

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2023, Legislative Day No. 2

Bill No. 5-23

Mr. Julian E. Jones Jr., Chairman
By Request of County Executive

By the County Council, January 17, 2023

A BILL
ENTITLED

AN ACT concerning

Vacant Structures

FOR the purpose of defining certain terms; establishing a vacant structure designation; providing for the applicability of the vacant structure designation; providing for the notification of a designation to the owner; permitting inspections of designated vacant structures; providing for the reconsideration of a vacant structure designation; requiring the Director of Permits, Approvals and Inspections to compile and maintain an inventory of designated vacant structures; and generally relating to vacant structures.

BY adding

Sections 35-2-501 through 35-2-505
Article 35 - Buildings and Housing
Title 2 - Buildings
Subtitle 5 – Vacant Structures
Baltimore County Code, 2015

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Laws of Baltimore County shall read as follows:

3
4 Article 35 - Buildings and Housing

5 Title 2 - Buildings

6 SUBTITLE 5 - VACANT STRUCTURES

7
8 § 35-2-501.

9 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED.

11 (B) (1) "OWNER" MEANS A PERSON, FIRM, CORPORATION, RECEIVER,
12 GUARDIAN, PERSONAL REPRESENTATIVE, OR TRUSTEE WHO ALONE OR JOINTLY
13 OR SEVERALLY WITH OTHERS HAS LEGAL TITLE TO THE PROPERTY.

14 (2) "OWNER" INCLUDES AN OWNER WHO DOES NOT HAVE ACTUAL
15 POSSESSION OF THE PROPERTY.

16 (C) "UNINHABITED" MEANS PROPERTY THAT HAS A DWELLING UNIT THAT
17 CEASES TO BE USED AS A PLACE OF HUMAN HABITATION OR FOR LIVING
18 PURPOSES.

19 (D) "VACANT STRUCTURE" MEANS REAL PROPERTY, OR A PORTION
20 THEREOF, IMPROVED BY A BUILDING WHICH IS UNINHABITED.

21 (E) (1) "VACANT STRUCTURE DESIGNATION" MEANS WHEN THE
22 DIRECTOR DETERMINES THAT THERE ARE NO HUMAN INHABITANTS FOR WHICH
23 AN INTENT TO OCCUPY THE STRUCTURE CAN BE SHOWN.

1 (2) WHEN DETERMINING WHETHER A VACANT STRUCTURE
2 DESIGNATION IS APPROPRIATE, THE DIRECTOR MAY CONSIDER:
3 (I) PAST DUE UTILITY NOTICES OR DISCONNECTED UTILITIES
4 TO THE PROPERTY;
5 (II) ACCUMULATED MAIL;
6 (III) LACK OF OBSERVABLE FURNITURE OR PERSONAL
7 AFFECTS;
8 (IV) OPEN ACCESSIBILITY;
9 (V) WINDOWS OR ENTRANCES TO THE STRUCTURE THAT ARE
10 BOARDED UP OR CLOSED OFF;
11 (VI) DOORS OR WINDOW COVERINGS THAT ARE
12 CONTINUOUSLY UNLOCKED, DETACHED, MISSING OR DAMAGED;
13 (VII) ACCUMULATION OF JUNK, LITTER, TRASH, DEBRIS, OR
14 HAZARDOUS, NOXIOUS, OR UNHEALTHY SUBSTANCES OR MATERIALS AT THE
15 PROPERTY;
16 (VIII) PHYSICAL DAMAGE, DECAY, DILAPIDATION OR OTHER
17 DEFERRED MAINTENANCE;
18 (IX) PROPERTY'S HISTORY AS AN OBJECT OF VANDALISM,
19 LOITERING, OR CRIMINAL CONDUCT;
20 (X) ANY CODE ENFORCEMENT VIOLATIONS ISSUED TO THE
21 PROPERTY OWNER WITHIN THE PREVIOUS 12 MONTHS;
22 (XI) OUTSTANDING LIENS ON THE PROPERTY;
23 (XII) REPORTS OR COMPLAINTS FROM NEIGHBORS AND THE

1 COMMUNITY; OR

2 (XIII) OTHER REASONABLE INDICIA THAT THERE IS NO
3 INTENT TO OCCUPY THE STRUCTURE.

4

5 § 35-2-502.

