

HARFORD COUNTY BILL NO. 24-024 As Amended

Brief Title (Livability Code)
is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Mylin A. Devi
Council Administrator
Date 6/18/24

ENROLLED

John J. Vincent
Council President
Date 6/18/24

BY THE COUNCIL

Read the third time.

Passed: LSD 24-021

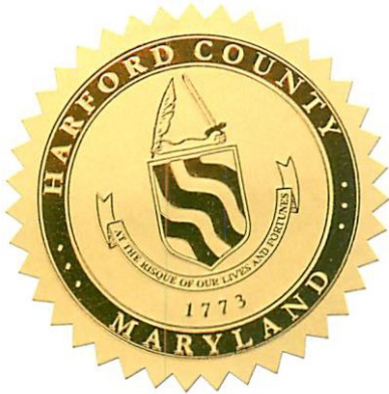
Failed of Passage: _____

By Order

Mylin A. Devi
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 20th
Day of June 2024, at 3:00 p.m.

Mylin A. Devi
Council Administrator



BY THE EXECUTIVE

[Signature]
COUNTY EXECUTIVE

APPROVED: Date 6-20-24

BY THE COUNCIL

This Bill No. 24-024 having been approved by the Executive and returned to the Council, becomes law on June 20, 2024.

EFFECTIVE DATE: August 19, 2024

By the Council, May 21, 2024

Introduced, read first time, ordered posted and public hearing scheduled

on: June 11, 2024

at: 6:00 PM

By Order: *Mylia A. Dixon*, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on June 11, 2024, and concluded on June 11, 2024.

Mylia A. Dixon, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. (Brackets) indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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AS AMENDED**

1 WHEREAS, the Harford County Housing Agency (“Housing Agency”) was established as an
2 Executive Branch organization by Executive Order 83-1; and

3 WHEREAS, pursuant to Harford County Bill 88-43, the Housing Agency was vested with
4 certain duties promulgated in Chapter 162, Livability Code, which include adopting any rules and
5 regulations in connection therewith, issuing local waivers and exemptions of certain provisions set
6 forth in this chapter, interpreting Livability Code provisions, and condemning all or part of certain
7 structures in accordance with the Livability Code in certain circumstances; and

8 WHEREAS, pursuant to Executive Order 15-09, the Housing Agency absorbed certain
9 personnel and functions from the Harford County Department of Community Services; and

10 WHEREAS, as a result thereof, the Housing Agency was reorganized and thereafter became
11 known as the Harford County Department of Housing and Community Development (“Housing and
12 Community Development”); and

13 WHEREAS, pursuant to Executive Order 18-01, Housing and Community Development
14 merged with the Harford County Office of Economic Development and thereafter became known as
15 the Harford County Office of Community and Economic Development (“Community and Economic
16 Development”); and

17 WHEREAS, pursuant Executive Order 22-04, Community and Economic Development was
18 separated into the Department Housing and Community Services and the Department of Economic
19 Development; and

20 WHEREAS, since Executive Order 15-09, the Livability Code has been under the direction of
21 what is now known as the Department of Housing and Community Services; and

22 WHEREAS, the County desires and has determined that it would better serve the needs of the
23 community for the departmental duties set forth in the Livability Code to be transferred from the

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1 Department of Housing and Community Services to the Department of Inspections, Licenses and
2 Permits; and

3 WHEREAS, certain references in the Livability Code to the Annotated Code of Maryland have
4 been removed or corrected to properly reflect the current Annotated Code of Maryland citations; and

5 WHEREAS, the Livability Code provisions relating to the adoption of Rules and Regulations
6 have been amended to reference the procedures set forth in Harford County Charter Section 807; and

7 WHEREAS, the Livability Code provisions relating to violations and penalties have been
8 amended to incorporate the administration provisions of Section 1-21, General Penalty, of the Harford
9 County Code, as amended; and

10 WHEREAS, the Livability Code provisions relating to liens on real property have been
11 amended to provide collection methods akin to real property taxes; and

12 WHEREAS, as a result thereof, the Livability Code provisions benefit from proper
13 enforcement measures; and

14 WHEREAS, the Livability Code provisions relating to the procedures for appeals have been
15 amended to promote efficiency; and

16 WHEREAS, accordingly, those aggrieved by decisions made in accordance with the
17 enforcement provisions of the Livability Code are entitled to a departmental appeal and in certain
18 circumstances, are entitled to judicial review by the Circuit Court for Harford County.

