

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2021 Legislative Session

Bill No. CB-063-2021

Chapter No. 65

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

Introduced by Council Members Hawkins, Turner, Davis, Taveras, Glaros, Harrison,
Franklin, and Dernoga

Co-Sponsors _____

Date of Introduction October 19, 2021

BILL

1 AN ACT concerning

2 Building Code of Prince George’s County

3 For the purpose of creating a Use and Occupancy Verification Letter, adopting an additional fee
4 for the investigation and issuance of the Use and Occupancy Verification Letter.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 4. BUILDING

7 Section 4-118

8 The Prince George's County Code

9 (2019 Edition, 2020 Supplement).

10 BY repealing and reenacting with amendments:

11 SUBTITLE 2. ADMINISTRATION

12 Section 2-253.63

13 The Prince George's County Code

14 (2019 Edition, 2020 Supplement).

15 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
16 Maryland, that Sections 4-118 and 2-253.63 of the Prince George's County Code be and the same
17 are hereby repealed and reenacted with the following amendments:

18 **SUBTITLE 4. BUILDING.**

19 **DIVISION 1. BUILDING CODE.**

20 **SUBDIVISION 2. AMENDMENTS TO THE INTERNATIONAL BUILDING CODE.**

1 **Sec. 4-118. – Certificate of Use and Occupancy.**

2 (a) Section 111.1.1, One-Family Dwelling Units. Prior to the consummation of the sale
3 (settlement) of any new, one-family dwelling, including the sale of a new condominium unit
4 which is offered for sale for the first time, there shall be an inspection of the unit and premises by
5 the Director or the Director's designee and a Certificate of Occupancy issued or a list of the
6 violations or deficiencies requiring correction prior to issuance of such certificate. At the time of
7 consummation of such sale, the Certificate of Occupancy, or a list of the deficiencies or
8 violations which remain to be corrected prior to issuance of such Certificate, shall be presented
9 to the builder. Unless contractually relieved of such responsibility, the seller shall be responsible
10 for correction of any violations or deficiencies necessary for the Certificate to be issued. When a
11 Certificate of Occupancy has not been issued prior to consummation of the sale, there shall be
12 required a separate, written contractual agreement indicating responsibility for correction of all
13 deficiencies or violations cited by the Department of Permitting, Inspections, and Enforcement
14 by a date certain. The provisions of this Section are not applicable when a new dwelling unit is
15 purchased for resale as a new dwelling unit.

16 (1) Nothing herein shall be construed to relieve a builder or seller of a dwelling unit
17 from any responsibility for correction of building code violations which were caused, created, or
18 constructed by the builder or seller, and the transfer of title to the property to a subsequent owner
19 shall not relieve the builder or seller of the responsibility for making such corrections.

20 (b) Section 113.9, Transfer of Ownership. It shall be unlawful for the owner of any
21 building or other structure upon whom a notice of violation or order has been served to see,
22 transfer, mortgage, lease or otherwise dispose of such building or other structure to another
23 person or entity until the provisions of the notice or order have been complied with, or until such
24 owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any notice or
25 order issued by the Code Official and shall furnish to the Code Official a signed and notarized
26 statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such
27 notice or order and fully accepting responsibility without condition for making the corrections or
28 repairs required by such notice or order.

29 (c) Section 111.1.2, Issuance of Certificates of Occupancy. No Certificate of Occupancy
30 for any building or structure, erected, altered, repaired, changed to a different use group, or
31 transferred to a new owner or occupant shall be issued unless such building or structure was

1 erected, altered, or repaired and is otherwise in compliance with the provisions of this Division
2 and other provisions of State or local laws, ordinances, and regulations.

3 (1) A Use and Occupancy Verification Letter shall be issued in compliance with the
4 provisions of this Division and other provisions of State or local laws, ordinances, and
5 regulations. Such Verification Letter shall certify to the owner of any building or structure that
6 the current use of building is compliant with applicable parts of this Subtitle, and other
7 applicable State or local laws, ordinances, and regulations.

8 (2) Exceptions: All buildings which undergo a change of owner or tenant only with no
9 change of intended use group are not required to meet the fire safety requirements for a new
10 building in order to obtain a Certificate of Occupancy. Such buildings are required to comply
11 with the provisions of state and local laws, ordinances, and regulations with respect to fire safety
12 for existing buildings.

13 (d) Section 111.2.1, Change of Use Group, Owner or Tenant. No change in use group,
14 owner, or tenant of a building, structure, or land shall be permitted, wholly or in part, until a new
15 Certificate of Occupancy has been issued by the Building Official certifying compliance with
16 applicable parts of this Subtitle and other applicable State or local laws, ordinances, and
17 regulations. This provision shall not apply to a change of tenant for R-2, change of owner or
18 tenant for R-3, or change of tenant for R-4 structures.

