

Chapter 55
RENTAL LICENSING AND INSPECTION

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[HISTORY: Adopted 6-6-94, effective 7-1-94.] [Repealed 4-2-18, effective 4-22-18]

§ 55-1. Purpose.

(a) The Mayor and Council recognize that safe, clean, well-built, and properly maintained housing and neighborhoods are the foundation upon which healthy communities are built. This chapter promotes and advances the Town's vision and commitment to housing and neighborhoods. The purpose of this chapter is to protect and promote the public health, safety and welfare of the residents of the Town of Riverdale Park, to establish obligations and rights of owners and the tenants in the renting of dwelling units and to encourage owners and tenants to maintain and improve the quality of rental housing within the Town.

(b) An additional purpose of this chapter is to ensure compliance with all laws, ordinances and regulations applicable to residential rental housing within the Town; and to promote and ensure the safety, health and habitability in rental dwellings in the Town, to prevent deterioration of rental facilities, to support property values, and to encourage responsible management and use of rental dwellings and dwelling units through licensing and inspection.

§ 55-2. Matters Covered.

(a) This chapter shall apply to all rental dwellings and rental units, including single-family and multi-family dwellings. The minimum requirements for the maintenance and repair of rental dwellings and rental units are included in the Town of Riverdale Park's Housing and Property Standards, Chapter 67 of this Code, and other applicable codes and regulations. These standards include but are not limited to structural integrity, protection against fire hazard, equipment or maintenance, adequate provisions for light and air, proper heating, electric, plumbing, and sanitary conditions, and with respect to matters of over-crowding, illegal activities, or factors otherwise deemed to constitute a menace to the safety, health or welfare of the occupants or adjacent property owners, or such conditions, factors, or characteristics that adversely affect public safety, health and welfare and may lead to the continuation, extension, or aggravation of urban blight. Adequate protection of the public, therefore, requires establishment and enforcement of the licensing and inspection of single-family and multi-family rental dwellings and dwelling units.

(b) The Housing and Property Standards as delineated in Chapter 67 ("Housing Code") is hereby incorporated by reference in this chapter to the extent it is not inconsistent herewith.

§ 55-3. Definitions.

The terms used in this Chapter are defined as follows:

Boardinghouse: A "dwelling unit" in which lodging and meals are furnished by the inhabitants for compensation to four (4) or more, but not exceeding nine (9), occupants. The "dwelling unit" shall contain no more than five (5) rooms for sleeping by occupants.

Code Official: The individual(s) designated by the Town Manager to administer this Chapter.

Conditional License: A certificate indicating that a complete application for a rental license has been received along with the required fee and that the required inspections are pending.

Dwelling: A building used for residential purposes for one (1) or more individuals.

Dwelling Unit: For the purpose of this Chapter, a building (or part of a building) comprised of one (1) or more rooms that provide bathing, cooking, living, and sleeping facilities that are used as a complete and independent dwelling for one (1) or more persons.

Exempt Tenant: A tenant of a single-family rental unit who is related to the owner of the rental unit as grandparent, parent, sibling, child, or grandchild, whether naturally, adopted, step, or in-law.

License Fee: The annual fee required for application for a license under this Chapter. No additional fee is required in reference to mandatory inspections except as provided for missed appointments in section 55-7(d).

License Year: Licenses issued under this Chapter shall be valid from July 1 to June 30 every year.

Local Agent: The owner of record residing in Maryland, or a Maryland resident expressly designated by the owner on a form provided by the Town, to manage, supervise and care for the property and to respond to any violations concerning the property, and to whom official service may be made including the service of municipal infraction citations.

Minimum Standards: The provisions of the Town of Riverdale Park's Housing and Property Standards as adopted and may be amended from time-to-time in Chapter 67 of this Code, and other applicable Town codes, ordinances and regulations.

Multi-family Dwelling: A "building" (other than a "three-family dwelling") containing three (3) or more "dwelling units", including an "apartment house" or "apartment building." "Multifamily dwelling" does not include a "fraternity or sorority house." A "dwelling" for which a special exception was granted in accordance with Section 27-382 of the Prince George's County Code, "multifamily dwelling; bedroom percentages increase," prior to August 26, 1983, shall be considered a "multifamily dwelling," irrespective of whether the individual "dwelling units" are entirely separated from each other by solid, common walls.

Occupant: Any person other than the owner, who is in possession of a building or structure or space within a building or structure. An "occupant" shall include a tenant.

Owner: Any person, partnership, company, corporation or other entity, alone, jointly or severally, having a legal or equitable interest in, or control of a rental dwelling. Owner shall also mean any person who alone, jointly or severally, shall have the charge, care or control of any premises as executor, administrator, trustee or guardian of the estate of the owner. Owner shall also mean any person having any interest in a partnership, company, corporation or other entity which owns or has any ownership interest or control of a premise. Any person, firm, partnership, company, corporation, or other entity whose name appears on the deed or property tax bill for the premises shall be deemed to be the owner of the premises.

