

# FAIR SUMMARY

## CRIME FREE HOUSING AND WHAT IT MEANS TO ME AS A LANDLORD

In March 2014, The Hagerstown City Council amended **Chapter 197, Rental Facilities**, of the City Code. A summary of Chapter 197 follows:

1. A rental facility license is required for all residential rental units, with certain exceptions.
2. An application and annual license fee are required for all rental units, with certain exceptions.
3. All residential landlords or their designated agent must obtain certification as a Residential Operator. Such certification is granted with submission of a complete rental license application and written acknowledgment by Landlord of its obligations pursuant to Chapters 95 and 197 of the City Code. Certification as a Residential Operator may be lost for a violation of the applicable training, written lease or crime free housing provision enforcement requirements of this chapter.
4. An owner, landlord or agent shall notify the City upon any tenant turnover.
5. The Chapter establishes certain required interior and exterior inspections of rental units.
6. Hagerstown Police Department (HPD) will offer a voluntary educational seminar on Crime-Free Housing. The seminar is free and will be approximately 4 hours in length. Details on the seminar are available at 301-797-6408 or [crimefree@hagerstownpd.org](mailto:crimefree@hagerstownpd.org).
7. Owners or their designated agent will be REQUIRED to attend the seminar if HPD has received 2 or more qualifying calls in a one year period or if there are any calls to HPD for offenses that are considered a felony under Maryland law. (see back side for details of what type of calls qualify)
8. Effective July 1, 2014, or upon termination of an existing term of tenancy, a residential property may not be rented without a written lease. All written leases shall comply with the requirements of Maryland Real Estate Property Section 8-208. The lease must also contain the following:
  - A notice that the rental unit may be subject to reasonable inspections by landlord.
  - An attachment of the text or fair summary of the text of City Code Chapters 95 & 197.
  - A Crime Free provision. The language of that provision must be in substantially the following form:

*“Tenant, or a member of the household, a guest or other person(s) under control of the tenant:*

    - a. *Shall not knowingly engage in criminal activity or commit a disturbance as defined in Chapter 95 of the City Code at, on, or near the said premises. “Criminal activity” means the commission of any of the acts defined in the Maryland Criminal Law Code Annotated.*
    - b. *Shall not knowingly engage in any act intended to facilitate criminal activity and shall not knowingly permit the premises to be used for or to facilitate criminal activity, regardless of whether the individual engaging in the activity is a tenant, a member of the household, a guest, or other person(s) under control of the tenant”.*

*Violations of the above provisions shall be a material breach of the lease and good cause for immediate termination of tenancy. Proof of violation of the lease hereunder shall not require a criminal conviction, but shall be by preponderance of the evidence.*
9. Landlords will be required to take “reasonable” steps to enforce the crime free provision of the lease upon notice that the property is designated as a chronic nuisance property. Reasonable steps include, but are not limited to:
  - a. Written notification to tenants
  - b. Use of No Trespass letters
  - c. Legal remedies
  - d. Additional training by owner and/or designated agent
  - e. Communication and cooperation with HPD
10. All appeals will be heard by an Administrative Hearing Officer.
11. The Chapter establishes a maximum \$1,000 civil penalty for violations.
12. The Chapter establishes a volunteer Crime Free Designation program offered by HPD.

Chapter 95, Excessive use of Police Services, has been repealed and replaced by **Chapter 95, Excessive use of City Services**. Highlights are:

1. Establishes the definition of a **Chronic Nuisance Property**:  
*In summary - A property where the occurrence or commission of behavior reaches a minimum number of qualifying calls to HPD or has had a minimum number of certain code violation notices in a one year time period.*
2. Establishes the minimum number of police qualifying calls which must be met for a property to be designated a Chronic Nuisance Property:
  - Commercial property - 8
  - Residential property (1 or 2 units) – 3, or 2 if at least one is a felony
  - Multi-Unit residential (3-24 units) – 4, or 3 if to one individual unit, or 2 if one is a felony
  - Apartment Complexes
    - (25-49 units) – 6, or 3 if to one individual unit, or 2 if one is a felony.
    - (50-99 units) – 8, or 3 if to one individual unit, or 2 if one is a felony
    - (100-199 units) – 10, or 3 if to one individual unit, or 2 if one is a felony
    - (200-399 units) – 12, or 3 if to one individual unit, or 2 if one is a felony
    - (400 + units) – 14, or 3 if to one individual unit, or 2 if one is a felony

Qualifying HPD calls are those that include the following “disturbances”:

- Controlled substance, possession or sale
  - Disorderly conduct and/or disturbing the peace
  - Liquor law violations (public consumption or open containers)
  - Loud noise complaints
  - Loitering
  - Prostitution
  - Indecent exposure or public urination
  - Undesirable, intoxicated or suspicious person
  - Any conduct which constitutes a felony under Maryland law
3. Establishes the minimum number of certain Code Administration violation notices which must be issued for a property to be designated a Chronic Nuisance Property:  
  
3 or more of the following Notices of Violation in a one year time period:
    - Sanitation (Property Maintenance Code 64-8, section 302.1)
    - Weeds (Code 64-8, section 302.4)
    - Nuisance abatement (Chapter 185: Weeds, trash and debris abatement ordinance)
  4. Provides for notice to property owners of all qualifying calls and designations as a chronic nuisance property.
  5. Establishes an Administrative Hearing Officer to hear appeals.
  6. Establishes a Chronic Nuisance Property list. This list will be maintained and annually published for those being designated as such due to the number of HPD qualifying calls. Another list will also be maintained, but not published, for properties that are designated as a Chronic Nuisance due only to code violations.
  7. Once a property is designated a Chronic Nuisance Property, a fee will be assessed for each additional HPD or Code qualifying call. Fee schedule:
    - First offense - \$100
    - Second offense - \$250
    - Third or subsequent offenses - \$500 per qualifying call