19 NOW THEREFORE,

20 Section 1. Be It Enacted By The County Council of Harford County, Maryland that [~~Sections 162-~~
21 ~~2, 162-4, 162-5, 162-6, 162-8, 162-9, 162-14, and Sections 162-15,~~] THE DEFINITIONS OF “CODE
22 OFFICIAL” AND “DEPARTMENT”, OF SECTION 162-2, DEFINITIONS AND WORD USAGE;
23 THAT SUBSECTIONS A, B AND E, OF SECTION 162-4, ENFORCEMENT; WAIVERS; THAT

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1 SUBSECTIONS A, C, D, E, F AND I, OF SECTION 162-5, POWERS AND DUTIES OF CODE
2 OFFICIALS; THAT SUBSECTION E, OF SECTION 162-6, CONDEMNATION, UNSAFE
3 STRUCTURES AND EQUIPMENT, VACATION; THAT SECTION 162-8, VIOLATIONS AND
4 PENALTIES; THAT SECTION 162-9, APPEALS; THAT SUBSECTION E, OF SECTION 162-14,
5 FIRESAFETY REQUIREMENTS; AND THAT SUBSECTIONS A AND F, OF SECTION 162-15,
6 RESPONSIBILITIES OF OWNERS AND TENANTS; ALL of Chapter 162, Livability Code, of Part
7 II, General Legislation, of the Harford County Code, as amended, be, and it is hereby, repealed and
8 reenacted, with amendments, all to read as follows:

9 ...

10 **§ 162-2 Definitions and word usage.**

11 ...

12 B. Terms defined.

13 ...

14 **CODE OFFICIAL**

15 The [official or a duly authorized designee of the county in which the housing is located,]
16 DEPUTY DIRECTOR FOR THE DEPARTMENT OR HIS/HER DESIGNEE [who is]
17 authorized to enforce this code.

18 ...

19 **DEPARTMENT**

20 [The Harford County Housing Agency] THE DEPARTMENT OF INSPECTIONS, LICENSES
21 AND PERMITS.

22 ...

1 **§ 162-4 Enforcement; waivers.**

2 A. Local enforcement. It shall be the duty and responsibility of the county to enforce [the
3 provisions of] this code SUBJECT TO THE PROVISIONS OF THIS CHAPTER.

4 B. Local waiver.

5 (1) The Department may waive applicability of this code, in whole or IN part, to a [unit
6 of rental] housing UNIT on application of the property owner if:

7 (a) Adequate notice in a form and manner specified by the county is afforded a
8 tenant of the unit;

9 (b) The tenant is afforded an opportunity to comment on the application, either in
10 writing or in person; and

11 (c) The waiver would not threaten the health or safety of a tenant.

12 (2) In reaching a determination on an application for waiver, the Code Official shall
13 issue a written decision specifying the reasons for granting or denying the waiver.
14 Both the property owner and the tenant shall have the right to appeal the waiver
15 decision in accordance with the rights and procedures set forth in § 162-9 of this
16 chapter.

17 (3) A waiver may be granted by the Code Official and may continue in full force and
18 effect beyond the term of the lease of the current tenant. Any prospective tenant shall
19 be notified, upon application for a lease for this [unit of rental] housing UNIT, that
20 [this] SUCH HOUSING unit has been granted a waiver from a provision(s) of this
21 code and that his or her occupancy will be subject to that waiver. The prospective
22 tenant shall have the right to request the county to review the waiver. The county
23 reserves the right to review the waiver at anytime.

1 (4) The Department may waive applicability of this code if the waiver is granted on the
2 basis of the religious practices of the occupant of the [unit of rental] housing UNIT.

3 ---

4 E. State laws. Enforcement and waiver application are not intended to supersede any state laws.

5 [, such as, but not limited to the following of the Annotated Code of Maryland:

6 (1) Article 38A, entitled, "Fires and Investigations."

7 (2) Article 89, § 64, entitled, "Public Elevators."

8 (3) Article 48, § 167 et seq., entitled, "Boiler and Pressure Vessel Safety Act."]

9 ---

10 **§ 162-5 Powers and duties of Code Officials.**

11 A. [Designations]ENFORCEMENT. [The county shall designate a Code Official.] The Code
12 Official [or a designee] shall enforce the provisions of this code.

13 ---

14 C. Right of entry. If a property owner, tenant or operator of a structure refuses, impedes,
15 inhibits, interferes with, restricts or obstructs entry and free access to any part of the structure
16 or premises where inspection authorized by this code is sought, the Code Official [or
17 designee] may seek, in a court of competent jurisdiction, an order that the property owner,
18 tenant or operator cease and desist from the interference.

