

Revised: March 19, 2024 FINAL VERSION

The Mayor and City Council of Pocomoke City

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF POCOMOKE CITY
ORDAINING AND ADDING “CHAPTER 186” Rental Property Registration” TO THE POCOMOKE
CITY CODE

INTRODUCED BY: _____ on behalf of the City Council

AN ACT to add Chapter 186 – Rental Property Registration to the Pocomoke City Code to require registration and inspection of rental properties and thereby protecting the health, safety and welfare of the residents of Pocomoke City, to improve rental housing conditions, to prevent the deterioration of housing stock, to provide safe and sanitary housing conditions.

Chapter 186 Rental Property

[HISTORY: Adopted March 18, 2024 by the City Council of Pocomoke City as indicated in article histories. Amendments, as enacted, will noted where applicable.]

Article I Residential Rental Housing

§ 186-1 Purpose.

The purpose of this article is to protect the health, safety and welfare of the City residents and to prevent deterioration of the housing units in the City.

§ 186-2 Definitions and word usage.

Unless specifically defined in this article or unless context clearly requires a different meaning, terms used in this article have the meanings given to them by the currently adopted edition of the 2021 International Property Maintenance Code. For the purposes of this article, certain words and phrases used in this article are defined as follows:

APPLICABLE LAW: All federal, state, and local laws, rules, and regulations, including the 2021 International Property Maintenance Code and all such International Codes included as part of the Maryland Building Performance Standards (MPBS) as may be applicable to residential rental properties as adopted or amended by the City or in force by reference or requirement of federal, state, or local law or regulation.

CODE OFFICIAL: The official who is charged with the administration and enforcement of this

chapter or code, or any duly authorized representative or designee.

DEPARTMENT: The Department authorized to enforce the provisions of this ordinance.

DEPARTMENT, DIRECTOR OR ADMINISTRATOR OF: The Director or other individual in charge of administration of the Department, or their designee.

PERSON, OWNER: Any individual, proprietorship, partnership, authorized agent, corporation, limited liability association, real estate investment trust, trust or any other legal entity having a vested interest in a residential rental property.

RESIDENTIAL RENTAL DWELLING UNIT: Any nonowner-occupied building or portion of a building for one or more persons that has permanent provisions for living, cooking, sleeping and sanitation in which consideration of money or other goods or services are paid or provided to the owner of such building, or the owner's authorized representative or other tenant. This definition shall include the letting or rental of the following structures: any single-family residential dwelling unit, multifamily residential dwelling unit or apartment complex, two-family residences, boardinghouse, rooming house, lodging house, group home of any type, intermediate care home or institution, or handicapped or infirm home. This definition shall contain the following exceptions:

1. Owner-occupied single-family residences in which no more than one room is rented or let, provided the rooms do not have separate kitchen and bath facilities.
2. An assisted living care facility with full time staff and professional on-site management.
3. A Bed and Breakfast dwelling where the owner resides in the dwelling.
4. An owner-occupied unit shall be exempt from inspection when combined with other rental units in the same building. The rental units are subject to inspection.
5. A dwelling subject to owner financing for the purpose of single-family occupancy and no sub-lease is involved.
6. Rental housing units for transient lodging, including hotels, motels, or inns.
7. Rental housing units that are owned, operated by federal, state or local governments that are inspected by the governmental entity. Proof of inspections shall be required to document the exemption.
8. Rental housing units that are newly constructed shall be exempt from inspections for a period of three years from the time a certificate of occupancy is issued.

§ 186-3 Rental operating license required.

- A. It shall be unlawful for any person to occupy any residential rental dwelling unit within the City without first having obtained a license for said unit as hereinafter provided. The license shall be valid for a one (1) year period coinciding with the fiscal year of the City, July 1 through June 30. Renewal period shall be any time after April 1. The fee shall not be prorated with respect to a new license issued during a fiscal year.
- B. Within 90 days after the effective date of this section, the legal owner of record, or its or their authorized representative, shall make written application to the City for a rental unit license upon such form or forms as the City shall designate. Such application shall be submitted together with a nonrefundable rental license fee based on a fee schedule as approved by the City Council. Application by an authorized agent shall not relieve the owner of the responsibility for the truth and accuracy of the statements in the applications, or the requirement to obtain same, or for the required fee. Said application shall include the

following:

1. A site plan of the property clearly showing any outdoor areas of the property that are available for use by those renting the building or portion of the building including the area designated for off-street parking.

2. For building or structures or portions thereof available for rent, the applicant shall submit a floor plan clearly showing and labeling the sizes and use of all rooms and areas in the structure. The floor plan shall identify bedrooms and the maximum number of persons permitted in each sleeping room. In addition, the applicant shall indicate the maximum number of persons permitted to occupy the structure.

3. A copy of the existing lease agreement and a copy of any house rules for renters, if applicable. Where the total number of occupants are listed in the lease agreement; staff will verify that this quantity is consistent with the occupancy limitations prior to approval.

