

SUBTITLE 7. PROPERTY MAINTENANCE CODE FOR RENTAL HOUSING*

***Editor's note:** Section 1 of C.B. 63, 2004 repealed Subtit. 7, §§ 3.700, 3.701 pertaining to the Howard County Property Maintenance Code for Rental Housing, and § 3 of this bill enacted similar provisions as § 3.700.

Sec. 3.700. Howard County Property Maintenance Code for Rental Housing.

(a) *Adoption of National Code.* Except as provided in subsection (b) of this section, the International Property Maintenance Code, 2003, as published by the International Code Council is hereby adopted as the Howard County Property Maintenance Code for Rental Housing.

(b) *Local Amendments.* The following amendments modify certain provisions of the adopted code.

(1) *In General.*

(i) As used in this subtitle, the term "this code" shall mean the Howard County Property Maintenance Code for Rental Housing.

(ii) As used in this section, the term "code official" shall mean the director of the department of inspections, licenses and permits or the director's authorized designee.

(iii) Where the name of the jurisdiction is to be indicated in any section of this code, insert "Howard County, Maryland".

(2) *Section 101.1 Title.* Delete this section and substitute the following:

101.1 Title. These regulations shall be known as the Howard County Property Maintenance Code for Rental Housing, hereinafter referred to as "this code".

(3) *Section 101.2 Scope.* Delete this section and substitute the following:

Section 101.2 Scope.

(i) The scope of this code is limited to existing structures in the following occupancies as defined in the Howard County Building Code:

a. Institutional, use group I-1; and

b. Residential:

1. Use groups R-1, R-2, R-4; and

2. Use groups R-3 that are not owner-occupied, occupied by the owner's immediate family, or owner-occupied with 2 or more roomers or boarders.

(ii) This code shall not apply to the following existing occupancies as defined in the Howard County Building Code:

a. Assembly, all use groups;

b. Business, use group B;

c. Educational, use group E;

- d. Factory and industrial use groups F-1 and F-2;
- e. High hazard, all use groups;
- f. Institutional, use groups I-2, I-3, And I-4;
- g. Mercantile, use group M; and
- h. Residential, use group R-3, if the dwelling is:
 1. Owner occupied;
 2. Occupied by members of the owner's immediate family; or
 3. Owner occupied having no more than one roomer or boarder.

(iii) This code shall constitute the minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, safe and sanitary maintenance; responsibilities of an owner, operator, or occupant; the occupancy of existing structures and premises; and for administration, enforcement, and penalties.

(4) *Section 101.3 Intent.* In the last sentence, delete "International Existing Building Code" and substitute "Howard County Building Code, as adopted in Title 3, Subtitle 1 of the Howard County Code".

(5) *Section 101.5 Licensing.* Add new section 101.5 After section 101.4 As follows:

101.5 Licensing. A structure within the scope of this code shall not be occupied unless the property owner obtains the license required pursuant to Title 14, Subtitle 9 of the Howard County Code.

(6) *Section 102.3 Application of other codes.*

(i) Delete "International Existing Building Code" and substitute "Howard County Building Code, as adopted in Title 3, Subtitle 1 of the Howard County Code".

(ii) Delete "*International Zoning Code*" and substitute "Howard County Zoning Regulations, as adopted in Title 16 of the Howard County Code".

(7) *Section 102.6 Historic Buildings.* Delete this section.

(8) *Section 102.7 Referenced Codes and Standards.* Delete "Chapter 8" and substitute "the Howard County Building Code as adopted in Title 3, Subtitle 1 of the Howard County Code, as applicable,".

(9) *Section 103. Department of Property Maintenance Inspection.* Delete the name of this section, "Department of Property Maintenance Inspection" and substitute "Department of Inspections, Licenses and Permits".

(10) *Section 103.1 General.* Delete this section and substitute the following:

103.1 General. The code official shall be the director of the Howard County Department of Inspections, Licenses and Permits or the director's authorized designee.

(11) *Section 103.4 Liability.*

(i) In the first sentence, delete "an act" and substitute "any lawful act";

(ii) In the second sentence, delete "until final termination of the proceedings" and substitute "in accordance with the provisions of Maryland Law"; and

(ii) In the third sentence, delete "Department of Property Maintenance Inspection" and substitute "Department of Inspections, Licenses and Permits".

(12) *Section 103.5 Fees.* Delete this section.

(13) *Section 104.4 Right of Entry.* Delete this section and substitute the following:

104.4 Right of Entry. The code official is authorized to enter a dwelling unit, structure, or premises at reasonable times solely for the purpose of inspecting for compliance with this code. If entry is refused, the code official may seek a court order to permit entry and free access to the dwelling unit, structure, or premises.

(14) *Section 104.7 Department Records.* Delete "in existence" and substitute "subject to the licensing provisions of Title 14, Subtitle 9 of the Howard County Code".