Premises: The parcel or lot of real property in the Town, including the land and all improvements or structures, upon which a rental dwelling is located.

Rental Dwelling: A dwelling or a dwelling unit occupied or intended to be occupied by one or more individuals who are not the legal owners of record of the property or an exempt tenant. Boardinghouses and a rooming houses are rental dwellings.

Rental Unit: Any room or group of rooms in a single-family or multi-family structure forming a single habitable unit that is intended to be rented for occupancy by one or more individuals who are not the legal owners of record of the property or an exempt tenant.

Rooming Unit: Any rooms or groups of rooms located within a dwelling, forming a single habitable unit used or intended to be used for sleeping or living, but not for cooking purposes.

Rooming House: A rental dwelling in which lodging (excluding meals) is furnished by the inhabitants for compensation to four (4) or more, but not over nine (9), occupants. The "dwelling" shall contain no more than five (5) rooms for sleeping by occupants.

Single-family Dwelling: A dwelling that contains one or two dwelling units, including duplexes and two-family attached dwellings.

Town: The Town of Riverdale Park.

Town Manager: The Chief Executive and Operating Officer of the Town of Riverdale Park.

§ 55-4. License required prior to occupancy.

(a) The owner of a rental dwelling or rental unit may not permit occupancy of the rental dwelling or rental unit unless the rental dwelling or rental unit is licensed by the Town, and the license has not been revoked or suspended.

(b) Subject to subsection (c), a dwelling unit that is occupied by an owner or exempt tenant as a principal place of residence shall not be subject to the requirements of this Chapter. All dwellings within the Town remain covered by the requirements of the Town's Housing and Property Standards.

(c) A rental license is not transferable. A rental license terminates upon change of ownership of the property on which a rental dwelling or rental unit is located and the new owner of the rental dwelling or rental unit must obtain a new license within fifteen (15) days after the change in ownership.

§ 55-5. Application; forms; fees.

(a) Owners of rental dwellings and rental units shall make written application to the Town for a rental license upon such form or forms as the Town designates. Applications shall be submitted together with the applicable license fee.

1. The annual license fee shall be two hundred dollars (\$200) for a single-family rental dwelling.

2. The annual license fee for rental units in a multi-family rental dwelling shall be an amount equal to one hundred fifteen dollars (\$115) multiplied by the number of rental units in the rental dwelling.

3. The annual license fee for the operation of a rooming house or boarding house shall be \$20 multiplied by the number of rooming units.

4. Annual license fees shall not be prorated.

5. Each application for a rental license shall be submitted, together with the annual rental license fee and a statement by the owner of the rental dwelling or rental unit that, as a condition of issuance of any license or conditional license, the owner, on behalf of the owner and behalf of any present or future tenants, grants permission to the Town and the Town's officials, employees and agents to inspect the rental dwelling or rental unit for compliance with the requirements of this Chapter and to undertake any other inspections required by § 55-7.

6. The owner shall have a continuing obligation to update the information submitted as part of the rental license application and to supply additional information as the Town reasonably may require.

7. A late fee of ten dollars (\$10) per day shall be assessed to the owner for every day that the filing of an application is delinquent.

(b) License fees and late fees imposed by this Chapter are a lien on the premises until paid and in all respects shall bear interest, and be collected and enforced, in the same manner as Town real property taxes.

(c) All rental license fees submitted to the Town shall be non-refundable.

§ 55-6. License issuance; denial, suspension, or revocation of license.

(a) Upon receipt of a completed application for a license with tender of the required license fee, along with any State of Maryland required documentation of compliance with Maryland lead laws, and any other legally required documents for a rental dwelling or rental unit, the Town shall issue a conditional license unless a current license has been denied, suspended or revoked. Conditions on the license will be removed, and a final rental license issued, following a satisfactory inspection of the premises.

(b) Denial, suspension or revocation: A conditional license or license may be denied, suspended or revoked in whole or in part at any time by the Town for a rental dwelling or rental unit that is the subject of a Housing and Property Standards violation if, after receipt of a notice of violation, the owner fails to abate all violations identified during an inspection within the time ordered in the notice. Violations of provisions contained in Sections 67-2, 67-3 and 67-4 of this Code and in Section 109 of the International Property Maintenance Code adopted as part of the Town's Housing and Property Standards may result in immediate denial, suspension or revocation of a conditional license or license without notice. The denial, suspension or revocation of a license is in addition to and not in substitution of the penalties provided for in § 55-12 of this Chapter.