19 (e) Section 111.5, Uninhabitable Dwellings. When the Director or the Director's designee
20 has determined that a dwelling is unfit for human habitation pursuant to Subtitle 13 of the
21 County Code and the dwelling has remained unoccupied for a subsequent period of one hundred
22 eighty (180) days, the Director or the Director's designee shall revoke the Certificate of
23 Occupancy, or if no Certificate of Occupancy has been issued, the Director or the Director's
24 designee shall revoke authorization for the dwelling to be occupied and require that a Certificate
25 of Occupancy be obtained prior to any occupancy of the dwelling. The notice of revocation shall
26 specify the violations of Subtitle 13 and the corrective action required for each violation. Within
27 one hundred eighty (180) days after the date of the revocation of the Certificate of Occupancy,
28 the owner of the dwelling shall apply for a building permit to correct the violations. The
29 application for a building permit shall include a rehabilitation plan which identifies all of the
30 work required to be performed and a schedule for performing the work. The permit shall be
31 issued for a period of one hundred eighty (180) days and may be renewed once for another one

1 hundred eighty (180) day period if, in the opinion of the Director or the Director's designee, the
 2 applicant has demonstrated substantial progress in accordance with the rehabilitation plan and
 3 has demonstrated substantial justification for failure to complete the work in accordance with the
 4 rehabilitation plan. If the owner of the dwelling does not submit a rehabilitation plan within one
 5 hundred eighty (180) days after the date that the Certificate of Occupancy was revoked, or if the
 6 owner of the dwelling fails to complete the work required to be performed by the rehabilitation
 7 plan prior to the expiration of the building permit, including any renewal period, the dwelling
 8 shall be considered abandoned and the Director or the Director's designee shall cause the
 9 dwelling to be demolished in accordance with the provisions of Subtitle 13.

10 **SUBTITLE 2. ADMINISTRATION.**

11 **DIVISION 14C. FEES AND CHARGES.**

12 **Sec. 2-253.63. - Fees and Charges.**

13 (a) This fee schedule applies to fees and charges assessed by Prince George's County,
 14 Maryland for regulated activities that occur within its jurisdiction.

15 (b) The fees prescribed in this schedule will supersede previous fees and charges assessed
 16 by Prince George's County, Maryland for regulated activities that occur within its jurisdiction.

17 (c) All fees and charges are subject to a 5% technology fee with the exception of the multi-
 18 family rental license fee and the single-family rental license fee.

19 (d) The Director of the Department of Permitting, Inspections and Enforcement shall
 20 establish and maintain a comprehensive Table of Fees, as referenced and included in this Bill, for
 21 all types of permits. The Director or the County Council shall have the authority to change the
 22 fees from time to time as is determined necessary; and the Director shall republish the Table of
 23 Fees which shall be posted in the Department of Permitting, Inspections and Enforcement's
 24 Permit Office and on its website. Prior to implementing a change in the fees, the Director of the
 25 Department of Permitting, Inspections and Enforcement shall hold public informational sessions
 26 to allow for public comment as part of this process. The Director shall also submit the proposed
 27 Table of Fees to the County Executive for approval and for transmittal to the County Council for
 28 legislative review and approval by resolution, after notice and public hearing.

29 (e) The Director of the Department of Permitting, Inspections and Enforcement shall
 30 promulgate written regulations to establish and govern a method of notification for increases as a
 31 result of the International Code Council and industry standard increases. The Director shall also

1 promulgate written regulations for the administration of the provisions of this Section and shall,
2 at his or her discretion, hold public informational sessions to allow for public comment as part of
3 this process.

4 (f) Fees may be adjusted using a method established by the International Code Council and
5 industry standards pursuant to paragraphs (d) and (e) of this Section. Any changes to fees and
6 charges that are not connected to the International Code Council or industry standards shall be
7 changed by County Council approval by resolution, after notice and public hearing.

8 (g) Each fee set forth in the schedule shall be paid in advance of the issuance of a permit,
9 license, plan or item as set forth in the schedule. Fees shall not be refunded in whole or in part
10 once work has begun, licenses or permits have been issued or funds have been encumbered. Prior
11 to those itemized occurrences and within six (6) months of payment, it is within the discretion of
12 the Director of the Department of Permitting, Inspections and Enforcement to issue a refund.

13 (h) The fees and charges shall be designated in a Table of Fees.

14 **ATTACHMENT A**
15 **TABLE OF FEES**

Fees	Minimum Fee	Industry Fee Calculation (if higher than minimum)
<u>Use and Occupancy Verification Letter</u>	<u>\$250</u>	-

17 * * * * *

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

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

Adopted this 9th day of November, 2021.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Calvin S. Hawkins, II
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
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.

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