

Chapter 62

RENTAL DWELLING

[HISTORY: Adopted by the Town Commissioners of the Town of Perryville 7-7-2009 as Ord. No. 2008-5 and shall become effective November 1, 2009. Repealed and Reenacted with amendments 12-4-12 as Ord. No. 2012-7 and shall become effective 12-24-12.

Chapter 62

RENTAL DWELLING

1. This Chapter shall apply to all dwellings and structures located within the Town of Perryville which contain one or more units rented for residential purposes and which are rented or leased to any resident/tenant for more than thirty (30) consecutive days either by oral or written agreement. As used in this Chapter, “rental housing” means a dwelling or structure in which one or more of these rental units are located, and “rental unit” means a dwelling unit or other residential unit located within rental housing.
2. This Chapter shall be enforced by the Town Code Enforcement Officer, the Town Administrator, or any other person directed by the Mayor and Commissioners of the Town of Perryville.
3. The Town Code Enforcement Officer, Town Administrator or other Town official/employee may call upon appropriate County, State or other authorities, agencies, codes or regulations in identifying and correcting conditions in rental housing or in rental units which constitute violations of this Chapter or other duly enacted ordinances, regulations or laws, as applicable.
4. The legal owner of record of rental housing shall obtain a rental housing license from the Town of Perryville before operating a building or dwelling as rental housing.
5. The rental housing license shall contain the name, mailing address and telephone number of the property owner and emergency contact information for the owner or property manager or agent authorized to act for the owner on all matters relating to the rental housing. The rental housing license shall also specify the exact location of the rental housing for which it is issued and the number of rental units within such rental housing. If the property is owned by a corporation, limited liability company, or other legal entity, the entity must provide proof that

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it is qualified to do business in the State of Maryland. Each corporation, , limited liability company, or other legal entity, including any non-resident owner, shall certify to the Town the name, address and telephone number of an agent who resides in Maryland and is qualified to accept notices and service of process on behalf of the owner and must keep such information current. All owners or property managers who are authorized to act for the owner shall provide the Town with emergency contact information and shall keep such information current.

6. If a licensee changes address, changes emergency contact information, or changes the resident agent or transfers ownership, the licensee shall notify the Town within ten (10) calendar days of any such change. The Town may suspend or revoke any license for failure to notify the Town in a timely manner as required by this Section 6.
7. A rental housing license may not be issued or renewed by the Town unless the owner of the dwelling, or structure to be used for rental housing has applied to the Town on an application form provided by the Town and has paid the applicable license fee as adopted by the Mayor and Commissioners by resolution.
8. As part of the rental housing license application, and as a precondition to the Town's approval of the application, the owner shall:
 - a. Consent to inspections by the Town to determine if the dwelling, rental housing or rental unit for which the license is to be issued is in compliance with all housing and rental codes and requirements if an inspection is determined to be necessary per Section 14 of this Chapter.
 - b. Comply, operate and maintain the rental housing in accordance with the provisions of this Chapter and other applicable law.
9. A rental housing license shall be issued for a period of one (1) year commencing on January 1 of the year in which the license is issued unless sooner revoked. The rental housing license fee shall be fifteen dollars (\$15.00). This fee is not to be prorated.
10. Every person who rents or leases a rental unit shall provide each tenant with a Landlord-Tenant Responsibility Notice, the form of which shall be provided to the licensee when the rental housing license is issued, on or before the move-in date. This notice shall contain the license number and the property owners and/or property manager's contact information.
11. A rental housing license may not be renewed unless an application for renewal has been made before the expiration of the current license. Any person who fails to renew a rental housing license on or before its expiration date and continues to let, rent or allow the occupancy of the rental housing or rental unit for which the

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license was issued, shall be guilty of a municipal infraction. Each day that the violation continues is a separate offense. The municipal infraction fine for such offense shall be two hundred and fifty dollars (\$250.00). .

12. All license fees and municipal infraction fines must be paid in full prior to the issuance of the license or renewal.
13. Any person who fails to obtain a rental housing license as required by this Chapter, and continues to rent or lease any unit, after first having been given fifteen (15) calendar days notice of that person's failure to obtain the required license, shall be guilty of a municipal infraction. The municipal infraction fine for failure to obtain a rental housing license as required by this Chapter shall be two hundred and fifty dollars (\$250.00) for each offense. Each day that rental housing or a rental unit continues to be let or rented for residential purposes without having the required license shall be a separate offense.
14. If the Town receives a complaint or has reasonable cause to believe that a licensed rental housing or rental unit does not comply with all applicable laws and requirements, including the requirements of this Ordinance, the Town may inspect the rental housing or rental unit.
 - a. If, upon inspection the Town determines that there is one or more violation(s) which pose a serious and immediate threat to the life, safety, property or health of the occupants of the rental housing or rental unit, the rental housing license may be suspended immediately. Notice of such immediate suspension due to violation(s) involving imminent danger shall be made by certified mail to the owner or agent listed on the application and/or by any means calculated to provide immediate actual notice.
 - b. If, upon inspection the Town determines that there is one or more violation(s) which do not pose a serious and immediate threat to the life, safety, property or health of the occupants of the rental housing or rental unit, and for which the license was not immediately suspended, written notice shall be sent by certified mail to the owner or agent, as listed on the license application, directing that all violations be corrected within thirty (30) days from the date of the notice. If all such violation(s) are not corrected to the satisfaction of the Town within thirty (30) days of the notice of violation the Town may suspend or revoke the rental housing license for such rental housing or rental unit. The Town may grant up to two (2) extensions to correct all violations where the Town has determined that the owner is making a good faith effort to complete the required repairs or improvements in a timely manner but is unable to comply due to the magnitude of the work, or can prove delays in receipt of materials or equipment, delays in a hired contractor's completing the required work, or delays due to weather or other matters beyond the owner's control.

