

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
1998 Legislative Session

Bill No. CB-56-1998
 Chapter No. 52
 Proposed and Presented by Council Member Del Giudice
 Introduced by Council Member Del Giudice
 Co-Sponsors _____
 Date of Introduction July 7, 1998

BILL

1 AN ACT concerning

2 Residential Certificates of Use and Occupancy

3 For the purpose of requiring rehabilitation or demolition of dwellings found to be unfit for
 4 human habitation.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 4. BUILDING.

7 Section 4-118,

8 The Prince George's County Code

9 (1995 Edition, 1997 Supplement).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 11 Maryland, that Section 4-118 of the Prince George's County Code be and the same is hereby
 12 repealed and reenacted with the following amendments:

13 SUBTITLE 4. BUILDING.

14 DIVISION 1. BUILDING CODE.

15 Subdivision 2. Amendments to the BOCA Code.

16 **Sec. 4-118. Same; Section 118.0, Certificate of Use and Occupancy.**

17 (a) The following amendments, additions, and/or deletions are made to Section 118.0 of
 18 the BOCA Code:

19 (1) (A) A new Subsection 118.1.1, titled "New one-family dwelling units," is added
 20 to read as follows: Prior to the consummation of the sale (settlement) of any new, one-family
 21 dwelling, including the sale of a new condominium unit which is offered for sale for the first

1 time, there shall be an inspection of the unit and premises by the Building Official and a
 2 certificate of use and occupancy issued or a list of the violations or deficiencies requiring
 3 correction prior to issuance of such certificate. At the time of consummation of such sale, the
 4 certificate of use and occupancy, or a list of the deficiencies or violation which remain to be
 5 corrected prior to issuance of such certificate, shall be presented to the buyer. Unless
 6 contractually relieved of such responsibility, the seller shall be responsible for correction of any
 7 violations or deficiencies necessary for the certificate to be issued. When a certificate of use and
 8 occupancy has not been issued prior to consummation of the sale, there shall be required a
 9 separate, written contractual agreement indicating responsibility for correction of all deficiencies
 10 or violations cited by the Department by a date certain. The provisions of this Subsection are not
 11 applicable when a new dwelling unit is purchased for resale as a new dwelling unit.

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

17 (2) Subsection 118.3 is replaced with a new Subsection 118.3 titled "Issuance of
 18 certificates of occupancy" to read as follows: "No certificate of occupancy for any building or
 19 structure, erected, altered, repaired, changed to a different use, or transferred to a new owner or
 20 occupant shall be issued unless such building or structure was erected, altered, or repaired and is
 21 otherwise in compliance with the provisions of this Division and other provisions of State or
 22 local laws, ordinances, and regulations.

23 Exception: All buildings which undergo a change of owner or tenant only with no change
 24 of intended use are not required to meet the fire safety requirements for a new building in order
 25 to obtain a Use and Occupancy Certificate. Such buildings, however, are required to comply
 26 with the provisions for existing buildings of state and local laws, ordinances, and regulations
 27 with respect to fire safety.

28 (3) A new Subsection 118.4.1, titled "Change of use, owner, or tenant," is added to
 29 read as follows: No change in use, owner, or tenant of a building, structure, or land shall be
 30 permitted, wholly or in part, until a new use and occupancy permit has been issued by the
 31 Building Official certifying compliance with applicable parts of this Subtitle and other applicable

1 State or local laws, ordinances, and regulations. This provision shall not apply to R-2, R-3, or R-
2 4 structures.

3 (4) A new Subsection 118.4.2, titled "Uninhabitable Dwellings," is added to read as
4 follows: When the Director has determined that a dwelling is unfit for human habitation
5 pursuant to Subtitle 13 of the Code and the dwelling has remained unoccupied for a subsequent
6 period of 180 days, the Director shall revoke the certificate of use and occupancy, or if no
7 certificate had been issued, shall revoke authorization for the dwelling to be occupied and require
8 that a certificate of use and occupancy be obtained prior to any occupancy of the dwelling. The
9 notice of revocation shall specify the violations of Subtitle 13 and the corrective action required
10 for each violation. Within 180 days after the date that the certificate of use and occupancy was
11 revoked, the owner of the dwelling shall apply for a building permit to correct the violations.
12 The application for a building permit shall include a rehabilitation plan which identifies all of the
13 work required to be performed and a schedule for performing the work. The permit shall be
14 issued for a period of 180 days and may be renewed for a second 180 day period if, in the
15 opinion of the Director, the applicant has demonstrated substantial progress in accordance with
16 the rehabilitation plan and has demonstrated substantial justification for failure to complete the
17 work in accordance with the rehabilitation plan. If the owner of the dwelling does not submit a
18 rehabilitation plan within 180 days after the date that the certificate of use and occupancy was
19 revoked, or if the owner of the dwelling fails to complete the work required to be performed by
20 the rehabilitation plan prior to the expiration of the building permit, including any renewal
21 period, the dwelling shall be considered abandoned and the Director shall cause the dwelling to
22 be demolished in accordance with the provisions of Subtitle 13.

23 SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
24 calendar days after it becomes law.

Adopted this 28th day of July, 1998.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Ronald V. Russell
Chairman

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Wayne K. Curry
County Executive

KEY:
Underscoring indicates language added to existing law.