

CITY OF SALISBURY
ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SALISBURY TO AMEND CHAPTER 15.26 TO RECOVER THE COST ASSOCIATED WITH RENTAL PROPERTIES THAT REQUIRE REPEATED RESPONSE BY THE CITY OF SALISBURY POLICE DEPARTMENT OR THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND CODE COMPLIANCE AND TO CREATE SANCTIONS FOR THOSE SAME PROPERTIES.

WHEREAS, the City of Salisbury enacted an ordinance to require the licensing of landlords and the registration of rental properties located within the City of Salisbury;

WHEREAS, it has been documented and brought to the attention of the Mayor and City Council that certain rental properties within the City of Salisbury require repeated response by law enforcement and/or code enforcement;

WHEREAS, it has come to the attention of the Mayor and City Council that certain rental properties within the City of Salisbury require repeated response from neighborhood services and code compliance and it is the desire of the Mayor and Council to recover the cost of the repeated responses;

WHEREAS, the criminal activity and property maintenance code issues addressed by this ordinance are having a detrimental effect on the health, safety and welfare of the City of Salisbury's neighborhoods; and

WHEREAS, the City Council desires to utilize its power to impose municipal infractions to sanction landlords whose properties require repeated response by law enforcement and neighborhood services and code compliance.

NOW, THEREFORE, be it enacted and ordained by the City Council of the City of Salisbury, in regular session, as follows:

1. That Chapter 15.26 of the Salisbury Municipal Code is amended as follows:

Chapter 15.26

Rental of Residential Premises

Sections:

15.26.010	Scope.
15.26.020	Purpose.
15.26.030	Definitions.
15.26.040	Rental dwelling unit registration.
15.26.050	Annual license for rental dwelling unit owners.
15.26.060	Failure to Register or Obtain License.
15.26.070	Inspection of license.
15.26.080	Transfer.
15.26.090	Inspection of premises.
15.26.100	Administrative search warrant.
15.26.110	<u>Crime free lease addendum and tenants' bill of rights.</u>
15.26.120	<u>Conduct at a rental property.</u>
15.26.110 <u>15.26.130</u>	Denial, nonrenewal, revocation, or suspension of license.
15.26.120 <u>15.26.140</u>	Appeals procedure.
15.26.130 <u>15.26.150</u>	Vacation of affected dwelling units.
15.26.140 <u>15.26.160</u>	Violations-penalties.

15.26.020 Purpose.

The purpose of this chapter is to protect the public health safety and the general welfare of the citizens of the City of Salisbury who have as their place of abode a room or rooms furnished to them for payment of a rental charge (including money, services, or other type of consideration) to another. This chapter is also intended to protect the right of residents to the quiet enjoyment of their properties.

15.26.030 Definitions.

“Crime-Free Lease Addendum” means an addendum to a lease stating that the subject rental property may not be used for criminal activity and that if it is, the landlord may terminate the lease.

“Disorderly property” means a rental property for which at least one verified law enforcement call or one verified housing enforcement call has taken place within any twelve-month period.

“Tenants’ rights information sheet” means a document generated by the Director that will provide the tenant with a list of resources explaining landlord-tenant law.

“Verified law enforcement call” means any response that causes the responding law enforcement agency to issue a citation, file a statement of charges or a juvenile petition or initiate an investigation which leads to the filing of a criminal information or an indictment of any resident, tenant, guest, or invitee for conduct described in 15.26.120A.

“Verified housing enforcement call” means either the issuance of at least three corrective action letters or notices of enforcement in one three-month period or one municipal infraction citation in one three-month period for any failure to comply with chapter 15 of this code.

15.26.110 Crime-free lease addendum and tenants’ bill of rights

A. Upon enactment of this ordinance, every new lease or renewed lease executed for a residential rental property shall incorporate a crime-free lease addendum that will permit a landlord to terminate a lease for criminal activity at a rental property. The crime-free lease addendum shall be executed by both the landlord and the tenant(s).

B. Upon enactment of this ordinance, every new lease or renewed lease executed for a residential rental property shall incorporate a tenants’ rights information sheet that will explain protections provided to the tenants by applicable law. The tenants’ rights information sheet shall

contain a statement, executed by both the landlord and the tenant(s), that the landlord has explained the rights information sheet and provided a copy to the tenant(s).

C. The Director, with the assistance of the department of law, shall create both the crime-free lease addendum and the tenants' rights information sheet and cause both to be issued to new licensees, license renewals, and to be made available on the City's website. The Director shall have the authority to modify both as needed, provided all licensees and tenants receive adequate notice of changes.

