

Harford County Livability Code



CODE OFFICIAL:

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HARFORD COUNTY BILL NO. 24-024 As Amended

Brief Title (Livability Code)
is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Mylin A. Deer
Council Administrator

Date 6/18/24

ENROLLED

John A. Vincent
Council President

Date 6/18/24

BY THE COUNCIL

Read the third time.

Passed: LSD 24-021

Failed of Passage: _____

By Order

Mylin A. Deer
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 20th
Day of June 2024, at 3:00 p.m.



Mylin A. Deer
Council Administrator

BY THE EXECUTIVE

[Signature]
COUNTY EXECUTIVE

APPROVED: Date 6-20-24

BY THE COUNCIL

This Bill No. 24-024 having been approved by the Executive and returned to the Council, becomes law on June 20, 2024.

EFFECTIVE DATE: August 19, 2024

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Chapter 162. Livability Code

§ 162-1. Title; scope; intent.

A. Title. This chapter shall be known as the "Minimum Livability Code" or "this code."

B. Scope. This code is created to protect the public health, safety and welfare in rental housing units and premises by:

- 1) Establishing minimum property maintenance standards for basic equipment and facilities used for light, ventilation, heating and sanitation for rental housing units and premises and for safe and sanitary maintenance of rental housing units and premises;
- 2) Establishing minimum requirements for rental housing units and premises for means of egress, fire protection systems and other equipment and devices necessary for safety from fire;
- 3) Fixing the responsibilities of property owners, operators and tenants of rental housing units and premises; and
- 4) Providing for administration, enforcement and penalties.

C. Intent. This code shall be construed liberally and justly to protect public health, safety and welfare insofar as they are affected by the continued use and maintenance of rental housing units and premises.

§ 162-2. Definitions and word usage.

A. Rules of interpretation.

- 1) Unless otherwise expressly stated, the terms defined in Subsection B of this section shall have the meanings indicated for purposes of this code.
- 2) Words used in the present tense include the future. The singular number includes the plural and the plural, the singular.
- 3) When terms are not defined through the methods authorized by this section, they shall have their ordinarily accepted meanings such as the content may imply.

B. Terms defined.

- **ACT** - Article 41B, § 6-103, Annotated Code of Maryland.[1]
- **BASEMENT** - That portion of a structure which is partly or completely below grade.
- **BUILDING CODE** - The building code adopted by Harford County, or such other code(s) as may be designated by Harford County for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy or maintenance of premises and structures.
- **CENTRAL HEATING** - The heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable areas from a source outside of these areas.
- **CODE** - The Minimum Livability Code.
- **CODE OFFICIAL** - The Deputy Director for the Department or his/her designee, authorized to enforce this code. *[Amended by Bill No. 24-024]*

- **CONDEMN** - To declare a structure, or part of it, premises or equipment unsafe or fit for use and occupancy.
- **COUNTY** - Harford County.
- **DEPARTMENT** - The Department of Inspections Licenses and Permits. *[Amended by Bill No. 94-29]*
[Amended by Bill No. 24-024]
- **EXTERMINATION** - The control and elimination of insects, rodents or other pests by:
 - 1) Elimination their harborage places.
 - 2) Removing or making inaccessible materials that may serve as their food.
 - 3) Poison spraying, fumigating, trapping, or by any other pest elimination methods which have received all necessary and legally required approvals.
- **GARBAGE** - The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- **HABITABLE AREA** - The space in a structure used for living, sleeping, eating or cooking, including bathrooms and toilet compartments. Closets, halls, storage or utility space and similar areas are not considered "habitable areas."
- **HOUSING UNIT** - A single unit of a structure providing or intended to provide complete living and sleeping facilities for one (1) or more persons.
- **INFESTATION** - The presence, within or contiguous to a structure or premises, of insects, rodents, vermin or other pests.
- **LEASE** - A verbal or written agreement between tenant and landlord.
- **MAINTENANCE** - The repair and other acts intended to prevent a decline in the condition of a structure, premises or equipment below the standards established by this code and other applicable statutes, codes and ordinances.
- **OCCUPANT** - An individual having possession of a space within a housing unit.
- **OPERATOR** - A person who has charge, care or control of a structure or premises which is offered for occupancy.
- **PERSON** – Includes an individual, partnership, limited partnership, trust, estate, association or corporation.
- **PLUMBING** - The practice, materials, facilities and fixtures used in the installation, maintenance, extension or alteration of all piping, fixtures, appliances and appurtenances within the scope of the applicable plumbing code.
- **PLUMBING FIXTURE** - A receptacle or device which:
 - 1) Is either permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from it;
 - 2) Discharges used water, liquidborne waste materials or sewage either directly or indirectly to the drainage system of the premises; or
 - 3) Requires both a water supply connection and a discharge to the drainage system of the premises.
- **PREMISES** -A lot, plot or parcel of land, including the structures on it, that is leased by a tenant.
- **PROPERTY OWNER** - A person having a legal or equitable interest in the premises, including the guardian of the estate of the person or the executor or administrator of the estate of the person if ordered to take possession of the premises by a court.
- **REFUSE** - All solid wastes, with the exception of body wastes.

