

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 19-4

BY: Commissioners Bunting, Church, Elder, Mitrecic, Nordstrom and Purnell
INTRODUCED: July 16, 2019

A BILL ENTITLED

AN ACT Concerning

Taxation and Revenue - Rental Licenses

For the purpose of amending the Taxation and Revenue Article to eliminate tourist permits and to provide for rental licenses for any sleeping accommodations.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Section § TR 2-201 of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland be deleted and Section § TR 2-202 be renumbered as Section § TR 2-201.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new Section § TR 2-106 of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland be enacted to read as follows:

§ TR 2-106. Rental licenses.

- (a) Definitions. For the purposes of this section the words and terms contained herein shall have the meanings and interpretations as ascribed by the definitions contained in Section § ZS 1-103 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland.
- (b) License required. No person, firm or corporation or any other entity with an interest in real property shall rent or offer for rent all or any portion of any house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model, hotel or motel room, or any other building or structure or portion thereof as sleeping accommodations or any lot or parcel of land for the purposes of placing a manufactured or mobile home, recreational vehicle or tent, regardless of the length of the rental term, without first obtaining a rental license from the Department. Rental licenses shall be issued only to the property owner.
- (c) License fees. Rental license fees shall be established by resolution of the County Commissioners. License fees payable upon application are non-refundable and no license fee will be prorated, upon cancellation, whether voluntary or otherwise.
- (d) Applications. Applications for a rental license shall be made on forms provided by the Department. The application shall be submitted to the Department together with the following information:
 - (1) For buildings or structures other than a hotel or motel where only a portion of the

principal or accessory structure or building on a property is being offered for rental the applicant shall provide a floor plan drawn to scale that clearly shows the sizes and uses of all rooms and areas in the structure and those rooms and/or areas that may be available to rent. The floor plan shall indicate the maximum number of persons permitted in each sleeping area. Additionally, a site plan of the property shall be provided which clearly shows any outdoor areas of the property that are available for use by those renting a portion of the principal or accessory building or structure, including the area designated for off-street parking.

- (2) For hotels and motels the applicant shall provide a list of all rooms available for rent, including the room number, the gross square footage of the room and the maximum number of persons permitted in each room.
- (3) For all buildings or structures where the entire building or structure is being offered for rent the applicant shall provide a floor plan drawn to scale that clearly shows the sizes of all rooms and areas in the structure and their intended use. In addition, the floor plan shall indicate the maximum number of persons permitted to occupy the structure.
- (4) For all manufactured or mobile home parks and campgrounds other than cooperative campgrounds as defined in Section § ZS 1-318(a), the applicant shall provide a list of all lots or sites in the park or campground and the maximum number of persons permitted to occupy each lot or site.
- (5) A copy of the standard lease or rental agreement and a copy of any house or property rules for renters.
- (6) The names, mailing address, e-mail address and telephone number of all of the property owner(s) and, if applicable, the property manager and resident agent, any of whom may be contacted twenty-four hours a day during any property rental period. The signature of all property owners shall be provided on the application.
- (7) Any other information determined necessary by the Department to ensure compliance with the terms of this Title and the laws and regulations adopted under any other Title of the Code of Public Local Laws of Worcester County, Maryland.

(e) License term, renewal and display of license.

- (1) Applications for all new rental licenses may be made at any time. However, all rental licenses shall be valid for a period of one year from the date of issuance as shown on the rental license.
- (2) All applications for license renewals shall be made on forms provided by the Department and submitted not less than sixty days prior to the expiration of the license. The information required to be submitted for a new rental license as listed in Subsection (d)(1) through (d)(7) herein need not be submitted provided that none of the information has changed since the last license renewal. If the application for renewal is not received at least sixty days prior to the license expiration, it will be treated as a new application and shall comply with all initial application requirements. If a rental license expires without being renewed as provided herein, the property shall not be used for rental purposes described by this Section until a new license application is submitted, approved

and issued as provided for herein.

- (3) All issued rental licenses shall be prominently displayed on the premises to which it applies and shall be available for inspection at all times and to the County.
- (4) All advertising, whether by print, electronic, audible or in any other form or substance designed or used to inform as to the availability of any property for rent which is subject to the terms of this Section, shall contain the valid rental license number issued in accordance with this Section.

(f) Uses allowed and restrictions on licenses.

- (1) Only those areas, uses and number of residents, roomers, boarders or lodgers or any other parameter specifically mentioned in the rental license shall be permitted. No property for which a rental license has been issued shall be expanded or altered nor the types of rental arrangements modified to be other than those specifically described in the rental license without the licensee first applying for and being issued a new rental license which includes the expansion, alteration or modifications. Additionally, all properties used for the rental purposes described herein shall conform to the limitations and restrictions contained in the Zoning and Subdivision Control Article for the zoning district in which the property is located and the terms of the Building Regulations Article, Title 3 Property Maintenance Standards, Subtitle I Rental Housing Code, of the Code of Public Local Laws.
- (2) Rental licenses are not transferable. If a property is transferred, the rental license shall expire on the day the property is transferred and the property shall not thereafter be used for rental purposes until a new license is issued. Contract purchasers may apply for a new rental license prior to settlement on a property. However, the license shall not be issued until the new property owner provides the Department with proof of property transfer. There shall be no refunds of rental license fees for the unused portion of the license term or for unissued rental licenses when applied for by contract purchasers prior to property settlement in the event the property transfer does not occur.
- (3) A rental license may not be issued unless the subject property is in full compliance with all State and local laws and regulations.

