

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2022 Legislative Session

Bill No. CB-081-2022
 Chapter No. 69
 Proposed and Presented by The Chair (by request – County Executive)
 Introduced by Council Members Hawkins, Dernoga, Franklin, Harrison, Glaros, Turner,
Medlock, and Streeter
 Co-Sponsors _____
 Date of Introduction September 27, 2022

BILL

1 AN ACT concerning the

2 Building Code of Prince George's County

3 For the purpose of amending the International Building Code and International Residential Code
 4 to enhance notification and awareness of violations for prospective property transferees.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 4. BUILDING

7 Sections 4-116, 4-117, 4-255 and 4-255.01

8 The Prince George's County Code

9 (2019 Edition) (2021 Supplement).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 11 Maryland, that Sections 4-116, 4-117, 4-255 and 4-255.01 of the Prince George's County Code
 12 be and the same are hereby repealed and reenacted with the following amendments:

13 SUBTITLE 4. BUILDING.

14 DIVISION 1. BUILDING CODE.

15 SUBDIVISION 2. AMENDMENTS TO THE INTERNATIONAL BUILDING CODE.

16 **Sec. 4-116. - Administration; Section 114, Violations.**

17 (a) Section[s] 114.2 of the IBC is amended to read as follows:

18 "Notice of Violation"

19 114.2.1 Issuance of Notice of Violation

20 The Building Official is authorized to serve a notice of violation or order on the person

responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

114.2.2 Administrative Lien

Upon issuance of a notice of violation, the Building Official may place an administrative lien on the property that shall serve as notice to prospective purchasers, lessees, or other transferees. The Building Official may release the administrative lien upon abatement or correction of the underlying violation(s) giving rise to the notice of violation or upon verification that the prospective purchaser, lessee, or other transferee has been notified of the existence of the Stop Work Order.

* * * * *

(c) Section 114.5 of the IBC is added and shall read as follows:

114.5 Disclosure Requirements:

114.5.1 Disclosure to Prospective Purchaser or Lessee: When the owner of a dwelling unit or structure has received a notice of violation issued under this Subtitle, the owner shall provide a copy of the notice of violation to a prospective purchaser or lessee.

114.5.2 Recordation: The Director may record a notice of violation issued under this Subtitle among the land records in the Circuit Court for Prince George's County.

Sec. 4-117. - Administration; Section 115, Stop Work Order.

(a) Section 115.2 of the IBC is amended to read as follows:

115.2.1 Issuance

Upon notice from the Building Official that work on any building or structure is being executed contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The Stop Work Order shall be in writing and shall be given to the owner of the property involved, the owner's authorized agent or the person performing the work. Upon issuance of a Stop Work Order, the cited work shall immediately cease. The Stop Work Order shall state the reason for the order and the conditions under which the cited work will be permitted to resume. Stop Work Order will

be in full force until all fees and penalties are paid and permits have been secured for all illegal and/or unpermitted construction.

115.2.2 Administrative Lien

Upon issuance of a Stop Work Order, the Building Official may place an administrative lien on the property that shall serve as notice to prospective purchasers, lessees, or other transferees. The Building Official may release the administrative lien upon abatement or correction of the underlying violation(s) giving rise to the Stop Work Order or upon verification that the prospective purchaser, lessee, or other transferee has been notified of the existence of the Stop Work Order.

(c) Section 115.4 is added and shall read as follows:

115.4 Disclosure Requirements:

115.4.1 Disclosure to Prospective Purchaser or Lessee: When a stop work order has been issued under this Subtitle and remains effective at the time of a prospective transfer or lease, the owner shall provide notice of the stop work order to a prospective purchaser or lessee.

115.4.2 Recordation: The Director may record evidence of a stop work order issued under this Subtitle among the land records in the Circuit Court for Prince George's County.

SUBTITLE 4. BUILDING.

DIVISION 1. BUILDING CODE.

SUBDIVISION 4. AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE FOR ONE-AND TWO-FAMILY DWELLINGS.

Sec. 4-255. - Administration and Enforcement; Sec R113. Violations.

(a) Section R113.2 of the IRC is amended to read as follows:

"Notice of Violation"

R113.2.1 Issuance of Notice of Violation

The Building Official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this

code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

R113.2.2 Administrative Lien

Upon issuance of a notice of violation, the Building Official may place an administrative lien on the property that shall serve as notice to prospective purchasers, lessees, or other transferees. The Building Official may release the administrative lien upon abatement or correction of the underlying violation(s) giving rise to the notice of violation or upon verification that the prospective purchaser, lessee, or other transferee has been notified of the existence of the Stop Work Order.

* * * * *

(c) Section R.113.5 is added and shall read as follows:

113.5 Disclosure Requirements:

113.5.1 Disclosure to Prospective Transferee: When the owner of a dwelling unit or structure has received a notice of violation issued under this Subtitle, the owner shall provide a copy of the notice of violation to a prospective purchaser, lessee, or other transferee.

113.5.2 Recordation: The Director may record a notice of violation issued under this Subtitle among the land records in the Circuit Court for Prince George's County.

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Sec. 4-255.01 – Administration and Enforcement; Sec R114 Stop Work Order.

(a) Section R114.1 of the IRC is amended to read as follows:

R114.1.1 Issuance of Stop Work Order

Upon notice from the Building Official that work on any building or structure is being executed contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The Stop Work Order shall be in writing and shall be given to the owner of the property involved, the owner's authorized agent or the person performing the work. Upon issuance of a Stop Work Order, the cited work shall immediately cease. The Stop Work Order shall state the reason for the order and the conditions under which the cited work will be permitted to resume. Stop Work Order will be in full force until all fees and penalties are paid and permits have been secured for all illegal and/or unpermitted construction.

R.114.1.2 Administrative Lien

Upon issuance of a Stop Work Order, the Building Official may place an administrative lien on the property that shall serve as notice to prospective purchasers, lessees, or other transferees. The Building Official shall release the administrative lien upon abatement or correction of the underlying violation(s) giving rise to the Stop Work Order or upon verification that the prospective purchaser, lessee, or other transferee has been notified of the existence of the Stop Work Order.

* * * * *

(c) Section R.114.3 is added and shall read as follows:

114.3 Disclosure Requirements:

114.3.1 Disclosure to Prospective Purchaser or Lessee: When a stop work order has been issued under this Subtitle and remains effective at the time of a prospective transfer or lease, the owner shall provide notice of the stop work order to a prospective purchaser or lessee.

114.3.2 Recordation: The Director shall record evidence of a stop work order issued under this Subtitle among the land records in the Circuit Court for Prince George's County.

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SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 24th day of October, 2022.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Calvin S. Hawkins, II
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

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