- **RUBBISH** - Paper, rags, cartons, boxes, woods, rubber, leather, tree branches, accumulated yard trimmings, tin cans, metals, mineral matter, glass, crockery, accumulated dust and other similar materials, as well as the residue from the burning of wood, coal, coke and other combustible materials.
- **STRUCTURE** - A rental unit used for human habitation.
- **TENANT** - An occupant other than a property owner.
- **VENTILATION**
 - 1) **VENTILATION** - The process of supplying and removing air by natural or mechanical means to or from a space.
 - 2) **MECHANICAL VENTILATION** - Ventilation by power-driven devices.
 - 3) **NATURAL VENTILATION** - Ventilation by opening to outer air through windows, skylights, doors, louvers or stacks, without power-driven devices.

§ 162-3. Applicability.

A. The Minimum Livability Code shall apply to structures used for human habitation except:

- 1) Owner-occupied single-family housing units.
- 2) Housing exempted by the department.
- 3) Structures for which the tenants do not pay rent.
- 4) A structure or housing unit provided to a tenant by the tenant's employer as part of the tenant's compensation.

B. Repairs or alterations to a structure or changes of use to it which may be caused directly or indirectly by the enforcement of this code, shall be done in accordance with the procedures and provisions of any applicable local building code, plumbing code, mechanical code and electrical code, or other code or standard applicable to housing.

C. The provisions in this code do not abolish or impair any remedies available to the county or its officers or agencies relating to the removal or demolition any structures which are deemed to be dangerous, unsafe and unsanitary.

D. Repairs, maintenance, alterations or installations which are required for compliance with this code shall be executed and installed in accordance with industry standards so as to secure the results intended by this code.

§ 162-4. Enforcement; waivers.

A. Local enforcement. It shall be the duty and responsibility of the county to enforce this code subject to the provisions of this Chapter. *[Amended by Bill No. 24-024]*

B. Local waiver.

- 1) The Department may waive applicability of this code, in whole in or part, to a housing unit on application of the property owner if: *[Amended by Bill No. 24-024]*
 - a. Adequate notice in a form and manner specified by the county is afforded a tenant of the unit;

- b. The tenant is afforded an opportunity to comment on the application, either in writing or in person; and
 - c. The waiver would not threaten the health or safety of a tenant.
- 2) In reaching a determination on an application for waiver, the Code Official shall issue a written decision specifying the reasons for granting or denying the waiver. Both the property owner and the tenant shall have the right to appeal the waiver decision in accordance with the rights and procedures set forth in § 162-9 of this chapter.
- 3) A waiver may be granted by the Code Official and may continue in full force and effect beyond the term of the lease of the current tenant. Any prospective tenant shall be notified, upon application for a lease for this housing unit, that such housing unit has been granted a waiver from a provision(s) of this code and that his or her occupancy will be subject to that waiver. The prospective tenant shall have the right to request the county to review the waiver. The county reserves the right to review the waiver at anytime. *[Amended by Bill No. 24-024]*
- 4) The Department may waive applicability of this code if the waiver is granted on the basis of the religious practices of the occupant of the housing unit. *[Amended by Bill No. 24-024]*

C. Departmental authority. The Director of the Department or a designee shall decide questions of interpretation of this code.

D. Displacement. A person may not be displaced by enforcement of this code unless alternate housing of comparable affordability is available within the county, except where there is an imminent threat to health and safety due to unsafe conditions.