19 D. Inspections. The Code Official [or designee] is authorized to enter a structure or premises at
20 any reasonable time upon providing prior notice to the property owner and tenant, for the
21 purpose of making inspections and performing duties under this code, such as but not limited
22 to instances where there is an imminent threat to health and safety due to unsafe conditions.

23 E. Alterations and repairs.

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1 (1) The Code Official [or a designee] shall have the authority to require and approve any
2 alterations or repairs necessary to bring a structure or premises into compliance with
3 this code. The determination of what may be necessary to bring the premises into
4 compliance shall take into consideration the use of alternatives and equivalent
5 approaches as provided for in this code.

6 (2) The Code Official [or a designee] shall have the authority to approve IN THE
7 FIELD, upon the request of the property owner, changes in alterations or repairs [in
8 the field] when conditions are encountered which make the originally approved work
9 impractical, if the changes in approved work can be readily determined to be in
10 compliance with this code.

11 (3) The changes shall be specifically documented by the property owner or by his or her
12 agent or THE Code Official, describing the change in work and the reasons and
13 justification for the change, and shall be filed with the permit for the project.

14 F. Access by property owner or operator. A tenant of a structure or premises shall give the
15 property owner or operator, or THEIR RESPECTIVE agent or employee, access to any part
16 of the structure or [its] premises at reasonable times upon being given reasonable notice for
17 the purpose of making the inspection, maintenance, repairs or alterations as are necessary to
18 comply with the provisions of this code.

19 ---

20 I. Rule-making authority. The Director of the Department [shall have power to adopt and
21 promulgate] MAY ESTABLISH rules and regulations FOR THE ADMINISTRATION OF
22 THE PROVISIONS OF THIS CHAPTER IN ACCORDANCE WITH SECTION 807 OF
23 THE HARFORD COUNTY CHARTER. [to interpret and implement the provisions of the

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1 code to further its intent. Rules and regulations adopted under this subsection shall take
2 effect and be enforceable only after they have been approved by resolution of the county
3 council.] SUCH RULES AND REGULATIONS AND AMENDMENTS THERETO
4 SHALL NOT CONFLICT WITH NOR WAIVE ANY PROVISIONS OF THIS ARTICLE.

5 ---

6 **§ 162-6 Condemnation; unsafe structures and equipment; vacation.**

7 ---

8 E. Closing of condemned structures. Upon failure of a property owner to close or vacate a
9 premises within the time specified in an order, the Code Official may cause the premises to
10 be closed through any available public agency or by contract or arrangement with private
11 persons, and the cost shall be charged against the real property which the structure is located
12 and shall [be a lien upon the real property] CONSTITUTE A LIEN ON THE REAL
13 PROPERTY, WHICH SHALL BE COLLECTIBLE IN THE SAME MANNER AS REAL
14 PROPERTY TAXES WITH THE SAME PRIORITY, INTEREST AND PENALTIES IN
15 ACCORDANCE WITH SECTION 123-32, ENTITLED "ENFORCEMENT; SALE OF
16 REAL PROPERTY," OF THE HARFORD COUNTY CODE, AS AMENDED.

17 ---

18 **§ 162-8 Violations and penalties.**

19 A. [Criminal penalty. A property owner who willfully violates any provision of this code is
20 guilty of a misdemeanor and, on conviction for each violation, is subject to a fine not
21 exceeding, five hundred dollars (\$500.) for each day that the violations exists or
22 imprisonment not exceeding ninety (90) days, or both.

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1 B. Civil penalty. A property owner or tenant who violates any provision of the code may be
2 subject to a fine not exceeding fifty dollars (\$50.) by the District Court. Each day the
3 violation exists after notification constitutes a separate offense.] GENERAL PENALTIES.
4 UNLESS OTHERWISE SPECIFIED HEREIN, CRIMINAL AND CIVIL PENALTIES
5 FOR VIOLATIONS OF THIS CHAPTER SHALL BE ADMINISTERED IN
6 ACCORDANCE WITH SECTION 1-23, ENTITLED "GENERAL PENALTY," OF THE
7 HARFORD COUNTY CODE, AS AMENDED.

8 B. NOTICE OF VIOLATION.

9 (1) THE CODE OFFICIAL MAY ISSUE A NOTICE OF VIOLATION TO A
10 PROPERTY OWNER OR TENANT WHO, UPON REASONABLE BELIEF,
11 VIOLATED THIS CHAPTER OR ANY RULE OR REGULATION ADOPTED IN
12 ACCORDANCE HEREWITH.