(15) *104.9 Access by Owner or Operator.* Add new section 104.9 after section 104.8 as follows:

104.9 Access by Owner or Operator. An occupant of a dwelling unit, structure, or premises shall give the owner, operator, or an agent or employee of the owner or operator access to any part of the dwelling unit, structure, or premises at reasonable times for the purpose of making inspection, maintenance, repairs, or alterations as are necessary to comply with this code.

(16) *Section 106.1 Unlawful Acts.* Delete this section and substitute the following:

106.1 Unlawful Acts. An owner or occupant shall not erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, permit another person to occupy any premises, property, structure, dwelling unit, or equipment regulated by this code, or cause the same to be done in violation of any of the provisions of this code; fail to obey a lawful order of the code official; or remove or deface a placard or notice posted under a provision of this code.

(17) *Section 106.3 Prosecution for Violation.* Delete this subsection and substitute the following:

Section 106.3 Enforcement and Penalties. A person who violates a provision of this code is guilty of a misdemeanor and, upon conviction, is subject to a fine, not exceeding \$1,000, or imprisonment, not exceeding 30 days, or both. Alternatively, and in addition to and concurrent with all other remedies at law or at equity, the department of inspections, licenses and permits may enforce this code with civil penalties as provided in title 24 "Civil Penalties" of the Howard County Code. A violation of this section is a Class B offense. Each day that a violation exists is a separate offense.

(18) *Section 106.4 Violation Penalties.* Delete this section and substitute the following:

Section 106.4 Revocation. The director of inspections, licenses and permits may suspend, revoke, or refuse to renew a rental housing license if the code official finds that an owner or tenant of a property has violated a provision of this code, this title, or regulations which implement this title in connection with the construction, maintenance, alteration, or repair of a building, structure, equipment, or land within Howard County.

(19) *Section 106.5 Abatement of Violation.* Delete this section.

(20) *Section 107.1 Notice to Person Responsible.*

(i) In the title of the subsection, delete "person responsible" and substitute "owner".

(ii) In the first sentence, delete "person responsible" and substitute "owner".

(21) *Section 107.2 Form.* Delete subsections 5 and 6.

(22) *Section 107.4. Penalties.* Delete the phrase "106.4" And substitute "106.3".

(23) *Section 108.2 Closing of Vacant Structures.*

(i) At the end of this section, after the words "private persons" delete the remainder of this section;

(ii) After the word "persons" insert a period; and

(iii) After the word "persons." Insert the following: The owner is responsible for reimbursing the county for the cost of necessary repairs. The director of finance shall bill the owner for the cost of the work. The owner shall pay the bill for the work within 30 days of billing. If the owner does not pay the bill within 30 days, the code official may seek a court order requiring the owner to reimburse the county for the cost of repairs.

(24) *Section 108.4 Placarding.* Delete the word "bearing" through the end of the sentence and substitute the following: Bearing the phrase "unlicensed premises, unlawful to occupy any currently vacant dwelling unit in these premises or any dwelling unit becoming vacant until a rental housing license has been obtained."

(25) *Section 109.4 Emergency Repairs.* Add the following to the end of this section:

The owner is responsible for reimbursing the county for the cost of necessary repairs. The director of finance shall bill the owner for the cost of the work. The owner shall pay the bill for the work within 30 days of billing. If the owner does not pay the bill within 30 days, the code official may seek a court order requiring the owner to reimburse the county for the cost of repairs.

(26) *Section 109.5 Costs of emergency repairs.* Delete this section.

(27) *Section 110.3 Failure to Comply.*

(i) At the end of this section, after the words "private persons" delete the remainder of this section;

(ii) After the word "persons" insert a period; and

(iii) After the word "persons." Insert the following: The owner is responsible for reimbursing the county for the cost of necessary repairs. The director of finance shall bill the owner for the cost of the work. The owner shall pay the bill for the work within 30 days of billing. If the owner does not pay the bill within 30 days, the code official may seek a court order requiring the owner to reimburse the county for the cost of repairs.

(28) *Section 111 Means of Appeal.* Delete this section in its entirety.

(29) *Section 202 General Definitions.*

(i) Delete the definition for "dwelling unit" and substitute the following:

Dwelling Unit. A building, structure, or any portion of a building or structure that contains a single unit providing independent living facilities for one or more persons, including permanent provisions for living, eating, cooking, or sleeping. A dwelling unit shall include, without limitation, a one-family house, single-family house, apartment, apartment house, boarding house, rooming house, dormitory, rooming unit, efficiency unit, hotel, motel, premises, or common area.

(ii) Delete the definition for "owner" and substitute the following:

Owner. A person, agent, operator, firm, or corporation having a legal or equitable interest in the dwelling unit; holding recorded title in the official records of the state, county, or municipality; or jointly or severally having control of the property, including, without limitation, an executor, administrator, trustee, receiver, guardian, or other representative appointed according to law, and the senior officer, director, or trustee of the association of unit owners of a condominium.

(30) *Section 304.14 Insect Screens.* Delete "during the period from [date] to [date],".

