

Chapter 96

LICENSING OF RENTAL UNITS

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[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 11-20-78 as HB No. 15-78. Amended O-2006-03 (4-24-2006); Amended O-2007-09 (8-6-2007) Amendments noted where applicable.]

GENERAL REFERENCES

- Health and sanitation - See Ch. 65.
- Housing standards - See Ch. 68.

§ 96-1. Purpose, finding, scope and definitions. [Amended 4-24-06 by HO-2006-03]

A. Purpose. It is the purpose of this chapter to assure that rental housing in the City is decent, safe and sanitary and is so operated and maintained as not to foster blight and deterioration in the community.

The operation of rental dwelling units is a business enterprise that entails certain responsibilities. Operators are responsible to take such reasonable steps as are necessary to assure that the residents of the City who occupy such units may pursue the quiet enjoyment of the normal activities of life in surroundings that are safe, secure and sanitary.

B. Finding. The City finds that providing for public health, safety and welfare to its residents mandates the existence of a rental dwelling unit license and inspection and maintenance program that corrects substandard conditions and maintains a standard for rental dwelling units. The process must not discriminate against anyone on the basis of race, sex, age, disability, ancestry, color, creed, marital status, national origin, religious affiliation, belief or opinion, gender identity, physical characteristic or sexual orientation.

C. Scope. This chapter applies to all dwelling units that are leased in whole or in part as a rental dwelling unit. This chapter does not apply to licensed rest homes, convalescent care facilities, nursing homes, hotels or motels, nor to owner occupied not-for-profit familial living arrangements in which the parties share housing and utility expenses.

D. Definitions. The following words shall have the meaning in this chapter as specified below.

City. Shall mean the City of Hyattsville.

Dwelling Unit. Any building or portion thereof that contains living facilities, including provisions for sleeping, eating, and sanitation.

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Lease. An oral or written agreement between a rental dwelling unit owner and a tenant for temporary use of a rental dwelling unit, in exchange for payment of rent, or the act of entering into such an agreement.

License. The formal approval of an activity specified on the certificate of license issued by the City of Hyattsville.

Owner. Owner shall include any authorized agent, servant or employee of a title owner of record of a rental dwelling unit and any leasing or management entity authorized by or through an authorized title owner of record.

Rent. The consideration paid by a tenant to the owner of a rental dwelling unit for the exclusive use by the tenant of part or all of the dwelling unit. The consideration is not limited to cash.

Rental Dwelling Unit. A dwelling unit or room occupied and leased by a tenant.

Tenant. Any adult person granted use of a rental dwelling unit or room pursuant to a lease with the owner of the rental dwelling unit.

§ 96-2. Prohibition; units covered; application; fees; changes. [Amended 4-24-06 by HO-2006-03]

A. Prohibition. No person shall operate, lease, or cause to be leased, a rental dwelling unit which has not been properly licensed by the City in the manner required by this chapter.

B. Units Covered. A license must be obtained for each rental dwelling unit.

C. Application and Fees. The owner shall make written application to the City for a rental dwelling unit license upon such form or forms as the City shall designate. Such application shall be submitted, together with any inspection or re-inspection fee. The amount of such fees shall be established by the City. There shall be a continuing obligation on the part of the applicant to update the information on the application and/or to supply information not previously submitted.

D. Changes in ownership and amended licenses. A license is not assignable. Any change occurring in the ownership of a rental dwelling unit requires a new license. The new owner must obtain a new license within thirty (30) days of acquiring the property. The fee paid for the new license shall be the fee required for an initial license. If any changes occur in any information required on the license application, the owner must submit an amended license application to the City within thirty (30) days of the change. If any rental dwelling units are added to a current license, the additional rental dwelling units must be licensed by amendment of the current license and must be accompanied by the fee required for the additional units.

E. The license fee is doubled when an application is received more than thirty (30) days after it was due.

§ 96-3. Inspection; issuance or denial of license. [Amended 4-24-06 by HO-2006-03]

A. Upon receipt of a completed application for a license with tender of the appropriate license and inspection fee, the City shall schedule an inspection to be conducted by the City's Code Enforcement Officer, who shall certify that the rental unit and owner comply with this Chapter and with all applicable provisions of Chapters 46, 65 and 68 of the City Code and Title 17, Subtitles 4, 11, 12, 13 and 27, of the Prince George's County Code. All owners shall further demonstrate to the Office of Code Enforcement that the rental unit complies with the state requirements as to lead paint abatement. Upon such certification and proof, both of which must be reasonably satisfactory to the

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City, a rental unit license shall forthwith be issued, pursuant to this code provided all other requirements of the City Code have been met.