D. Nothing in this section shall be construed so as to remove the burden from the landlord to incorporate the current version of the crime-free lease addendum and tenants' bill of rights into any lease executed for a residential rental property.

15.26.120 Conduct at a rental property.

A. It shall be the responsibility of a landlord to take appropriate action to prevent further violations following conduct by tenants and/or their guests at a property which is determined to be in violation of any of the following statutes or ordinances:

1. Salisbury Municipal Code Chapter 8.20 and § 6.04.100, which prohibit certain noises.

2. Maryland Annotated Code, Criminal Law §§10-114 and 10-117, which prohibit the unlawful possession or furnishing of alcoholic beverages.

3. Maryland Annotated Code, Criminal Law §§10-201 and 10-202, which prohibit disorderly conduct, disturbance of the peace, and the keeping of a disorderly house.

4. Maryland Annotated Code, Criminal Law Title 5, Subtitle 6, which prohibits the unlawful sale or possession of controlled dangerous substances.

5. Maryland Annotated Code, Criminal Law Titles 12 and 13, which prohibit gaming.

6. Maryland Annotated Code, Criminal Law §11-306 and Salisbury Municipal Code §9.08.170, which prohibit prostitution and acts relating thereto.

7. Salisbury Municipal Code, Chapter 15, which contains the City of Salisbury's Property Maintenance Code.

8. Maryland Annotated Code, Criminal Law §§ 3-201-3-204 which prohibit assault and reckless endangerment.

9. Maryland Annotated Code, Criminal Law, Title 4, which prohibits weapons related offenses.

10. Maryland Annotated Code, Criminal Law, Title 6, subtitle 4, which prohibits trespassing in various forms.

B. After a verified law enforcement call for service, the Salisbury Police Department shall notify the housing official of alleged conduct in violation of paragraph A, subparagraphs 1-10, of this Section.

C. For the first three verified calls for service, which may consist of either verified law enforcement calls or verified housing enforcement calls, within a twelve month period, the housing official shall notify the licensee of a verified law enforcement or verified housing enforcement call by U.S. mail and direct the licensee to take appropriate action to prevent further violations.

D. If a fourth verified law enforcement or verified housing enforcement call occurs within twelve months of the first verified law enforcement or verified housing enforcement call, the

housing official shall designate the property as a disorderly property, notify the licensee by certified mail and impose a \$100 administrative fee.

E. If a fifth verified law enforcement or verified housing enforcement call occurs at a disorderly property within twelve months of an incident for which a notice was sent pursuant to paragraph D herein, the housing official shall again notify the licensee of the violation by certified mail. The licensee shall submit a written management plan to the housing official within 10 days of receipt of the notice of disorderly use of the property and be required to pay a \$250 administrative fee. The written management plan shall be typed and detail all actions taken by the licensee in response to all notices of disorderly use of the property within the preceding twelve months. The written management plan shall also detail all actions taken and proposed to be taken by the licensee to prevent further disorderly use of the property. The notice provided to the licensee shall inform the licensee of the requirement of submitting a written management plan. That notice shall further inform the licensee that failure to submit a written management plan may result in the housing official taking action to deny, refuse to renew, revoke, or suspend the property's registration for three months.

F. If a licensee fails to submit a written management plan for a disorderly property that satisfies the requirements set forth in paragraph E of this Section, the registration for the disorderly property may be suspended, revoked, denied, or not renewed for six months. An action to suspend, deny, revoke or not renew a registration under this Section shall be initiated by the Director and shall proceed according to the procedures established in Section 15.26.130 of this chapter.

G. If a sixth or subsequent verified law enforcement or verified housing enforcement call occurs at a disorderly property within twelve months of the first of any five previous instances of

verified law enforcement or verified housing enforcement calls for which notices were sent to the licensee pursuant to this Section, the rental dwelling unit registration for the property of the property's owner may be suspended, revoked, denied, or not renewed for twelve months and the licensee will be required to pay a \$500 administrative fee. An action to suspend, deny, revoke or not renew a registration under this Section shall be initiated by the Director and shall proceed according to the procedures established in Section 15.26.130 of this chapter.

H. No action shall be imposed against a disorderly property when the verified law enforcement or verified housing enforcement call occurred during the pendency of eviction proceedings or within 30 days after a notice is given by the licensee to a tenant to vacate the premises, where the verified law enforcement or verified housing enforcement call was related to conduct by that tenant or his or her guest. Eviction proceedings shall not be a bar to adverse registration action, however, unless they are diligently and in good faith pursued by the licensee. A notice to vacate shall not be a bar to adverse registration action unless a copy of the notice is submitted to the Director within 10 days of receipt of the violation notice. Further, an action to suspend, deny, revoke or not renew a registration based upon violations of this Section may be postponed or discontinued by the Director at any time if it appears that the licensee has taken appropriate action to prevent further violations of paragraph A of this Section.

