8 rental facility licenses.

9 BY repealing and reenacting with amendments:

10 SUBTITLE 13. HOUSING AND PROPERTY  
 11 STANDARDS.

12 Sections 13-106, 13-108, 13-118, 13-182, 13-187 and  
 13 13-189

14 The Prince George's County Code  
 15 (2003 Edition, 2005 Supplement)

16 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
 17 Maryland, that Sections 13-106, 13-108, 13-118, 13-182, 13-187 and 13-189 of the Prince  
 18 George's County Code be and the same are hereby repealed and reenacted with the following  
 19 amendments:

20 **SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.**21 **DIVISION 1. HOUSING CODE.**

**Subdivision 2. Amendments to Housing Code.**

**Sec. 13-106. Definitions.**

(a) As used in this Division and the Housing Code:

(1) **Building Official** or **Code Official** shall mean the Director of the Department of Environmental Resources or the Director's duly authorized representative;

(2) **Code** shall mean the Housing Code; [and,]

(3) **Crime Prevention Through Environmental Design (CPTED)** means a program where the County enacts laws, guidelines and policies intended to promote the prevention and reduction of crime in multifamily rental facilities of ten (10) or more units through utilization of the principles of natural surveillance, natural access control, territoriality and maintenance and management;

[(3)] (4) **Municipality** or **City** shall mean the County unless it is specifically intended to indicate an incorporated city or town within the County[.]; and

(5) **Safety and Security Plan** means the Prince George's County Safety and Security Plan for Multifamily Rental Facilities Having Ten or More Units, which: (1) is completed by the property owner and is approved by the Chief of Police or their designee, and (2) is based on crime prevention standards in keeping with the principles of Crime Prevention Through Environmental Design (CPTED), in addition to the minimum standards set forth by the Housing Code, and takes into consideration each multifamily rental facility's uniqueness and location.

**Sec. 13-108. Same; Section 102, Applicability.**

(a) Section 102.1 is amended to read as follows:

**"102.1 General.** The provisions of this Code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. When any provision of this Code governing residential uses differs from any other provision of this Code or any other Section of the County Code, the more restrictive provision shall apply."

(b) Section 102.2.1 is added to read as follows:

"Existing buildings of Use Group R-2 having ten (10) or more units shall be required to comply with Sections 4-141 and 4-202 of the Prince George's County Code upon change of ownership or renovation requiring a building permit, or, if the cost of improvements requires expenditures exceeding Two Thousand Dollars (\$2,000.00) per rental unit, the owner shall have until December 31, 2011 to complete the mandated improvements."

(c) Section 102.2.2 is added to read as follows:

“Existing multifamily rental facilities having ten (10) or more units shall comply with Sections 13-108 (c) and 13-118 upon change of ownership, or upon renovation requiring a building permit, or, if the cost of improvements requires expenditures exceeding Two Thousand Dollars (\$2,000.00) per rental unit, the owner shall have until December 31, 2011 to complete the mandated improvements.”

[(b)](d) Section 102.3 is amended to read as follows:

**"102.3 Application of other codes.** Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the County Code."

[(c)](e) Section 102.4 is amended to read as follows:

**"102.4 Existing remedies.** The provisions in this Code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe, and unsanitary."

[(d)](f) Section 102.7, entitled "Referenced codes and standards," deleted in its entirety.

**Sec. 13-118. General Requirements; Section 302, Exterior Property Areas.**

\* \* \* \* \*

(c) A new Section 302.3.1 is added to read as follows:

**“302.3.1 Lighting and parking lots and exterior passageways.** All parking lots, exterior walkways between buildings, between parking lots, and between buildings and parking lots shall be illuminated with no less than [one and one-fourth (1 1/4) lumens per square foot] three (3) foot candles per square foot measured at the ground level. Fixtures which require replacement are to be replaced with approved vandal resistant-type fixtures. Lighting shall be operated from dusk to dawn continuously. Additional lighting may be required to be installed as specified and required by an approved Safety and Security Plan for a multifamily rental facility of ten (10) or more units.”

\* \* \* \* \*

#### **DIVISION 4. RENTAL HOUSING.**

**Sec. 13-182. License application; existing or new premises.**

(a) The legal owner of record of each existing single-family rental facility or multifamily rental facility shall make written application to the Director for a license for such use, on a form

1 to be supplied by the Director and containing such information as necessary to administer and  
 2 enforce the provisions of, and to insure compliance with the provisions of, this Division and the  
 3 Housing Code in its entirety. Such information shall include, but shall not be limited to, the  
 4 name and address of the owner's mortgage holder. As part of the rental license application for a  
 5 multifamily rental facility having ten (10) or more units, the legal owner of record shall submit a  
 6 Safety and Security Plan, based on the concept of Crime Prevention Through Environmental  
 7 Design (CPTED), on the form designated by the Department. There shall be a continuing  
 8 obligation on the part of the license holder to update the Safety and Security Plan and the  
 9 information on the application and/or to supply information not previously submitted. In  
 10 addition, the legal owner of record of each such multifamily rental facility newly constructed  
 11 shall make written application to the Director for a license, as herein provided, prior to any initial  
 12 occupancy.

13 (b) No license for a single-family rental facility will be granted until the premises meets  
 14 the minimum standards of the County Code.

