

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2023 Legislative Session

Bill No. CB-080-2023

Chapter No. 64

Proposed and Presented by Council Members Oriadha and Blegay

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

Co-Sponsors

Date of Introduction October 10, 2023

BILL

1 AN ACT concerning

2 Vacant Property Registry Program

3 For the purpose of establishing a Vacant Property Registry Program applying to unmaintained
4 vacant residential, commercial, and industrial dwellings and buildings located in the County;
5 providing for certain definitions; providing for the applicability of the provisions of this Division;
6 providing for the designation of unmaintained vacant dwellings and buildings; providing for
7 certain inspections of certain dwellings and buildings; providing for a certain fine; providing for
8 certain exemptions; providing for a right to appeal; providing for an annual report; and generally
9 regarding vacant dwellings and buildings.

10 BY adding:

11 SUBTITLE 13. HOUSING AND PROPERTY

12 STANDARDS.

13 Sections 13-1120.02, 13-1120.03, 13-1120.04,
14 13-1120.05, 13-1120.06, 13-1120.07, and 13-1120.08,

15 The Prince George's County Code
16 (2019 Edition; 2022 Supplement).

17 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
18 Maryland, that Sections 13-1120.02, 13-1120.03, 13-1120.04, 13-1120.05, 13-1120.06,
19 13-1120.07, and 13-1120.08 of the Prince George's County Code be and the same are hereby
20 added:

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

2 **DIVISION 14A. VACANT PROPERTY REGISTRY PROGRAM.**

3 **Sec. 13-1120.02. Vacant Property Registry Program; established.**

4 There is hereby established the Vacant Property Registry Program. The Vacant Property Registry
5 Program applies to unmaintained vacant residential, commercial, and industrial dwellings and
6 buildings located in Prince George’s County.

7 **Sec. 13-1120.03. Definitions.**

8 (a) In this Division, the following terms have the meanings indicated:

9 (1) **Building** shall mean any structure utilized or intended for supporting or sheltering
10 any occupancy.

11 (1.1) **COVID Hardship** shall mean that a residential, commercial, or industrial property
12 was forced to close and was not maintained due to COVID restrictions or a decrease in income
13 due to COVID.

14 (2) **Department** shall mean the Department of Permitting, Inspections and Enforcement.

15 (3) **Director** shall mean the Director of the Department or the Director’s designee.

16 (4) **Dwelling** shall mean a building that contains one or two dwelling units used, intended,
17 or designed to be used, rented, leased, let, or hired out to be occupied for living purposes.

18 (5) **Dwelling unit** shall mean a single unit providing complete, independent living facilities
19 for one or more persons, including permanent provisions for living, sleeping, eating, cooking and
20 sanitation.

21 (6) **Fit for occupancy** shall mean ready for immediate occupancy as a residence or
22 building.

23 (7) **Occupied** shall mean the use of one’s dwelling as a residence on a regular basis or the
24 use of a building on a regular basis.

25 (8) **Owner** shall mean any person as defined in Section 1-102 of this Code who owns, leases,
26 occupies, or controls the property and any agent of such person.

27 (9) **Public nuisance** shall mean and include the following:

28 (A) The physical condition or use of any premises regarded as a public nuisance at law;
29 or (B) Any physical condition or use of any premises or its appurtenances which may
30 reasonably invite or encourage trespassing and resulting injury to trespassers or others; or

31 (C) Any property which has unsanitary sewerage or plumbing facilities; or

1 (D) Any physical condition or use which would constitute an unsafe condition or
 2 structure under Subtitle 4, Building, or Subtitle 11, Fire Safety, Prince George's County Code;

3 (E) Any property from which the plumbing, heating, and/or facilities required by the
 4 Prince George's County Code or by other applicable laws or regulations have been removed, or
 5 from which facilities have been disconnected, destroyed, removed, or rendered ineffective; or

6 (F) Any property which is unclean, unsanitary, or which is littered with rubbish or
 7 garbage, or which has an uncontrolled growth of weeds.

8 (10) **Vacant dwelling or building** shall mean residential, commercial, or industrial real
 9 property improved by a dwelling or building which is not legally occupied. A vacant dwelling
 10 includes a unit in a condominium. A dwelling or building is only a vacant dwelling or building if
 11 the Director determines that there is no resident or owner for which an intent to return and occupy
 12 the dwelling or building can be shown. To determine whether a dwelling or building is vacant, the
 13 Director shall take issues into consideration, including, but not limited to the following:

14 (A) past due utility notices and/or disconnected utilities;

15 (B) accumulated mail;

16 (C) window covering;

17 (D) furniture observable;

18 (E) open accessibility;

19 (F) deferred maintenance; and

20 (G) whether the dwelling or building is boarded up.

21 (11) **Unmaintained vacant dwelling or building** means a vacant residential, commercial, or
 22 industrial dwelling or building not maintained as required by Subtitle 13 of this Code.

23 **Sec. 13-1120.04. Applicability.**

24 The provisions of this Division do not apply to any real property that is

25 (a) owned by:

26 (1) the government of the United States or its instrumentalities;

27 (2) the State of Maryland or its instrumentalities; or

28 (3) a foreign government or its instrumentalities;

29 (b) under active construction or undergoing active rehabilitation, renovation, repair, or
 30 demolition, or under a building permit to make the building fit for occupancy or to be demolished;

31 (c) for a period not to exceed 24 months, the subject of a probate proceeding, or the title is the

1 subject of litigation, including a foreclosure proceeding; or

2 (d) maintained as required by Subtitle 13 of this Code.

