



Baltimore City Department of Housing and Community Development  
*Permits and Code Enforcement Legal Section*

# **The House is Crumbling, Now What? Baltimore City Code Enforcement**

*A guide to representing clients facing code enforcement action, neighboring nuisance properties, or clients in need of resources for home improvement*



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## **Objectives**

- Enforcement of the Building, Fire and Related Codes of Baltimore City
  - Field operations
  - 311/zoning
  - Notices of violation
  - Sanitation citation
  - Municipal liens
- Legal department
  - Receivership
  - Standard Housing
  - Criminal prosecution of landlord and tenant matters
- Share city resources
  - Light Program
  - Subpoenas for DHCD business records/inspector testimony
  - Testimony from criminal matters



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## **DHCD Mission**

- “To maintain safe and attractive neighborhoods throughout the city, DHCD's Code Enforcement Division enforces the city's housing, zoning, building and related codes. Recently the division was reorganized and restructured to increase efficiency while making it more accessible to Baltimore residents. Working together, we are a powerful team, committed to maintaining the appearance and value of Baltimore's neighborhoods.”
- The Baltimore Plan, 1953:  
[https://www.youtube.com/watch?v=-owwk5D\\_7FE](https://www.youtube.com/watch?v=-owwk5D_7FE)



# Baltimore City Department of Housing and Community Development *Permits and Code Enforcement Legal Section*

- **DHCD Code Enforcement**
  - Field inspector duties:
    - “zone” their sub-districts
    - respond to 311 calls
    - Issue sanitation citations and violation notices
    - work with homeowners to abate




Housing Inspection Area Offices - Contact Information

District	District Number	Address	Phone
CENTRAL	100	417 E. Fayette St, 21202	410-396-4161
SOUTHEAST	200	3411 Bank Street, 21224	410-545-6521
EASTERN	300	3411 Bank Street, 21224	410-545-6521
NORTHEAST	400	5225 York road, 21212	410-545-7550
NORTHERN	500	5225 York road, 21212	410-545-7550
NORTHWEST	600	3939 Reisterstown Road, 21215	410-396-7736
WESTERN	700	3939 Reisterstown Road, 21215	410-396-7736
SOUTHWEST	800	501 Athol Ave 21229	410-545-1851
SOUTHERN	900	501 Athol Ave 21229	410-545-1851



# Sanitation Citation

- Address
- Location
- Description
- Abatement date
- Fine due date
  - Pay or request hearing within 45 days
  - Must abate violation even if fine is paid
- Appeal Rights:
  - Environmental Control Board
  - Generally, 3-15 days



**ENVIRONMENTAL CITATION(S) AND ORDER**

DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT

MAYOR AND CITY COUNCIL OF BALTIMORE, PETITIONER VS.:

**Location of Violation:**  
 Address: [REDACTED]  
 Block: [REDACTED] Lot: [REDACTED]

**VIOLATION**


Respondent is charged with violation(s) of the following law(s) or regulation(s):

1. <b>Citation#:</b> <span style="background-color: black; color: black;">[REDACTED]</span>	<b>Amount of Fine: \$100.00</b>
Article: PMCBC Section: 306.1	Subject to Lien: Yes
Violation: Trash accumulation	
Location: REAR of <span style="background-color: black; color: black;">[REDACTED]</span> , a commercial.	
Date of Offense: December 28, 2017 10:29 AM	Abatement Date: <b>January 08, 2018</b>
Details of Violation: OBSERVED REAR HAS TRASH AROUND DUMPSTERS	



# Notice of Violation

- Address
- Location
- Description
- Inspector name and phone number
- Time to abate
  - Between 48 hours up to 30 days
- Appeal:
  - DHCD or Board of Municipal Zoning Appeals



**DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT**

**CODE VIOLATION NOTICE AND ORDER**  
By Authority of the Mayor and City Council of Baltimore

CATHERINE E. PUGH  
MAYOR

MICHAEL BRAVERMAN  
COMMISSIONER

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3/15/2018

Notice Number: [REDACTED]

[REDACTED]

**Inspector:**  
Name: ISIS TUTMAN  
Phone: (410)545-7550  
Area Office: 5225 York Road  
Baltimore, MD 21212

**Location of Violation:**  
Address: [REDACTED]  
Block: [REDACTED] Lot: [REDACTED]

**Violation:**  
Issued: 02/14/2017  
Number: [REDACTED]

A Housing Code Enforcement Official inspected the property listed above and determined the property was in violation of the Building, Fire and Related Codes of Baltimore City. You are hereby ORDERED to obtain all required permits and to correct all the items cited on this notice on or before March 16, 2017. Individual items on this notice may require earlier completion as noted.

