

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2012 Legislative Session

Bill No. CB-78-2012

Chapter No. 85

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

Introduced by Council Member Harrison

Co-Sponsors _____

Date of Introduction October 23, 2012

BILL

1 AN ACT concerning

2 Housing Code

3 For the purpose of amending the Housing Code to provide effective expedited code enforcement
4 and eliminate needless delays to bring properties into compliance with the County’s minimum
5 housing standards, thereby protecting the health and safety of the residents and the community.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

8 Sections 13-113, 13-115, 13-116 and 13-270,

9 The Prince George's County Code

10 (2011 Edition).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
12 Maryland, that Sections 13-113, 13-115, 13-116 and 13-270 of the Prince George's County Code
13 be and the same are hereby repealed and reenacted with the following amendments:

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

15 **DIVISION 1. HOUSING CODE.**

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

17 **Sec. 13-113. Same; Section 108, Unsafe Structures and Equipment.**

18 * * * * *

19 (d) A new Section 108.1.3.1 is added to read as follows:

20 **"108.1.3.1 Abandoned for residential use.** A dwelling or dwelling unit is considered
21 abandoned for residential use when it has been declared unfit for human habitation for a

1 period in excess of [one year] six (6) months and has not been brought up to the Code
2 standards required for occupancy."

3 * * * * *

4 (g) Section 108.4 is amended to read as follows:

5 **"108.4. Procedures for dwelling units declared abandoned for residential use.**

6 Any dwelling unit which has been declared unfit for human habitation for a period in
7 excess of [twelve (12)] six (6) months and has not been brought up to Code standards required
8 for occupancy may be declared abandoned for residential use and may be razed in accordance
9 with the procedures in Section 110.3.

10 Any windows, doors, or other exterior openings in an abandoned dwelling unit shall be
11 closed and sealed with materials and in a workmanlike manner that conforms to the overall
12 exterior appearance of the structure in accordance with the provisions of Section 109.2.

13 The interiors of such abandoned dwelling units shall be maintained to the standards
14 required for other nonresidential areas, such as storage rooms, laundry rooms, workshops, or
15 other similar uses."

16 * * * * *

17 **Sec. 13-115. Same; Section 110, Condemnation and Demolition.**

18 * * * * *

19 (d) Section 110.3 is amended to read as follows:

20 **"110.3 Razing structures declared abandoned for residential use.** Any dwelling unit
21 declared abandoned for residential use, except for historic sites, must either be made habitable or
22 utilizable within [six (6)] three (3) months of notice of violation, a copy of which shall be
23 transmitted to the Historic Preservation Commission, or the structure will be razed as a
24 dangerous structure. The Board of Appeals shall not have jurisdiction to grant a variance or
25 waive this Section except upon a finding that litigation is pending in the courts and is actively
26 being pursued, which litigation should finally determine legal ownership of the subject property,
27 or upon a finding that litigation is pending regarding disposition of an insurance claim arising
28 from the subject property."

29 * * * * *

30 **Sec. 13-116. Same; Section 111, Means of Appeal.**

31 (a) Section 111.1 is amended to read as follows:

1 "111.1 Appeals by owner or occupant. Whenever it is claimed that the true intent and
2 meaning of this Code has been misconstrued or wrongly interpreted, the owner or occupant or
3 duly authorized agent may appeal the decision of the Code Official to the Board of Appeals for
4 Prince George's County. Notice of such appeal shall be in writing and filed within [fifteen (15)]
5 ten (10) calendar days after the decision is rendered by the Code Official. In the case of a
6 structure or dwelling unit which, in the opinion of the Code Official, is unsafe or dangerous, the
7 Code Official may, by order and proper notice, shorten the time for the filing of an appeal.
8 Appeals arising under this Section shall be made using forms provided by the Board of Appeals
9 and shall be filed with the Board of Appeals, which will then notify the appellant in writing of
10 the time and place of the hearing."

11 * * * * *

12 **DIVISION 9. ANTLITTER AND WEED ORDINANCE.**

13 * * * * *

14 **Sec. 13-270. Appeals.**

15 Within ten (10) calendar days from the certified mailing of the notice, or within ten (10)
16 calendar days after personal service of the notice, or within ten (10) calendar days after the
17 posting of the property, whichever is applicable, the owner or responsible person may file an
18 appeal with the Board of Administrative Appeals stating in detail the reasons as to why the
19 action proposed by the Director should not be taken. Upon receipt of such appeal, the Board of
20 Administrative Appeals shall put the cause on its agenda at their earliest convenience, notify the
21 appellant thereof, and hear the merits of the appeal. The evidence at the hearing shall be limited
22 to challenges of the Director's determination that a violation exists and/or granting an extension
23 of time. The Board's decision shall be given in writing within thirty (30) calendar days after the
24 hearing is concluded. Failure to render the decision within the time period allowed shall affirm
25 the decision of the Director. Any party aggrieved by the decision of the Board of Administrative
26 Appeals with respect to this Division may appeal such decision to the Circuit Court of Prince
27 George's County, Maryland, pursuant to the rules governing appeals from administrative
28 agencies. All appeals shall be on the record.

29 * * * * *

30 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
31 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,

1 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
2 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
3 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
4 Act, since the same would have been enacted without the incorporation in this Act of any such
5 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

6 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
7 calendar days after its adoption.

Adopted this 20th day of November, 2012.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Andrea C. Harrison
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
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.