B. Should the inspection reveal violations of any of the provisions set forth in Subsection A above, then the Code Enforcement Officer shall notify the applicant, in writing, within fifteen (15) days, specifying each violation and the code section it violates. The applicant shall then have not more than thirty (30) days to correct such violations. Within such period, the Code Enforcement Officer shall have the authority to extend the time for correcting such violations at the request of the applicant upon a showing that a good faith effort has been initiated to correct such violations and that they cannot be corrected within the established period. All violations notices shall contain information regarding the appeals process.

C. Failure of an applicant to correct all violations within the thirty-day period or the time allowed by the Code Enforcement Officer, if it has been extended, shall result in the application for license being denied.

§ 96-4. Expiration of license; renewal; reapplication. [Amended 4-24-06 by HO-2006-03]

A. Each license issued pursuant to this chapter shall expire one (1) year from the date of issuance. [Amended 4-18-88 by HB No. 2-88]

B. Application for the renewal of an existing license shall be made at least thirty (30) days prior to the expiration date.

C. Every applicant whose application for a license has been denied or whose license has been revoked may not reapply for a rental unit license within ninety (90) days from such denial or revocation.

§ 96-5. Periodic inspections; time limit for correction of violations; revocation of license; public nuisance. [Amended 4-24-06 by HO-2006-03, Amended 8-07-07 by HO-2007-09]

A. The City's Code Enforcement Officer shall have the authority to conduct periodic inspections of any licensed property to determine if it continues to be in compliance with the requirements for a rental unit license. Notice of violations involving substandard housing or maintenance shall be sent to the license holder or owner, as applicable, in writing, within fifteen (15) days, specifying each violation and the code section it violates. The license holder shall then have not more than thirty (30) days to correct such violations, unless otherwise extended by the Code Enforcement Officer for good cause shown, or the license shall be revoked. Failure by the owner and/or the license holder to allow entry for an inspection after reasonable notice, or the failure by the owner and/or license holder to require as a term of the rental agreement that the tenant shall allow the City entry for such inspection, shall be sufficient reason to deny or revoke any rental license or certificate and shall be a violation of this Chapter. The City may set reasonable conditions on any revocation or renewal as to effective date, review, and any other matter involving the welfare of the tenants, the landlord or the general public.

B. The City shall have the authority to deny or revoke a license upon the City finding that any rental dwelling unit or units on a single property are or have been creating a public nuisance.

C. For a single family home having at least one rental unit, a public nuisance shall include, but not be limited to, a rental property at which the following has occurred:

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1. Four incidents in twenty-four months of criminal activity or the presence of a controlled dangerous substance or drug paraphernalia on the property, which is reasonably attributable to the occupants of the property;
 2. Two incidents in twenty-four months of drug-related crimes such as the presence of stolen property, theft, robbery or prostitution or of any felony; or
 3. Four noise violations or three violations of the applicable occupancy limit imposed by any governmental agency in twenty-four months.
- D. For any property with multi-family housing used as rental units, the number of incidents/violations that would qualify the property as a public nuisance shall be as follows:
1. If there are fewer than ten (10) rental dwelling units, the number of incidents/violations outlined in subsection (C) (1-3) above is applicable.
 2. If there are ten (10) to fifty (50) rental dwelling units, the number of incidents/violations that would qualify the property as a public nuisance shall be determined by adding one (1) to the number of incidents/violations outlined in subsection (C)(1-3) above.
 3. If there are more than fifty (50) rental dwelling units, the number of incidents/violations outlined in subsection (C) (1-3) during a twenty-four month period that would qualify the property as a public nuisance shall be more than six (6) incidents/violations in any one category in subsection (C) (1-3) or a cumulative total of twenty (20) incidents/violations.
- E. In considering whether a property constitutes a public nuisance under this Chapter, the City may consider the history of the property prior to the enactment of this Amendment. The City may consider allowing a rental license that has been revoked or denied pursuant to this subsection to be renewed or reissued for a property only upon a showing by clear and convincing evidence that the condition(s) creating the public nuisance will not re-occur. The City may issue a provisional rental license to a property unit that previously constituted a public nuisance with reasonable conditions to assure the property does not become a public nuisance.
- F. Code Enforcement shall attempt to notify a landlord of any new incident/violation on the landlord's property that could qualify as contributing to a public nuisance. The notice shall contain a warning that the rental license for the property may be revoked.