(c) Any license or conditional license issued under this Chapter may be denied, revoked, or suspended by the Town, after notice and right to a hearing, for any of the following reasons:

1. Failure to abate violations as required pursuant to subsection (b) of this section.

2. A false statement contained in the application for a license.
3. A false statement provided by the license holder in the course of its activities.
4. The license was issued in error.

§ 55- 7 INSPECTIONS.

(a) Authority and consent to inspections: In connection with the application requirements contained in § 55-5, the owner shall acknowledge and consent to the inspections required under this Chapter; and shall affirm that the owner will notify prospective tenants prior to entering into a lease agreement of the inspection requirements of this Chapter. The Town's code official or other designated person may conduct periodic inspections of any licensed premises to determine whether it continues to be in compliance with all applicable requirements. A person may not refuse or fail, upon reasonable notice, to allow entry for such inspection, and the refusal or failure to allow inspection is sufficient reason for the denial, suspension or revocation of a rental license.

(b) Limitations: Inspections are limited visual inspections for violations of the Town's Housing and Property Standards, and other applicable codes and standards. The inspections do not certify or provide a warranty of the premises as to the existence or operation any building systems or subsystems. The inspections shall not be deemed to include any latent or hidden defects or problems. Inspections shall be conducted by the Town's code official or other persons designated by the Town Manager.

(c) Exterior and interior inspection: In connection with the application requirements contained in § 55-5 of this Chapter, a rental dwelling or rental unit shall be subject to an annual exterior and interior inspection of the premises subject to the standards in Chapter 67 of the Town Code. The inspection may, but shall not be required to, include a check of systems and subsystems in the rental dwelling or rental unit. The code official may determine the number of rental units to be inspected for safety and operation.

(d) Missed inspection fees: Any appointment for inspections which is not kept by the applicant for any reason which is not given to the Town 24 hours prior to the time set for inspection shall be subject to a penalty fee of fifty dollars (\$50). Each additional appointment not kept shall be subject to a penalty fee of one hundred dollars (\$100).

(e) Inspection results, deficiencies and required corrections: Inspections results shall be communicated in writing to the owner. Notices of violations shall include a compliance date that specifies a date by which violations must be abated. Extensions to the initial compliance date may be granted at the Town's discretion.

§ 55-8. Expiration of license; renewal; reapplication.

- (a) Each license issued pursuant to this Chapter shall expire on June 30.

(b) Application for the renewal of an existing license shall be made at least thirty (30) days prior to the expiration date and shall be submitted together with the appropriate license fee. The late fee for applications shall also be applicable to renewals.

(c) Every applicant whose application for a license has been denied or whose license has been suspended or revoked may not reapply for the license unless and until the underlying conditions causing the denial, suspension or revocation have been satisfactorily addressed as determined by the Town.

(d) When reapplying after a denial, a new application and required documents shall be submitted together with all applicable fees.

§ 55-9. Appeals; procedure.

A person aggrieved by a final decision or order of the Town in the administration or enforcement of this Chapter may appeal the decision to the Board of Code Appeals in accordance with Chapter 56 of this Code.

§ 55-10. PRESENTATION OF LICENSE REQUIRED.

A copy of any license issued under this Chapter shall be presented to every prospective tenant prior to executing a lease agreement or prior to occupancy, and thereafter on demand of the tenant or designated code official.

§ 55-11. Local agent; service.

(a) Requirement of local agent. The owner of record of any rental dwelling or rental unit required by this Chapter to obtain a license shall be or appoint a local agent for each licensed premise. The local agent shall be over the age of eighteen (18) and reside in the State of Maryland.

(b) Filing of the local agent's name and address. The name and address of the local agent shall be included in the rental license application. The owner of record shall notify the Town in writing of any changes with respect to the local agent within ten (10) days of such changes. The designation of a local agent does not relieve the owner of any responsibilities or obligations under this Chapter.

(c) Service of uniform civil citation for municipal infraction. Notice of a complaint or municipal infraction with respect to premises required to be licensed may be brought by service upon the owner of record of the property or upon the local agent. Service shall be deemed sufficient when served in compliance with the Town's then current policy on the issuance of municipal infraction citations.

§ 55-12. Penalty.

(a) It shall be unlawful for any person or persons, firm, corporation or other entity to violate any of the provisions of this Chapter, which are hereby declared to be municipal infractions, punishable by a fine of five hundred dollars (\$500) for each offense. Each day that a violation continues after assessment of the initial fine shall constitute a separate or repeat offense. Payment of a fine without correction of the violation does not constitute abatement of the violation.

(b) For purposes of enforcing this Chapter, the Town is authorized to exercise all powers available to it under State and County law and the Housing and Property Standards and other applicable codes to prohibit or prevent occupancy of an unlicensed premises subject to licensing under this Chapter for which a conditional license or license has not been issued, has expired, or for which a conditional license or license has been suspended or revoked.