

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2024 Legislative Session

Bill No. CB-002-2024

Chapter No. 26

Proposed and Presented by Council Member Fisher

Introduced by Council Members Fisher, Ivey, Watson, Olson, Blegay, Oriadha, Dernoga,
Hawkins and Franklin

Co-Sponsors _____

Date of Introduction June 4, 2024

BILL

1 AN ACT concerning

2 Housing Code of Prince George's County

3 For the purpose of providing for a certain definition; amending the Housing Code to add email, by
4 written consent by certain persons to the methods of service of a notice of violation, civil citation,
5 and administrative citation of the Housing Code; providing that a rental license application and
6 renewal license application shall contain written authorization for a licensee to have the option to
7 provide written consent to service of notice of violation, civil citation, and administrative citation
8 by email; providing for the Department to provide certain guidelines; providing for a certain
9 definition; providing for certain requirements; and generally regarding a notice of violation, civil
10 citation, and administrative citation of the Housing Code by email, by written consent by certain
11 persons.

12 BY repealing and reenacting with amendments:

13 SUBTITLE 13. HOUSING AND PROPERTY

14 STANDARDS.

15 Section 13-106,

16 The Prince George's County Code

17 (2023 Edition).

18
19 SUBTITLE 13. HOUSING AND PROPERTY

20 STANDARDS.

1 Section 13-112,
2 The Prince George's County Code
3 (2023 Edition).

4
5 SUBTITLE 13. HOUSING AND PROPERTY
6 STANDARDS.

7 Sections 13-182 and 13-185,
8 The Prince George's County Code
9 (2023 Edition).

10
11 SUBTITLE 13. HOUSING AND PROPERTY
12 STANDARDS.

13 Section 13-1125,
14 The Prince George's County Code
15 (2023 Edition).

16
17 SUBTITLE 28. CIVIL MONETARY FINES OR
18 PENALTIES.

19 Sec. 28-202,
20 The Prince George's County Code
21 (2023 Edition).

22
23 SUBTITLE 28. CIVIL MONETARY FINES OR
24 PENALTIES.

25 Section 28-230,
26 The Prince George's County Code
27 (2023 Edition).

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29 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
30 Maryland, that Section 13-106 of the Prince George's County Code be and the same is hereby
31 repealed and reenacted with the following amendments:

SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

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 Permitting, Inspections, and Enforcement or the Director's duly authorized representative;

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

(3) Email is the exchange of computer-stored messages from one user to one or more recipients through the internet that requires a webmail server address; and,

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

SECTION 2. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Section 13-112 of the Prince George's County Code be and the same is hereby repealed and reenacted with the following amendments:

SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

DIVISION 1. HOUSING CODE.

SUBDIVISION 2. AMENDMENTS TO HOUSING CODE.

Sec. 13-112. - Same; Section 107, Notices and Orders.

(a) Section 107.3 is amended to read as follows:

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is delivered personally or sent by certified or first-class mail addressed to the last known address, [or] and by written consent of the rental license applicant or rental renewal license applicant, sent by email. Except for email, [I] if the notice is returned showing that the letter was not delivered, indicating notice of returned service, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. The Department shall provide guidelines for implementation of email methods of service. It is the responsibility of those who consent in writing to be served a notice of violation, civil citation, and administrative citation of the Housing Code by email to maintain a current email address with the Department. If email consent is provided then, service by certified mail or first-class mail is not required. Failure to update the Department with a

1 new email is not a basis to challenge service. [Failure to do so will preclude them from any notice
2 related defenses.] Failure to update an email address shall preclude the applicant from any notice-
3 related defenses.