**Violation**

Item # 1: Complete within 30 Days  
 Location: THROUGHOUT  
 Violation: A Housing Code Enforcement Official inspected the property listed above and determined the property was unfit for human habitation or other authorized use pursuant to sections 116– 121 of BFCBC. You are hereby ordered to:

- A. Secure all accessible openings within five (5) days of the issue date on this notice and notify inspector when this is completed. Keep all openings secured until the building is razed or rehabilitated.
- B. Remove all trash, debris, high grass and weeds from premises, including but not limited to: abutting sidewalks, gutters, and alleys within five (5) days of the issue



## **Municipal Liens**

- Fines associated with violation notices may become liens
  - These liens are subject to tax sale
- Liens subject to tax sale:
  - Metered Water
  - Real Property
  - Rental Registration
  - Multiple Family Dwelling
  - Footway Paving
  - Miscellaneous Bill
  - Special Benefits District
- Lien abatement
- Lien Review



## Types of Legal Actions

- Receiverships for vacant buildings
- Injunctions for standard housing violations
- Criminal Prosecutions of illegal lockouts, denial of essential services, and illegal dumping

**114.3 Enforcement generally.** If a violation is not promptly discontinued or abated, or if the violation notice or order is not complied with promptly, the Building Official may institute or cause to be instituted any appropriate legal proceedings.

**114.3.1 Types of proceedings.** Enforcement proceedings may include:

1. injunctive or other equity proceedings, including:
  - a. an action initiated by a code-enforcement-injunction citation under City Code Article 19, § 71-3 {"Code enforcement injunction"}, or
  - b. an action for appointment of a receiver under § 121 {"Vacant Building Receiver"} of this Code,
2. criminal prosecution, including a prosecution initiated by a prepayable criminal citation under City Code Article 19, § 71-2 {"Prepayable criminal citations"}, and
3. administrative proceedings, including one initiated by an environmental citation under City Code Article 1, § 40-14 {"Violations to which subtitle applies"}.





## Receiverships

- Notice:
  - Property owner(s) and all parties with secured interest listed as defendants
  - Bureau of liens and all judgment creditors and lien holders are notified
- Court proceedings:
  - Court may allow owner, secured party, or other person with interest to rehabilitate to resolve lawsuit IF they display willingness and ability to abate nuisance on property
  - If violation is not abated within a reasonable amount of time or defendants fail to appear, court may appoint vacant building receiver to auction property





## **Auctions**

- Court order specifies powers of receiver
- Per Md. R. 3-722 Receiver may take charge of property for enforcement of municipal code to abate nuisance
- Vacant property sold to someone who displays intent and ability to bring the property up to code within a reasonable amount of time
  - Purchase subject to vacant building notice– buyer must bring property up to code
  - All properties are sold AS IS





## Injunctions

- Non-vacant exterior and interior violations of the Building, Fire and Related Codes of Baltimore City
- DHCD requests that the court order homeowner to abate violation within certain time frame
- Court may order a daily fine of up to \$500.00 for each day violation remains unabated





## **Criminal Actions**

### Section 9-15 of Baltimore City Public Local Law

- Landlord and Tenant
  - Denial of essential services
  - Illegal lockout
  - Each punishable by a fine of up to \$500.00 and up to 10 days incarceration
- Process
  - Tenants report to commissioner
  - Charging documents come to DHCD for investigation





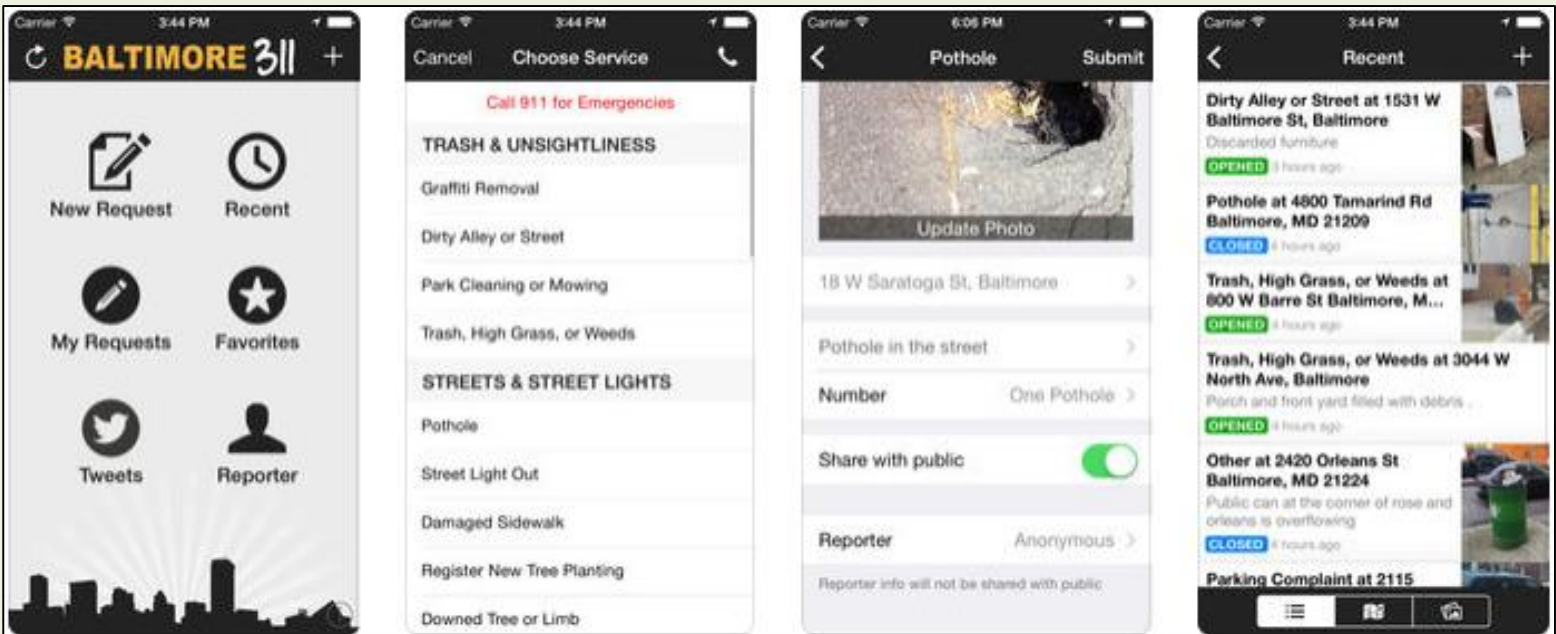
## **How to Assist Violation Recipients/Defendants**