15 (c) The County reserves the right to require, in addition to County Code provisions that  
 16 would qualify a property owner for a multifamily rental facility license, that owners of  
 17 multifamily rental facilities of ten (10) or more units be subject to additional requirements, per  
 18 the Prince George's County Safety and Security Plan for Multifamily Rental Facilities Having  
 19 Ten or More Units ("Safety and Security Plan"). These additional requirements shall be required  
 20 as necessary through the Safety and Security Plan to take into account the unique features and  
 21 location of each impacted multifamily rental property.

22 (d) The Safety and Security Plan shall be referred to the Prince George's County Police  
 23 Department for review and approval. The Prince George's County Police Department is  
 24 authorized to establish the criteria for approval of the Safety and Security Plan .

25 (e) No license shall be issued for a multifamily rental facility having ten (10) or more  
 26 units until the Safety and Security Plan is approved. The Safety and Security Plan shall be acted  
 27 on within thirty (30) days of submission by the property owner.

28 (f) At all times, the legal owner of record of a multifamily rental facility having ten (10) or  
 29 more units shall maintain the facility in full compliance with the provisions of the approved  
 30 Safety and Security Plan.

31 (g) The owner of record of a multifamily rental facility having ten (10) or more units shall

1 complete all improvements to fully implement the approved Safety and Security Plan within  
 2 thirty (30) days of the Safety and Security Plan approval, unless permitted otherwise by other  
 3 provisions of this Subtitle, or unless the owner obtains a written extension from the Director or  
 4 his designee. The Director shall have discretion to grant an extension for full implementation of  
 5 the Safety and Security Plan for up to six (6) months based upon written documentation  
 6 submitted by the owner to the Director or their designee setting forth the owner's good-faith  
 7 effort to fully implement the approved Safety and Security Plan.

8 **Sec. 13-187. License suspension or revocation; procedure; revalidation and reissuance.**

9 (a) A license once issued or reissued may be suspended or revoked upon a finding, through  
 10 procedures established by the Director, that the health, safety and welfare of the occupants has  
 11 been compromised, that one (1) or more of the requirements of this Code has been violated,  
 12 where the violations constitute a serious threat to the health and safety of the occupants, that  
 13 pursuant to Section 13-187(a)(3), the Safety and Security Plan has failed to prevent or reduce  
 14 crime in any one-year period during the term of the multifamily rental license, or upon the  
 15 unreasonable failure of the licensee to comply with a notice of violation.

16 (1) A license may be suspended immediately without hearing upon written notice  
 17 to the landlord setting forth the grounds for the suspension. The suspension  
 18 shall terminate and the license shall be revalidated immediately upon  
 19 correction by the landlord of the violations causing the suspension. The  
 20 suspension shall expire and the license shall automatically be revalidated in  
 21 thirty (30) days unless, during that period, the Director initiates action to  
 22 revoke the license by sending notice of hearing as provided in subparagraph  
 23 (2), below.

24 (2) No license shall be revoked hereunder without the Director first holding a  
 25 hearing to consider the action and giving the licensee at least five (5) working  
 26 days written notice of the time, place, and date of the hearing. The notice shall  
 27 set forth the grounds for the revocation. Once a license has been revoked, the  
 28 Director may proceed with appropriate enforcement action as provided.

29 (3) The Police Department shall review the effectiveness of Safety and Security  
 30 Plans for multifamily rental facilities every six months in a one-year period  
 31 during the two-year multifamily rental license period. Upon a finding that

either Police Department calls or documented resident and citizen complaints  
 regarding crime at the multifamily rental facility have increased by twenty  
 percent (20%) or more during the six month period, the Police Department  
 shall issue a warning to the owner of the multifamily rental facility and the  
 Police Department shall review the Safety and Security Plan with the owner of  
 the multifamily rental facility within thirty (30) days. The Police Department  
 shall review the multifamily rental facility Safety and Security Plan six months  
 after the prior six month review period. Upon a finding by the Police  
 Department that the multifamily rental facility has not reduced Police  
 Department calls for service or documented resident or citizen complaints  
 regarding crime at the multifamily rental facility below twenty percent (20%)  
 during the prior six month period, the Police Department shall notify the  
 Director and the Director may suspend or revoke an owner's multifamily rental  
 facility license pursuant to Section 13-187(a)(1) or Section 13-187(a)(2) of this  
 Code.

\* \* \* \* \*

**Sec. 13-189. Schedule of fees; refunds; review of fees.**

(a) At the time of application for the initial license or for license renewal, the Director  
 shall collect a license and inspection fee of [Fifty Dollars (\$50.00)] Eighty-five Dollars (\$85.00)  
 for a multifamily rental facility for each dwelling unit, and Seventy-five Dollars (\$75.00) for a  
 single-family rental facility for each dwelling unit. The license shall be for a two (2) year period.

\* \* \* \* \*

SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby  
 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,  
 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of  
 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining  
 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this  
 Act, since the same would have been enacted without the incorporation in this Act of any such  
 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect on forty-five (45)  
 calendar days after it becomes law.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Thomas E. Dernoga  
Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Jack B. Johnson  
County Executive

KEY:  
Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.  
Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.