(31) *Subsection 305.3.1 Lead-Based Paint.* Add new subsection 305.3.1 After section 305.3 As follows:

305.3.1. Lead Based Paint. The owner of a dwelling unit shall comply with requirements of

the Maryland Department of the Environment for lead-based paint and shall provide the required disclosures in accordance with state law.

(32) *Subsection 307.2.1 Rubbish storage facilities.* Add the following at the end of this subsection:

Exception: The occupant of a one-family dwelling shall be responsible for the safe and sanitary storage and removal of all rubbish.

(33) *Subsection 307.3.1 Garbage Facilities.* Add the following at the end of this subsection:

Exception: the occupant of a one-family dwelling shall be responsible for the safe and sanitary storage and removal of all garbage.

(34) *Section 404.8 Location of Food Preparation Equipment.* Add new section 404.8 After section 404.7 As follows:

404.8 Location of Food Preparation Equipment. A person shall not use portable cooking equipment, including, but not limited to, a barbeque, charcoal, or propane grill or stove within 15 feet of a multifamily dwelling.

(35) *Section 602.2 Residential Occupancies.* In the first sentence, delete "indicated in Appendix D of the International Plumbing Code".

(36) *Section 602.3 Heat Supply.*

(i) In the first sentence, delete "[date] to [date]" and substitute "October 1 to May 1"; and

(ii) In the first exception, delete "shall be as indicated in Appendix D of the International Plumbing Code"

(37) *Section 602.4 Occupiable Work Spaces.* Delete "[date] to [date]" and substitute "October 1 to May 1".

(38) *Section 603.2 Removal of Combustion Products.* Add the following as the second exception to this section:

Exception Number 2: Portable unvented kerosene heaters are not permitted.

(39) *Section 604.2 Service.* Delete "ICC Electrical Code" and substitute "Howard County Electrical Code adopted at Title 3, Subtitle 2 of the Howard County Code."

(40) *Section 701.3 Testing and Maintenance.* Add new section 701.3 after section 701.2 as follows:

701.3 Testing and Maintenance. Sprinkler systems shall be certified as fully operational at least annually by a Maryland state licensed sprinkler contractor. Fire alarm systems shall be certified at least annually by an approved company or individual.

(41) *Section 702.1 General.* Delete "International Fire Code" and substitute "Howard County Fire Prevention Code adopted at Title 17, Subtitle 1 of the Howard County Code".

(42) *Subsection 702.1.1 Emergency Planning.* Add new subsection 702.1.1 after section 702.1 as follows:

702.1.1 Emergency Planning. The administration of every residential care/assisted living facility shall have a plan in effect to protect a person in the event of a fire. The plan shall be in writing and shall be available to all supervisory personnel. The plan shall include staff responses needed to ensure the safety of all residents. The plan shall be amended to ensure the safety of all residents and shall be amended or revised as the residents or their needs change. Staff shall be instructed of their duties and responsibilities under the plan and a record of such instructions shall be maintained. A copy of the plan shall be readily available at all times within the facility. Residential occupants are encouraged to conduct

fire exit drills with sufficient frequency to familiarize themselves with the drill procedure and to conduct the drill as a matter of established routine. Drills should be held at unexpected times and under varying conditions to simulate the unusual conditions that occur in the case of fire.

(43) *Section 702.2 Aisles.* Delete "International Fire Code" and substitute "Howard County Fire Prevention Code, adopted at Title 17, Subtitle 1 of the Howard County Code,".

(44) *Section 702.3 Locked Doors.* Delete "International Building Code" and substitute "Howard County Building Code, adopted at Title 3, Subtitle 1 of the Howard County Code,".

(45) *Section 704.1 Locked Doors.* Delete "International Fire Code" and substitute "Howard County Fire Prevention Code, adopted at Title 17, Subtitle 1 of the Howard County Code,".

(46) *Section 704.2 Smoke Alarms.* In the last sentence, delete "International Fire Code" and substitute "Howard County Fire Prevention Code, adopted at Title 17, Subtitle 1 of the Howard County Code,".

(47) *Section 702.5 Arrangement.* Add new section 702.5 after section 702.4 as follows:

702.5 Arrangement. Required path or travel from any room shall not be through another room that is not under the immediate control of the occupant of the first room or through a bathroom or other space subject to locking.

(48) *Section 705 Storage of Hazardous Material.* In Chapter 7, add new section 705 after section 704 as follows:

Section 705 Storage of Hazardous Materials.

705.1 Hazardous Materials. A person shall not store or accumulate combustible, flammable, explosive, other hazardous materials, such as paints, volatile oils, or cleaning fluids, or combustible rubbish, such as wastepaper, boxes and rags, unless such storage complies with the applicable requirements of the Howard County Building Code and the Howard County Fire Prevention Code.

705.2 Storage of Vehicles Which Contain Hazardous Materials. In a common area, patio, balcony, hallway, stairwell of a structure or premises, a person shall not store or accumulate a motorcycle, moped, gasoline-powered lawnmower, or other similar equipment which may contain a hazardous material including, without limitation, gasoline.

(C.B. 63, 2004)