4 SECTION 3. BE IT ENACTED by the County Council of Prince George's County, Maryland,
5 that Sections 13-182 and 13-185 of the Prince George's County Code be and the same are hereby
6 repealed and reenacted with the following amendments:

7 **SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.**

8 **DIVISION 4. RENTAL HOUSING.**

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

10 (a) The legal owner of record of each existing single-family rental facility or multifamily rental
11 facility shall make written application to the Director for a license for such use, on a form to be
12 supplied by the Director and containing such information as necessary to administer and enforce
13 the provisions of, and to insure compliance with the provisions of, this Division and the Housing
14 Code in its entirety. Such information shall include, but shall not be limited to, the name and address
15 of the owner's mortgage holder. There shall be a continuing obligation on the part of the license
16 holder to update the information on the application and/or to supply information not previously
17 submitted. In addition, the legal owner of record of each such multifamily rental facility newly
18 constructed shall make written application to the Director for a license, as herein provided, prior to
19 any initial occupancy.

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

22 (c) The license application shall contain authorization for the licensee to have the option to consent
23 in writing to service of notice of violation, civil citation, and administrative citation of Housing
24 Code violations by email. The license application shall provide for the placement of the optional
25 signature of an applicant for service by email. The license application shall provide that the licensee
26 is obligated to maintain an updated email address. If email consent is provided then, service by
27 certified mail or first-class mail is not required. Failure to update the Department with a new email
28 address is not a basis to challenge service and shall preclude the applicant from any notice-related
29 defenses.

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31 **Sec. 13-185. - License renewal.**

1 (a) Unless revoked or suspended for cause prior to expiration, each license issued under this
 2 Division shall expire not less than one (1) year nor more than two (2) years from the date of initial
 3 issuance or renewal as the Director may determine is necessary to develop and maintain an evenly
 4 distributed work schedule of the inspection and licensing program. The licensing fee shall be
 5 prorated in accordance with the schedule set forth in Section 13-189 of this Code.

6 (b) The renewal license application shall contain authorization for the licensee to have the option
 7 to consent in writing to service of notice of violation, civil citation, and administrative citation of
 8 Housing Code violations by email. The renewal license application shall provide for the placement
 9 of the optional signature of an applicant for service by email. The renewal license application shall
 10 provide that the licensee is obligated to maintain an updated email address. If email consent is
 11 provided then, service by certified mail or first-class mail is not required. Failure to update the
 12 Department with a new email address is not a basis to challenge service and shall preclude the
 13 applicant from any notice-related defenses.

14 SECTION 4. BE IT ENACTED by the County Council of Prince George's County, Maryland,
 15 that Section 13-1125 of the Prince George's County Code be and the same is hereby repealed and
 16 reenacted with the following amendments:

17 **SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.**

18 **DIVISION 15. ADMINISTRATIVE HEARINGS.**

19 **SUBDIVISION 1. GENERAL PROVISIONS.**

20 **Sec. 13-1125. - Administrative Citations.**

21 (a) Required contents. A citation issued under this Division shall include, at a minimum:

- 22 (1) date of issuance;
- 23 (2) the name and address of the party charged;
- 24 (3) the address of the location at which the violation occurred;
- 25 (4) the date and time that the violation occurred;
- 26 (5) a description of the nature of the violation;
- 27 (6) the section of this Code that was violated;
- 28 (7) the manner and time in which the person shall either:
 - 29 (A) pay the prescribed fine prescribed for the violation and correction of the violation
 - 30 or
 - 31 (B) request a hearing on the violation;(8)the time within which the violation, if ongoing,

1 must be abated; and

2 (8) a notice that failure to pay the fine and correct the violation, or to request a hearing,
 3 within the prescribed time may result in a default decision and order entered against the
 4 party.

5 (b) Service of citations. A citation shall be:

6 (1) issued by an Inspector; and

7 (2) served on the person or property and the property owner cited by one of the following
 8 methods:

9 (A) in person;

10 (B) first class mail;

11 (C) delivery to a person 18 years or older who resides at the cited person's last known
 12 address; or

13 (D) posting on the front door of the property; or

14 (E) delivery to the registered agent by first class mail[.] ; or

15 (F) delivery by email, by written consent. Email is the exchange of computer-stored
 16 messages from one user to one or more recipients through the internet that requires a
 17 webmail server address. The Department shall provide guidelines for implementation of
 18 email methods of service set forth in Sec. 13-112(a) of this Subdivision. It is the
 19 responsibility of those who consent in writing to be served an administrative citation of the
 20 Housing Code by email to maintain a current email address with the Department.