- C. The holder of the residential rental license shall be the owner of the rental housing unit. If applicable, all owners shall certify to the City the name, physical mailing address (PO Boxes are not acceptable), verifiable email address and telephone number of the property owner and if applicable, an authorized agent qualified to accept notice or authorize repairs on behalf of the owner. The application shall contain a consent to inspection during reasonable hours for the entire term of the license.
- D. The City shall issue or deny a rental housing license. The City Manager shall receive all applications and coordinate a review process. The issuance of a license is not to be construed as proof or acknowledgment by the City that the subject property complies with Applicable Law, pending determination by inspection. A denial shall be in writing, setting forth the code violation(s) and/or other reason(s) for such denial. Upon correction of any deficiencies in the application process, the City shall issue a rental license contingent upon passing applicable inspections.

§ 186-4 Inspections.

- A. All residential rental properties shall be subject to periodic inspections by the Code Official as deemed necessary but no less than once each year. Such inspections are subject to any applicable law or regulations of the Pocomoke City Code.
- B. Inspections shall be performed pursuant to the laws and regulations as established by Applicable Law.
- C. If an inspection reveals a violation of the provisions of Applicable Law, the Code Official shall prosecute the violation(s) in accordance with Applicable Law. Fines shall be imposed in accordance with Applicable Law and the Pocomoke City adopted FEES, CHARGES, RATES, FINES, AND PENALTIES SCHEDULE (the "Schedule"), as from time to time adopted and published by the City Council.
- D. The City Manager may grant a waiver of inspection for newly constructed rental units: The City Manager may grant a waiver for certain federal or state residential rental housing programs, such as the Housing and Urban Development ("HUD") Section 8 Housing Voucher program, or similar programs where inspections are routinely performed as a requirement to

qualify for such housing. Waivers shall be granted, provided the owner, or his or her authorized agent, provides documentation of the most recent inspections performed by the applicable authority or otherwise demonstrates compliance with all applicable codes and regulations. Granting of waivers does not relieve the owner of compliance with all applicable city, state, or federal laws. The City reserves the right to perform inspections for compliance with this code. The rental registration per unit fee shall not be waived.

§ 186-5 Revocation or denial of license; injunction.

- A. A license may be suspended, revoked, or denied by the City Manager if the owner fails to remedy or correct violations, fails to maintain proper rental license, or fails to comply with an order or notice by the City Manager. Suspensions, revocations, or denials of a license shall be in addition to and not a substitution for such penalties and fines as provided for herein.
- B. Reinstatements of suspensions or revocation of a license is subject to a fine in accordance with the Fee Schedule, as established and adopted by resolution of the City Council, that shall be subject to change from time to time.
- C. In addition to any other remedies which may be available in the event of a violation of the provisions of this Chapter, the City Manager may seek an injunction to prevent the renting, or offering to rent, of rental dwelling units in the City which do not have a current, valid license issued and legally in force.
- D. Unpaid fines, fees, expenses or related costs incurred for adjudication and/or abatement of a violation(s) shall be charged to the owner of such property, if not paid in 90 days; all unpaid fines and costs shall be a lien against such property and shall be collectible in the same manner in which delinquent taxes against such real estate shall be collectible, or by any action at law as deemed appropriate.

§ 186-6 Terms of license.

- A. Licenses shall be issued for a term of one (1) year subject to payment of a license fee in the amount as established in the Schedule. The license fee shall be established by City Council on an annual basis. Applications may combine a number units in one application but shall individually identified with the fee applying to each such unit.
- B. Prior to the issuance of the rental license, the applicant shall be furnished with applicable property maintenance codes and laws. In the event of any violation cited after the initial license is granted, registered property owners will be given a grace period of 60 days to come into compliance unless major code violations are present that endanger the health and safety of the occupants. If additional inspections are required to verify compliance, additional fees shall apply based on adopted fee schedule set by City Council.
- C. Licenses issued hereunder shall not be transferable, and subsequent title holders of a residential rental property shall be required to obtain a separate license.
- D. Failure to remit payment 30 calendar days from the date of notification for renewal of a license shall be assessed a late payment fee in accordance with the fee schedule set by the City Council.

§ 186-7 Display of licenses.

Licenses issued under this article shall be produced by the property owner, landlord on the demand of a tenant or prospective tenant and shall be made available at reasonable times for examination by an authorized agent of the City.

§ 186-8 Fees.

The City Council of Pocomoke City is hereby authorized to enact a resolution establishing a general fee schedule of license, inspection, reinspection fees, penalties and fines pursuant to the administration of this Code. Any fees, fines, and expenses shall be subject to the collection procedures as established herein.

§ 186-9 Violations and penalties.

Any violation of this article shall be considered a municipal infraction, and any person violating any provision of this article shall be subject to the fines and penalties in accordance with the Schedule and the Pocomoke City Code.

§ 186-10 Severability.

Should any provision, section, paragraph, sentence or word of this article be determined unconstitutional, such decision shall not affect the validity of the remaining portions of this article.