(g) Administration and enforcement, inspection and penalties.

- (1) The responsibility for the administration and enforcement of this Title shall be vested in such County Department (hereinafter called the "Department") as designated or created for such purpose by the County Commissioners. The Department may delegate to its own personnel and to other persons such duties and responsibilities in connection with the administration and enforcement of this Title as are appropriate in the Department's judgement. The staff of the Department or any public safety or law enforcement agency or department shall have the right to enter upon any property for which a rental license has been issued hereunder in order to inspect such license and such property or parts of such property which are covered by the license provided, however, that nothing herein shall be so construed so as to give said individuals the right or privilege of entering upon any such premises or any part thereof while the same are under the control or supervision of a tenant of the license holder without permission of that tenant or having obtained a

valid search warrant, if applicable, unless such premises is usually and customarily open to members of the public.

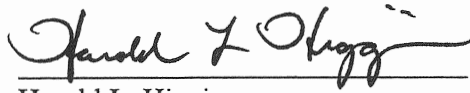
- (2) If the Department shall find that any of the provisions of this Title are being violated, it shall notify the property owner and, if applicable, the property manager or resident agent either by certified mail, by posting the property or by other appropriate method, including by e-mail with delivery and read receipts requested. Such notification shall indicate the nature of the violation and order the action necessary to correct it within a reasonable period of time as determined by the Department.
- (3) At the conclusion of such reasonable period, if the violation has not been satisfactorily corrected in the judgement of the Department, the Department shall take appropriate action to bring about the correction of such violation or shall take any other action authorized by law to ensure compliance with this Section and prevent violation of its provisions. Violations of the provisions of this Section or failure to comply with any of its requirements shall constitute a civil infraction. Potential penalties may include but are not limited to suspension or revocation of the license, fines, filing of an injunction to bring about correction of any violations, and abatement of imminent dangers to the health and safety of the occupants as determined by the Department. Each day of a violation constitutes a separate offense. The remedies available to the County and the Department under this Title are cumulative and not exclusive.
- (4) Any person establishing, maintaining, renting or operating any place as herein described without first obtaining a rental license or operating or maintaining the same in violation of this Section or regulations or standards adopted by resolution of the County Commissioners shall be guilty of a civil infraction.
- (5) In the event that a rental license is revoked, the Department shall not issue a rental license for that particular property for a period of three years to the former license holder or member of the former license holder's housekeeping unit as defined in § ZS 1-103(b).
- (6) After providing the owner of the licensed property an opportunity to be heard, the County Commissioners may revoke, suspend or refuse to renew any rental license issued in accordance with this Section for any of the following reasons:
 - A. A material falsification, as determined by the County Commissioners, of any information supplied on a rental license application or in any additional information supplied by the property owner, applicant, property manager or any person as part of the rental license application or renewal process.
 - B. Any activity conducted on the licensed premises that is or would be detrimental to the health, safety or welfare of the public as determined by the County Commissioners.
 - C. Conviction of an applicant, property owner, applicant, property manager or any person in control of a property of any felony crime, regardless of where committed, or any violation of gambling, alcoholic beverage, controlled substance or prostitution laws during the rental license period by any person while on the property.

- D. A repeated failure to conform to the rental license conditions, any rules and regulations adopted by resolution of the County Commissioners with regard to properties licensed under this Section, the Zoning and Subdivision Control Article of the Code of Public Local Laws as it applies to rental properties or the terms of the Building Regulations Article, Title 3 Property Maintenance Standards, Subtitle 1 Rental Housing Code of the Code of Public Local Laws.
- E. Recurrent offensive conduct or behavior of any person or persons on the property causing a public nuisance or disturbance as determined by the County Commissioners.

Section 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect January 1, 2020.

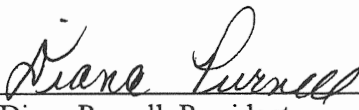
PASSED this 20th day of August, 2019.

ATTEST:

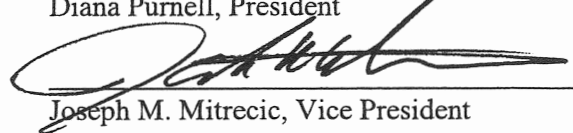


 Harold L. Higgins
 Chief Administrative Officer

COUNTY COMMISSIONERS OF
 WORCESTER COUNTY, MARYLAND

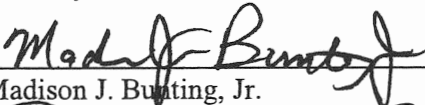


 Diana Purnell, President

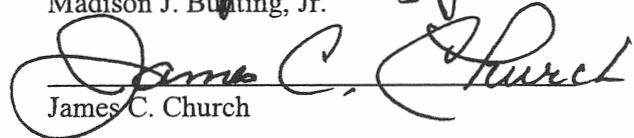


 Joseph M. Mitrecic, Vice President

 Anthony W. Bertino, Jr.



 Madison J. Bunting, Jr.



 James C. Church

 Theodore J. Elder

 Joshua C. Nordstrom