13 (2) ANY NOTICE OF VIOLATION ISSUED PURSUANT TO THIS SECTION
14 SHALL INCLUDE THE CORRECTIVE MEASURES NECESSARY TO ABATE
15 SUCH VIOLATION AND THE DATE BY WHICH THE CORRECTIVE
16 MEASURES MUST BE COMPLETED.

17 C. CITATION.

18 (1) A CITATION PURSUANT TO HARFORD COUNTY CODE SECTION 1-23
19 SHALL BE ISSUED TO A PROPERTY OWNER AND/OR TENANT UPON
20 FAILURE TO COMPLY WITH THE PROVISIONS OF A NOTICE OF
21 VIOLATION.

22 (2) A CITATION PURSUANT TO HARFORD COUNTY CODE SECTION 1-23
23 MAY BE ISSUED TO A PROPERTY OWNER AND/OR TENANT WITHOUT

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1 PRIOR ISSUANCE OF A NOTICE OF VIOLATION SUBJECT TO THE
2 DISCRETION OF THE CODE OFFICIAL.

- 3 (3) LIEN ON PROPERTY. A MONETARY JUDGMENT ENTERED AGAINST A
4 PROPERTY OWNER BY A COURT OF COMPETENT JURISDICTION IN
5 CONNECTION WITH ANY CITATION ISSUED UNDER THIS CHAPTER
6 SHALL CONSTITUTE A LIEN ON THE PROPERTY WHERE THE VIOLATION
7 OCCURRED AND SHALL BE COLLECTIBLE IN THE SAME MANNER AS
8 REAL PROPERTY TAXES WITH THE SAME PRIORITY, INTEREST AND
9 PENALTIES IN ACCORDANCE WITH SECTION 123-32, ENTITLED
10 "ENFORCEMENT; SALE OF REAL PROPERTY," OF THE HARFORD COUNTY
11 CODE, AS AMENDED.

12 D. SERVICE.

- 13 (1) A NOTICE OF VIOLATION OR CITATION SHALL BE DEEMED TO BE
14 PROPERLY SERVED UPON A PROPERTY OWNER OR TENANT BY ONE OF
15 THE FOLLOWING METHODS:
- 16 (A) BY DELIVERING TO THE PERSON TO BE SERVED, OR HIS OR HER
17 AGENT, A COPY OF THE NOTICE OF VIOLATION OR CITATION
18 AND ALL OTHER NECESSARY PAPERS; OR
- 19 (B) BY MAILING TO THE PERSON TO BE SERVED AT HIS OR HER LAST
20 KNOWN ADDRESS, OR TO HIS OR HER AGENT, BY FIRST CLASS
21 AND CERTIFIED OR REGISTERED MAIL, WITH RETURN RECEIPT
22 REQUESTED, A COPY OF THE NOTICE OF VIOLATION OR
23 CITATION AND ALL OTHER NECESSARY PAPERS.

1 (2) IF THE CERTIFIED OR REGISTERED LETTER IS RETURNED WITH
2 RECEIPT SHOWING THAT IT HAS NOT BEEN DELIVERED, THE NOTICE
3 OF VIOLATION OR CITATION SHALL BE SERVED BY POSTING A COPY
4 OF SUCH NOTICE OF VIOLATION OR CITATION IN A CONSPICUOUS
5 PLACE IN, ON OR ABOUT THE STRUCTURE WHERE THE VIOLATION
6 OCCURRED.

7 [C]E. Other penalties. A penalty ordered under this code is in addition to, and is not a substitute
8 for, any other penalty authorized by federal, state or local law.

9 **§ 162-9 Appeals.**

10 A. A PERSON AGGRIEVED BY A DECISION OF THE CODE OFFICIAL WHICH
11 HAS BEEN MADE IN CONNECTION WITH THE ENFORCEMENT OF ANY
12 PROVISION OF THIS CHAPTER OR REGULATION ADOPTED PURSUANT
13 TO THIS CHAPTER MAY APPEAL THE DECISION TO THE DIRECTOR OF
14 THE DEPARTMENT. SUCH APPEAL SHALL BE FILED IN WRITING
15 WITHIN 30 CALENDAR DAYS OF THE DATE OF THE FINAL DECISION BY
16 THE CODE OFFICIAL AND SHALL CLEARLY STATE THE GROUNDS ON
17 WHICH THE APPEAL IS BASED. [A person affected by a decision of the Code
18 Official which has been made in connection with the enforcement of any provision
19 of this code or of a regulation adopted pursuant to this code may request a hearing in
20 accordance with section R-2.4, entitled, "Appeals from Agency Actions," as set
21 forth in the Harford County Administrative rules of procedure for regulations and
22 hearings.]