I. If a disorderly property changes ownership, the disorderly property shall be placed on a three month probationary period. If there are no verified law enforcement calls or verified housing enforcement calls to the disorderly property during the three month probationary period, the property shall be removed from disorderly property status. If there is a verified law enforcement call or verified housing enforcement call to the property during the

three month probationary period, the Director shall continue with enforcement of this section as if ownership of the disorderly property had never transferred.

~~15.26.110~~ 15.26.130 Denial, non renewal, revocation, or suspension of registration or license.

If after any period for compliance of this Chapter has expired, the Director determines that a rental dwelling unit fails to comply with any of the registration or licensing standards set forth herein, and the Director has initiated an action to suspend, deny, revoke or not renew a registration or license, the Director shall mail the owner a notice of denial, non-renewal, revocation, or suspension of the license. The notice shall state:

A. That the Director has determined that the building fails to comply with the licensing standards for rental dwelling units in this Chapter, that the licensee has failed to take appropriate action following conduct by tenants and/or their guests on the licensed property, or that the licensee has failed to submit a written management plan that satisfies the requirements set forth in Section 15.26.120 of this Chapter.

B. The specific reasons why the building fails to meet the registration or licensing standards, including copies of applicable inspection reports, or notices sent to licensee of conduct on licensed premises.

C. That the Director will suspend, deny, revoke or not renew the registration or license unless the owner appeals the determination within fifteen (15) days after receipt of the notice, in the manner provided in Section ~~15.26.120~~ 15.26.140 of this Chapter.

D. That after the suspension, revocation, denial, or failure to renew the registration or license the dwelling or the affected dwelling units therein must be vacated, and shall not be reoccupied until all violations are corrected and a license or registration is granted by the Housing

official, except where an extension of time has been granted by the Director until an approved plan to control conduct on the property has been presented and accepted by the housing official if the suspension, revocation, denial or non-renewal was under Section 15.26.120 of this Chapter.

E. The notice shall describe how an appeal may be filed under Section ~~15.26.120~~ 15.26.130 of this Chapter.

F. The Director shall cause a notice to tenants to be mailed or delivered to each registered rental dwelling unit and prominently posted on the building. The notice shall indicate that the ~~rental dwelling unit registration~~ registration or license for the building has been suspended, revoked, denied, or not renewed whichever is applicable; that the action will become final on a specific date unless the building owner appeals and requests a hearing; that tenants may be required to vacate the building when the action becomes final; that further information can be obtained from the City of Salisbury Housing official.

~~15.26.120~~ 15.26.140 **Appeals procedure**

A. Any person wishing to appeal a determination of ~~the housing official of the~~ Director recommending denial, nonrenewal, revocation, or suspension of a license shall file a written notice of appeal with the Director within 21 days after receipt of the notice of denial, nonrenewal, revocation, or suspension. The notice shall contain a statement of the grounds for the appeal. The notice of appeal shall be accompanied by a fee of one hundred dollars (\$100.00).

B. The Director shall refer the appeal to the Housing Board of Adjustments and Appeals. The Board shall meet monthly, or more frequently at the call of the chair, to hear appeals. The board shall notify the owner in writing of the time and place of the hearing.

C. When hearing appeals under this Chapter, the Board shall follow the procedures set forth in Chapter 15.24 of the Salisbury Municipal Code.

~~15.26.130~~ 15.26.150 Vacation of affected dwelling units

When an application for rental dwelling registration or license has been denied, revoked, suspended, or not renewed, or when the owner does not possess a current rental dwelling registration or license as required by this chapter, the Director shall order the rental dwelling unit vacated, giving tenants a ~~reasonable time~~ thirty days to arrange new housing and to move their possessions.

~~15.26.140~~ 15.26.160 Violations-penalties

A Any person found in violation of the provisions of this chapter shall be guilty of a municipal infraction and shall be subject to a fine not to exceed five hundred dollars (\$500) per violation. Each day a violation remains uncorrected is a separate violation subject to an additional citation and fine.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, that this ordinance shall take effect upon final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the ____ day of _____, 2009, and having been published as required by law, in the meantime, was finally passed by the Council on the ____ day of _____, 2009.

Brenda J. Colegrove, City Clerk

Louise Smith,
President of the Council of
the City of Salisbury

Approved by me, this _____

day of _____, 2009.

James Ireton,
Mayor of the City of Salisbury