- Contact DHCD Inspector
- Make repairs
- Schedule inspection
- Ensure violation is formally abated with a follow-up inspection and the matter will be closed



## How to Assist Neighbors or Tenants

- Call 311 or use the 311 app
- Describe location by address and area of property (front/rear)
- Describe problem with enough detail for identification
- Remain anonymous or provide contact information for follow up







## **DHCD Resources for Clients**

- The LIGHT Program provides many forms of financial assistance to low-income homeowners whose homes are in need of urgent repair
  - LIGHT manages and delivers a variety of services low-income city residents:
    - Housing rehabilitation for major systems, lead hazard reduction, disability accessibility, weatherization, etc.
  - Various forms of assistance:
    - Low interest loans, forgivable loans, deferred loans, and grants
- Is the client renting a dilapidated apartment? Is the client a neighbor of a nuisance property?
  - Report any problems to 311, and the property will be inspected and cited appropriately



## **DHCD Resources for Attorneys**

- **Civil Landlord and Tenant matters:**
  - Request business records and/or testimony
  - Rent escrow inspector vs. DHCD
- **Criminal proceedings:**
  - request transcript from any criminal prosecution for lack of heat/electric or illegal lockout
    - Even without conviction there may be admissions
- **Serve-on for subpoenas to DHCD:**

Elaine Harder  
Dept. of Housing and Comm. Dev.  
Chief Fiscal Officer  
417 E. Fayette Street, Suite 431  
Baltimore, MD 21202





## Baltimore City Department of Housing and Community Development *Permits and Code Enforcement Legal Section*

### Helpful Links

- **Housing Code Enforcement**—report violations, find area inspection office, view active violations, view citation photos
  - [Http://www.baltimorehousing.org/code\\_enforcement](http://www.baltimorehousing.org/code_enforcement)
- **Legal Section**—check the docket, find cases, view violation notices, get inspectors' name and contact information
  - <http://www.baltimorehousing.org/cels>
- **One House at a Time**—a nonprofit that auctions vacant properties to qualified buyers
  - <http://www.onehousebaltimore.org/>
- **LIGHT Program**—assists residents in obtaining a variety of no- and low-cost services to keep them in their homes
  - [http://www.baltimorehousing.org/ghsh\\_light](http://www.baltimorehousing.org/ghsh_light)
- **CodeMap**—search by property address for ownership info, permit info, violation info, street view, etc.
  - <http://cels.baltimorehousing.org/codemap/codeMap.htmlQuestions?>
- **Building, Fire and Related Codes of Baltimore City (2015)**
  - <http://ca.baltimorecity.gov/codes/Art%2000%20-%20Bldg,%20Fire.pdf>
- **Questions?**—please feel free to contact Doris Weil
  - [Doris.weil@baltimorecity.gov](mailto:Doris.weil@baltimorecity.gov); (410) 396-4140

# Resources for MVLS Volunteers



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# Upcoming Training:

Go to [mvlslaw.org/events](https://mvlslaw.org/events) for more info!

**April 6 – It Ain't Over 'til the QDRO Has Been Prepared....**

**10 am – 12 pm**

**April 19 – Advanced Expungement Panel | Webinar**

**12 pm – 1:30 pm**

**April 27 – Human Trafficking in Maryland and Beyond:  
Providing Post-Conviction Relief**

**12 – 3 pm**

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Maryland Volunteer Lawyers Service



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