§ 96-6. Appeals procedure. [Amended by HO-2006-03, 4-24-06; Amended 4-24-06 by HO-2006-03]

- A. Any persons aggrieved by an action of a Code Enforcement Officer under this chapter may appeal such an action by filing a written notice thereof with the Head of Code Enforcement within fifteen (15) calendar days of the action complained of. The Head of the Code Enforcement shall promptly schedule a conference with the appellant and any other party the Head of Code Enforcement may choose. After such conference the Head of Code Enforcement shall promptly issue a written opinion to the appellant.
- B. In the event the appellant is dissatisfied with the opinion of the Head of Code Enforcement, the appellant may further appeal the finding of the Head of Code Enforcement to the City Administrator and Mayor by filing a written appeal along with payment of the proper appeal fee in the amount established by the Mayor and City Council. Any such appeal must be filed with the City Administrator within fifteen (15) calendar days of the written opinion of the Head of Code Enforcement. Within fifteen (15) days of such filing, a hearing shall be conducted before such

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person(s) as the City Administrator and Mayor designate for such purpose. The hearing shall be open to the public, records and minutes shall be maintained and the person aggrieved and the Code Enforcement Department shall be given an opportunity to present evidence. The person(s) hearing the appeal shall, within ten (10) days, either reverse, modify or affirm the action complained of and cause a written copy of their decision to be sent to the person aggrieved. This decision shall be final.

C. An appeal shall not operate to stay any of the provisions or requirements of this chapter unless the Head of Code Enforcement or City Administrator as applicable shall otherwise order.

§ 96-7. Violations and penalties. [Amended 8-2-82 by HB No. 12-82; 5-5-86 by HB No. 6-86, Amended 6-1-98 by HR 98-03, Amended 4-24-06 by HO-2006-03]

A. Unless herein provided violations of this chapter shall be punishable as a municipal infraction as provided in Chapter 20 of this Code. The fine for any single initial violation shall be two hundred fifty dollars (\$250.00) and the fine for each repeat of that offense shall be five hundred dollars (\$500.00).

B. Any person or owner who willfully violates the provisions of this chapter by allowing a rental dwelling unit to be occupied without a rental license shall be guilty of a misdemeanor and subject to imprisonment for thirty (30) days and/or a fine of one thousand dollars (\$1,000.00). Willfully shall mean at a minimum that the person so charged has been tendered, mailed or left three (3) written communications from a Code Enforcement Officer putting him/her on notice that he/she is violating this chapter and more than forty-five (45) days after the initial notice he/she continues to violate this chapter, and he/she has not availed him/herself of the appeal provisions, or has received an adverse ruling upon such appeal. A criminal citation shall be referred to the police department.

§ 96-8. Display of license required. [Amended 4-24-06 by HO-2006-03]

Licenses issued under this chapter shall be predominately and publicly displayed on the premises of the structure or produced on demand of a tenant or prospective tenant and shall be available at reasonable times for inspection by the Code Enforcement Officer, or other authorized City employee.

§ 96-9. Resident agent. [Added 10-3-83 by HB No. 11-83, [Amended 4-24-06 by HO-2006-03]

A. Requirement of resident agent. Any person or entity required by this chapter to obtain a rental unit license shall appoint a resident agent for each licensed premises. The resident agent shall be over the age of eighteen (18) and reside on the licensed premises.

B. Filing of resident agent's name and address. The name and address of the resident agent shall be filed in writing during normal business hours with the Clerk of the City. The name of the resident agent may be changed by the legal owner of record by notifying, in writing, the Clerk during normal business hours.

C. Service on resident agent. Delivery of any document, infraction, opinion, etc. regarding the licensed premises to the resident agent shall be service of such document on the owner and title owner of record.

§ 96-10. Directives, regulations and presumptions. [Added 4-24-06 by HO-2006-03]

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A. Directives. The Head of Code Enforcement shall issue departmental directives and regulations that shall outline procedures consistent with the purpose, scope, definitions and enforcement of this chapter.

B. Presumptions. There shall be a presumption that any consideration paid to an owner is not rent in the following circumstances:

(1) A dwelling unit which is occupied by a title owner of record of the unit as a principal place of residence with room(s) used non-exclusively by a member or members of the title owner's immediate family (spouse, parent, child, grandparent grandchild).

(2) A dwelling unit which is occupied by a title owner of record of the unit as a principal place of residence with room(s) used non-exclusively by a member or members of the title owner's extended family with a relationship up to five (5) steps from the owner. The Code Enforcement Officer may request proof of such familial relationship in the form of a sworn affidavit from the owner-occupant and the relative in question.

(3) A dwelling unit which is occupied by two unrelated adults, when one of them is an owner, and any children of either adult, living in the same dwelling unit.

(4) A dependent child or a dependent adult providing consideration to an owner who has a family relationship to the child or adult (child, parent, sibling, nephew/niece, aunt, uncle, cousin, grandparent, grandchild).

C. The privacy of individuals shall be respected at all times.