3 **Sec. 13-1120.05. Designation of unmaintained vacant dwellings and buildings; inspection;**
4 **fine.**

5 (a) As part of the Vacant Property Registry Program, the Director shall identify unmaintained
6 vacant dwellings and buildings throughout the County. The Director shall notify the owner in
7 writing that the owner's dwelling or building has been designated as an unmaintained vacant
8 dwelling or building and of the owner's right to seek reconsideration of this designation and appeal
9 the decision under Section 13-1120.07. The owner shall be fined \$1,000 for a violation of the
10 owner's dwelling or building being designated as an unmaintained vacant dwelling or building.
11 Fines collected shall be appropriated to the Department of Permitting, Inspections and
12 Enforcement and shall not revert to the General Fund.

13 (b) Inspections required.

14 (1) Inspections required. The Director shall inspect every unmaintained vacant dwelling and
15 building at least annually to ensure that:

16 (A) the dwelling or building complies with all applicable laws, including Subtitle 13 of this
17 Code;

18 (B) vacancy of the dwelling or building is not:

19 (i) detrimental to the public health, safety, and welfare;

20 (ii) a hazard to police officers or firefighters entering the dwelling or building in an
21 emergency; or

22 (iii) a public nuisance.

23 (2) Additional inspections authorized. The Director may inspect an unmaintained vacant
24 dwelling or building more often than annually to ensure compliance with this Division.

25 **Sec. 13-1120.06. Exemptions.**

26 (a) The Director may grant an exemption from the requirement in Section 13-1120.05 for any
27 residential, commercial, or industrial dwelling or building that is a multi-family property and has
28 fifty percent (50%) of its units occupied and is:

29 (1) in compliance with Section 13-1120.05(a) and the owner has been actively seeking in
30 good faith to rent or sell the dwelling or building if:

31 (A) the time period for sale or rent does not exceed one year from the initial listing, offer,

1 or advertisement of sale or rent of a dwelling or building; and

2 (B) the dwelling or building has a valid certificate of occupancy;

3 (2) for a period not to exceed 12 months, the subject of a pending application for a necessary
 4 approval for development before the Planning Board, Board of Appeals, or Zoning Hearing
 5 Examiner; or

6 (3) for a period not to exceed 24 months, the subject of a probate proceeding; or

7 (4) the owner/or operator of a residential, commercial, or industrial dwelling or building who
 8 can in good faith prove that their business closed, and the property cannot be maintained due to
 9 COVID hardships. To qualify for a COVID hardship exemption, the eligible property must have
 10 been vacated during the COVID-19 pandemic, within the time period of the Federal, State and/or
 11 Local states of emergency, whichever time period is longer.

12 (b) The cumulative time period that a vacant dwelling or building may be exempted from this
 13 Division shall not exceed 2 years.

14 (c) An application for an exemption shall be made on a form the Director prescribes.

15 (d) A person that believes the Director has incorrectly denied the person’s application for an
 16 exemption may appeal that decision under Section 13-1120.07.

17 **Sec. 13-1120.07. Right to appeal.**

18 (a) Within 30 days after the Director sends written notice that an owner’s dwelling or building
 19 has been designated as an unmaintained vacant dwelling or building, the owner may petition the
 20 Director for reconsideration by filing the form prescribed by the Director. Within 30 days after
 21 receiving the petition, the Director shall issue a notice of final determination.

22 (b) Any person aggrieved by a designation or notice of final action of the Director under this
 23 Division may, within 15 days after the Director sends written notice of the action, appeal that
 24 action to the Circuit Court under the Maryland Rules of Procedure for judicial review of a final
 25 administrative agency decision. An appeal does not stay the Director’s action. A party aggrieved
 26 by the decision of the Circuit Court may appeal that decision to the Appellate Court of Maryland.

27 **Sec. 13-1120.08. Annual report.**

28 By March 1 each year, the Director shall submit to the County Executive and County Council a
 29 report on the Department’s activities related to unmaintained vacant dwellings and buildings. The
 30 report shall include, but not be limited to:

31 (a) the County Council District and zip code of each dwelling or building designated by

1 residential, commercial, or industrial categories inspected during the prior calendar year;

2 (b) for each dwelling or building inspected, a summary of violations by number found and
3 number corrected;

4 (c) the number of citations issued to each owner during the prior calendar year; and

5 (d) the amount of fines collected from each owner during the prior calendar year.

6 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
7 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
8 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
9 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words,
10 phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since
11 the same would have been enacted without the incorporation in this Act of any such invalid or
12 unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

13 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
14 calendar days after it becomes law.

Adopted this 7th day of November , 2023.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Thomas E. Dernoga
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____

BY: _____
Angela D. Alsobrooks
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.

THE COUNTY EXECUTIVE HAVING FAILED TO RETURN THIS BILL WITH EITHER HER APPROVAL OR VETO WITHIN TEN (10) DAYS AFTER THE DATE OF ITS PRESENTATION TO HER, THIS BILL BECAME LAW ON DECEMBER 6, 2023.

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