

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2019, Legislative Day No. 19

Bill No. 66-19

Mr. David Marks, Councilman

By the County Council, November 18, 2019

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations – Boarding or Rooming Houses

FOR the purpose of amending the definition of “Boarding- or Rooming House” set forth in the Zoning Regulations; and generally relating to a Boarding or Rooming House.

BY repealing and re-enacting, with amendments

Section 101.1, the definition of “Boarding- or Rooming House”
Baltimore County Zoning Regulations, as amended

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Baltimore County Zoning Regulations read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1 ARTICLE 1 – GENERAL PROVISIONS

2 Section 101 – Definitions

3 § 101.1. Word usage; definitions.

4 Words used in the present tense include the future; words in the singular number include the
5 plural number; the word “shall” is mandatory. For the purposes of these regulations, certain
6 terms and words are defined below.

7 Any word or term not defined in this section shall have the ordinarily accepted definition as set
8 forth in the most recent edition of Webster’s Third New International Dictionary of the English
9 Language, Unabridged.

10 BOARDING- OR ROOMING HOUSE

11 A. A building:

- 12 1. Which is the domicile of the owner and in which rooms with or without meals are
13 provided, for compensation, to three or more individuals who are 18 years old or
14 older and not related by blood, marriage or adoption to the owner; or
15 2. Which is not the owner’s domicile and which is occupied in its entirety, for
16 compensation, by three or more individuals who are 18 years old or older and not
17 related to each other by blood, marriage or adoption.

18 B. The term does not include a hotel, motel, apartment building or a facility for foster care
19 (as defined in the Family Law Article, Section 5-501(g) of the Annotated Code of
20 Maryland and COMAR 07.06.16). The term does include a care home (as defined in the
21 Health General Article, Section 19-307(b) of the Annotated Code of Maryland.)

22 C. For purposes of this definition only, “owner” means an individual who:

- 23 1. Has more than a 50 percent legal or equitable interest in the property; and

1 2. Shares in more than 50 percent of the profits or losses derived from the
2 compensation paid under Paragraph A of this definition.

3 D. If an individual who is 18 years old or older and who is not related to the owner by blood,
4 marriage or adoption resides for more than 30 days during any 12-month period in a
5 building in which compensation is received from any person, the building shall be
6 considered the domicile of the individual FOR COMPENSATION for purposes of this
7 definition AND SHALL BE COUNTED AS AN INDIVIDUAL IN THE DOMICILE
8 UNDER PARAGRAPH A.1 OR A.2 OF THIS DEFINITION.

9 E. The owner of a building shall have the burden of proving that an individual is related by
10 blood, marriage, or adoption either to the owner or to the other individuals in the
11 domicile as required under Paragraph A.1 or A.2 of this definition.

12 F. ANY UNRELATED INDIVIDUAL OCCUPYING A BUILDING UNDER
13 PARAGRAPH A.1 OR A.2 SHALL BE DEEMED TO DO SO FOR
14 COMPENSATION FOR THE PURPOSES OF THIS DEFINITION, ~~AND THE~~
15 ~~OWNER OR OTHER INDIVIDUAL OCCUPANTS SHALL HAVE THE BURDEN OF~~
16 ~~PROVING THAT THE UNRELATED INDIVIDUALS ARE RESIDING AS GUESTS~~
17 ~~AND NOT FOR COMPENSATION.~~ ANY FALSE STATEMENT MADE TO A CODE
18 OFFICIAL WITH REGARD TO AN INVESTIGATION UNDER THIS PARAGRAPH
19 SHALL BE PUNISHABLE PURSUANT TO § 1-2-217(~~D~~) OF THE COUNTY CODE.

20
21 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by
22 the affirmative vote of five members of the County Council, shall take effect on December 30,
23 2019.