6 (A) THIS SUBTITLE DOES NOT APPLY TO ANY REAL PROPERTY THAT IS:

7 (1) OWNED BY:

8 (I) A LOCAL, STATE OR FEDERAL GOVERNMENT OR ITS
9 INSTRUMENTALITIES;

10 (II) A FOREIGN GOVERNMENT OR ITS INSTRUMENTALITIES;

11 OR

12 (2) UNDER ACTIVE CONSTRUCTION OR UNDERGOING ACTIVE
13 REHABILITATION, RENOVATION, REPAIR, OR DEMOLITION UNDER A BUILDING
14 PERMIT TO MAKE THE BUILDING FIT FOR OCCUPANCY OR TO BE DEMOLISHED;

15 (3) IN COMPLIANCE WITH THIS SUBTITLE AND THE PROPERTY
16 OWNER PROVIDES DOCUMENTATION THAT THEY HAVE BEEN ACTIVELY
17 SEEKING IN GOOD FAITH TO RENT OR SELL THE PROPERTY; OR,

18 (4) THE SUBJECT OF A PENDING APPLICATION PURSUED IN GOOD
19 FAITH FOR NECESSARY APPROVAL FOR DEVELOPMENT BEFORE A COUNTY
20 AGENCY, THE BOARD OF APPEALS, OR THE OFFICE OF ADMINISTRATIVE
21 HEARINGS.

22 (B) THE CUMULATIVE TIME PERIOD THAT A VACANT STRUCTURE MAY BE
23 EXEMPTED FROM THIS SECTION MAY NOT EXCEED 3 YEARS.

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§ 35-2-503.

(A) (1) THE DIRECTOR MUST NOTIFY THE OWNER IN WRITING THAT THE OWNER’S PROPERTY HAS BEEN DESIGNATED AS A VACANT STRUCTURE AND OF THE OWNER’S ABILITY TO SEEK RECONSIDERATION OF THIS DESIGNATION UNDER THIS SUBTITLE.

(2) NOTICE IS PRESUMED TO HAVE BEEN GIVEN WHEN PLACED IN THE UNITED STATES MAIL, DELIVERED TO AN OWNER BY A DESIGNATED REPRESENTATIVE OF THE COUNTY, OR POSTED ON THE VACANT STRUCTURE.

(B) THE DIRECTOR MAY INSPECT ANY DESIGNATED VACANT STRUCTURE TO VERIFY:

- (1) THE STRUCTURE’S DESIGNATION AS VACANT;
- (2) THE STRUCTURE COMPLIES WITH ALL APPLICABLE LAWS; AND,
- (3) VACANCY OF THE STRUCTURE IS NOT:
 - (I) DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE;
 - (II) A HAZARD TO POLICE OFFICERS OR FIREFIGHTERS ENTERING THE STRUCTURE IN AN EMERGENCY; OR
 - (III) A PUBLIC NUISANCE.

§ 35-2-504.

(A) WITHIN 30 DAYS AFTER THE DIRECTOR PROVIDES WRITTEN NOTICE THAT AN OWNER’S PROPERTY HAS BEEN DESIGNATED AS A VACANT

1 STRUCTURE, THE OWNER MAY SUBMIT A REQUEST TO THE DIRECTOR FOR
2 RECONSIDERATION BY FILING THE FORM PRESCRIBED BY THE DIRECTOR
3 STATING WITH PARTICULARITY AN EXPLANATION FOR THE DEFENSES THE
4 OWNER INTENDS TO RAISE.

5 (B) WITHIN 45 DAYS AFTER RECEIVING THE PETITION FOR
6 RECONSIDERATION, THE DIRECTOR MUST ISSUE A FINAL DETERMINATION.

7 (C) THE DECISION OF THE DIRECTOR IS FINAL.

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9 § 35-2-505.

10 THE DIRECTOR SHALL COMPILE AND MAINTAIN AN INVENTORY OF ALL
11 DESIGNATED VACANT STRUCTURES IN THE COUNTY.

12

13 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect 45 days
14 after its enactment.



LEGISLATION DETAIL

LEGISLATION _____

DISPOSITION _____

ENACTED _____

EFFECTIVE _____

AMENDMENTS _____

ROLL CALL - LEGISLATION

MOTION		SECOND
AYE	NAY	
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Young
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Patoka
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Kach
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Jones
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Marks
<input type="checkbox"/>	<input type="checkbox"/>	Councilwoman Ertel
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell

ROLL CALL - AMENDMENTS

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