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15. No tenant shall be evicted solely on the basis of retaliation for the making of any complaint to the Town for any violation.
16. If a rental housing license is denied, revoked or suspended, other than under the provision of Section 14(A) of this Chapter (serious and immediate threat to health and safety), the Town shall require the owner or agent of the rental housing or rental unit to give any tenant or other individuals occupying the affected rental unit ninety (90) days written notice to vacate. The ninety (90) day notice shall begin the first day of the month after service of the notice to the tenant. A copy of such notice to vacate shall also be delivered to the Town.
17. A dwelling so ordered to be vacated, due to license denial, revocation or suspension, shall not again be occupied until a written statement has been secured from the Town Code Enforcement officer, the Town Administrator or their designee showing that the dwelling has been made to comply with this Code or any other applicable law.
18. Any person who continues to rent or lease any unit, after first having been given fifteen (15) calendar days notice that the rental license has been suspended or revoked, shall be guilty of a municipal infraction and is subject to a fine in the amount of two hundred and fifty dollars (\$250.00) for each offense. Each day that a unit continues to be leased or rented for residential purposes without having the required license shall be a separate offense.
19. No rental housing or rental unit shall be created or occupied unless it conforms with the provisions of the Town of Perryville Zoning Ordinance. No new rental housing or rental units shall be established or added, nor shall the occupancy limit of any rental housing or rental unit be increased except in conformity with the Zoning Ordinance.
20. Any owner of rental housing or a rental unit aggrieved by the action of the Code Enforcement Officer, Town Administrator or other Town official or employee in suspending, revoking or denying any license may, within fifteen (15) days after service of the written notice of such action, appeal such action to the Town of Perryville Landlord-Tenant Board (hereinafter Landlord-Tenant Board) as established in this Chapter. Within thirty (30) days after a notice of appeal is filed the Landlord-Tenant Board shall conduct a hearing, at which the owner aggrieved shall have the opportunity to be heard along with all necessary witnesses. Within thirty (30) days of such hearing the Landlord-Tenant Board shall either reverse, modify or affirm the action appealed. The decision of the Landlord-Tenant Board shall be in writing. Any party aggrieved by the decision of the Landlord-Tenant Board may, within thirty (30) days from the date of such decision, file an appeal to the Circuit Court for Cecil County. The procedures for any appeal shall be governed by Title 7, Chapter 200 (Judicial Review of Administrative Agency Decisions) of the Maryland Rules, as amended.

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21. The following uses shall be exempt from the requirements of this Chapter : government buildings and uses; hospitals, nursing homes, hospices and other health care facilities and residences; churches, synagogues, parsonages, rectories or other religious facilities; day cares; hotels, motels, and bed and breakfast facilities, provided they do not rent or lease any dwelling, dwelling unit or rooming unit to any resident/tenant for more than thirty (30) consecutive days; and, schools and dormitories.
22. The provisions of this Chapter shall be held to be minimum requirements adopted for the protection of the public health, safety, and welfare. Wherever the requirements of this Chapter are at variance with the requirements of any other lawfully adopted ordinance, state law, rule, regulation, or code, the more restrictive or that imposing the higher standard shall govern.
23. There is hereby established a Town of Perryville Landlord-Tenant Board. The Landlord-Tenant Board shall consist of three (3) members who reside within the Town of Perryville. One member shall be a landlord. One member shall be a tenant whose livelihood does not derive in whole or in significant part from the ownership and/or management of rental property. The third member shall be a resident of the Town who is neither a landlord or tenant. There shall also be one (1) alternate member for each group.

The terms of the members and any alternate member shall be for three (3) years. Each member of the Board shall continue to serve until a successor has been appointed and confirmed. The term of any member of the Board shall immediately terminate in the event the member changes status as a landlord, tenant, a member of the public at large that is neither a landlord or tenant, or ceases to reside within the Town.

All members and alternates shall be appointed by the Mayor and Commissioners. Recommendations for members and alternates shall be requested from all organizations within the Town representing either landlords or tenants. If no nominations are received within a time limit specified by the Mayor, appointments may be made without nominations.

The Board shall adopt such rules and regulations necessary for the fair and expeditious enforcement of this Ordinance, including but not limited to provisions for the calling and conducting of meetings, hearings and appeals held pursuant to the terms of this Ordinance and for the issuing of findings, opinions and orders.

24. Should any section or provision of this Chapter be declared by any court to be unconstitutional or invalid, such decision shall not affect the validity of the Chapter as a whole, or any part thereof other than the part so declared unconstitutional or invalid.