21 (3) if applicable, mailed to the property owner and registered management agent for
 22 multifamily property.

23 (c) Effect of citation. When properly issued and served, the citation or a copy of it shall:

24 (1) constitute full and complete notice of the violation cited in it;

25 (2) constitute full and complete notice of an order of abatement if abatement is ordered; and

26 (3) constitute prima facie evidence of the facts contained in it, if sworn to or affirmed under
 27 the penalties of perjury.

28 (d) Single document permissible. A single document may be used to issue two or more separately
 29 numbered citations.

30 (e) Electronic signature. An electronic signature may be used to execute a citation and to serve as
 31 an affirmation, under the penalties of perjury, that the facts stated in the citation are true.

1 (f) Records of citation to be kept. The original or a copy of the citation shall be filed and retained
2 in the records of the Administrative Hearing Unit.

3 SECTION 5. BE IT ENACTED by the County Council of Prince George's County, Maryland,
4 that Section 28-202 of the Prince George's County Code be and the same is hereby repealed and
5 reenacted with the following amendments:

6 **SUBTITLE 28. CIVIL MONETARY FINES OR PENALTIES.**

7 **DIVISION 2. HOUSING CODE VIOLATIONS.**

8 **SUBDIVISION 1. GENERAL.**

9 **Sec. 28-202. - Definitions.**

10 (a) Terms used in this Division are defined as follows:

11 (1) Civil violation: The use of any residential structure and/or exterior property areas in violation
12 of the Housing Code.

13 (2) Department: Department of Permitting, Inspections, and Enforcement.

14 (3) Director: Director of the Department of Permitting, Inspections, and Enforcement.

15 (3.1) Email is the exchange of computer-stored messages from one user to one or more recipients
16 through the internet that requires a webmail server address.

17 (4) Grace period: Extension of time granted pursuant to Section 13-118 of the County Code.

18 (5) Housing Code: The provisions of law contained in or adopted by Division 1 of Subtitle 13 of
19 the County Code.

20 (6) Person deemed responsible: Any person who uses property in violation of the Housing Code.

21 (7) Repeated civil violation: A recurring violation of the same provision of the Housing Code by
22 the same person at the same location.

23 SECTION 6. BE IT ENACTED by the County Council of Prince George's County, Maryland,
24 that Section 28-230 of the Prince George's County Code be and the same is hereby repealed and
25 reenacted with the following amendments:

26 **SUBTITLE 28. CIVIL MONETARY FINES OR PENALTIES.**

27 **DIVISION 2. HOUSING CODE VIOLATIONS.**

28 **SUBDIVISION 3. CITATION.**

29 **Sec. 28-230. Issuance of citation.**

30 Subsequent to service of notice of violation pursuant to Section H-140.1 of the Housing Code; the
31 expiration of a grace period, if any; and verification by the Department that the civil violation exists,

1 the Department may deliver or mail or by written consent, email [or e-mail] a citation to the person
2 deemed responsible. The Department shall provide guidelines for implementation of email methods
3 of service. It is the responsibility of those who consent in writing to be served a civil citation of the
4 Housing Code by email to maintain a current email address with the Department. The citation shall
5 serve as the notification to the person concerned that he is charged with a civil violation of the
6 Housing Code and that he has been assessed a civil monetary fine which, unless overturned by
7 Court action, shall be due and payable to the County.

8 SECTION 7. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared
9 to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence,
10 clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent
11 jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases,
12 clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same
13 would have been enacted without the incorporation in this Act of any such invalid or
14 unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

15 SECTION 8. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
16 calendar days after it becomes law.

Adopted this 2nd day of July, 2024.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Jolene Ivey
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____

BY: _____
Angela D. Alsobrooks
County Executive