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1 B. ANY FINAL DECISION MADE BY THE DIRECTOR PURSUANT TO THIS
2 SECTION MAY BE APPEALED TO THE CIRCUIT COURT FOR HARFORD
3 COUNTY BY THE AGGRIEVED PERSON WHO INITIATED THE
4 DEPARTMENTAL APPEAL. AN APPEAL OF ANY FINAL DECISION MADE
5 BY THE DIRECTOR SHALL BE FILED IN WRITING WITHIN 10 CALENDAR
6 DAYS OF THE DATE OF SUCH FINAL DECISION AND SHALL CLEARLY
7 STATE THE GROUNDS ON WHICH THE APPEAL IS BASED. THE
8 DECISION OF THE DIRECTOR SHALL BE PRESUMED BY THE COURT TO
9 BE PROPER AND TO BEST SERVE THE PUBLIC INTEREST.

10 C. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY
11 CITATION ISSUED IN ACCORDANCE WITH THIS CHAPTER, AS SUCH
12 CITATION IS SUBJECT TO THE JURISDICTION OF THE DISTRICT COURT
13 OF MARYLAND FOR HARFORD COUNTY AND THE APPLICABLE
14 PROCEDURES SET FORTH IN THE ANNOTATED CODE OF MARYLAND
15 AND MARYLAND RULES.

16 D. APPEALS OF NOTICES AND ORDERS, OTHER THAN IMMEDIATE DANGER
17 NOTICES, SHALL STAY THE ENFORCEMENT OF THE NOTICE AND
18 ORDER UNTIL THE APPEAL HEARD BY THE DIRECTOR PURSUANT TO
19 THE PROVISIONS OF THIS SECTION. AS USED IN THIS SUBSECTION,
20 IMMEDIATE DANGER SHALL BE DEFINED AS A CONDITION WHICH
21 COULD CAUSE SERIOUS OR LIFE-THREATENING INJURY OR DEATH AT
22 ANY TIME.

23 ---

1 **§ 162-14 Firesafety requirements.**

2 ---

3 E. Fire protection systems.

4 (1) General. All fire protection systems and equipment shall be maintained in proper
5 operating condition at all times.

6 (2) Smoke detectors.

7 (a) All housing units shall be provided with a minimum of one (1) single-station
8 smoke detector in the vicinity of each sleeping area.

9 (b) The smoke detectors shall be installed and maintained in accordance with
10 [Article 38A, § 12A] PUBLIC SAFETY ARTICLE, TITLE 9, SUBTITLE 1,
11 entitled, "Smoke Detection Systems," of the Annotated Code of Maryland.

12 (c) When actuated, the smoke detector shall provide an alarm suitable to warn
13 the occupants within the unit.

14 (3) Fire suppression system. Fire suppression systems in housing units so equipped shall
15 be maintained in good condition, free from mechanical defect. Sprinkler heads shall
16 be kept clean and free of corrosion and paint and may not be bent or damaged.

17 (4) Fire extinguishers. All portable fire extinguishers in housing units so equipped shall
18 be visible and accessible and maintained in an efficient and safe operating condition.

19 ---

20 **§ 162-15 Responsibilities of owners and tenants.**

21 A. Scope. The property owner or tenant shall be [responsible] RESPONSIBLE for compliance
22 with the provisions of this chapter and may be cited for violation of it, except as provided in
23 this chapter. Unless a waiver is granted in accordance with this chapter, no person may rent

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1 or lease to another person for occupancy or use any housing unit without the structure and
2 premises complying with the provisions of this chapter.

3 ...

4 E. Firesafety. Responsibility for installing and maintaining in good working order any
5 smoke detector installed pursuant to this chapter shall be in accordance with [Article
6 38A, § 12A] PUBLIC SAFETY ARTICLE, TITLE 9, SUBTITLE 1, entitled,
7 "Smoke Detection Systems," of the Annotated Code of Maryland.

8 Section 2. And Be It Further Enacted, that two years after the effective date of this Act the
9 Department shall submit to the County Council a report that outlines the effectiveness of the
10 Livability Code and provides recommendations for improvements to the Livability Code.

11 ...

12 ~~Section 2.~~ SECTION 3. And Be It Further Enacted that this Act shall take effect sixty (60)
13 calendar days from the date it becomes law.

EFFECTIVE: August 19, 2024

The Council Administrator does hereby certify that seven (7) copies of this Bill are immediately available for distribution to the public and the press.

Council Administrator