E. State laws. Enforcement and waiver application are not intended to supersede any state laws. *[Amended by Bill No. 24-024]*

F. The Department shall review a waiver granted under this section within three (3) years after the waiver is granted, and at least every three (3) years thereafter.

§ 162-5. Powers and duties of Code Officials.

A. Enforcement. The Code Official shall enforce the provisions of this code. *[Amended by Bill No. 24-024]*

B. Notices and orders. The Code Official shall issue all notices and orders necessary to ensure compliance with this code.

C. Right of entry. If a property owner, tenant or operator of a structure refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to any part of the structure or premises where inspection authorized by this code is sought, the Code Official may seek, in a court of competent jurisdiction, an order that the property owner, tenant or operator cease and desist from the interference. *[Amended by Bill No. 24-024]*

D. Inspections. The Code Official is authorized to enter a structure or premises at any reasonable time upon providing prior notice to the property owner and tenant, for the purpose of making inspections and

performing duties under this code, such as but not limited to instances where there is an imminent threat to health and safety due to unsafe conditions. *[Amended by Bill No. 24-024]*

E. Alterations and repairs.

- 1) The Code Official shall have the authority to require and approve any alterations or repairs necessary to bring a structure or premises into compliance with this code. The determination of what may be necessary to bring the premises into compliance shall take into consideration the use of alternatives and equivalent approaches as provided for in this code. *[Amended by Bill No. 24-024]*
- 2) The Code Official shall have the authority to approve in the field, upon the request of the property owner, changes in alterations or repairs when conditions are encountered which make the originally approved work impractical, if the changes in approved work can be readily determined to be in compliance with this code. *[Amended by Bill No. 24-024]*
- 3) The changes shall be specifically documented by the property owner or by his or her agent or the Code Official, describing the change in work and the reasons and justification for the change, and shall be filed with the permit for the project.

F. Access by property owner or operator. A tenant of a structure or premises shall give the property owner or operator or their respective agent or employee access to any part of the structure or premises at reasonable times upon being given reasonable notice for the purpose of making the inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this code. *[Amended by Bill No. 24-024]*

G. Identification. The Code Official shall disclose his or her identification for the purpose of inspecting a structure or premises.

H. Coordination of enforcement.

- 1) The inspection of structures and premises, the issuance of notices and orders and enforcement of them shall be the responsibility of the Code Official.
- 2) Whenever, in the opinion of the Code Official initiating an inspection under this code, it is deemed necessary or desirable to have inspections by any other governmental official or agency, the Code Official shall make a reasonable effort to arrange for the coordination of the inspections so as to minimize the number of visits by inspectors.
- 3) The Code Official shall confer with the other governmental official or agency for the purpose of eliminating conflicting orders before any are issued.
- 4) The Code Official may not, however, cause the delay of the issuance of any emergency orders by a governmental official or agency which the governmental official or agency determines must be issued.

I. Rule-making authority. The Director of the Department may establish rules and regulations for the administration of the provisions of this Chapter in accordance with Section 807 of the Harford County Charter. Such rules and regulations and amendments thereto shall not conflict with nor waive any provisions of this Article. *[Amended by Bill No. 24-024]*

J. Applicability of existing rules and regulations. As water and sewer bills become delinquent, the property owner will be subject to existing county rules and regulations concerning delinquent bills, interest thereon and turnoff procedures. *[Added by Bill No. 89-42]*

§ 162-6. Condemnation; unsafe structures and equipment; vacation.

A. General provisions.

- 1) When a structure or part of it is found by the Code Official to be unsafe or unfit for human occupancy or use, the Code Official may recommend to the Director of the Department that the structure, or part of it, be condemned. After further inspection of the structure by the Department, the Director may order the structure, or part of it, to be placarded and vacated pursuant to the provisions of this code.
- 2) The structure, or part of it, may not be reoccupied without approval of the Code Official.
- 3) Unsafe equipment may be condemned, placarded and placed out of service pursuant to the provisions of this code.

B. Unsafe structure. An unsafe structure is one in which all or part of it is found by the Code Official to be dangerous to life, health, property or the safety of its tenants by not providing minimum protection from fire or because it is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that it is likely to partially or completely collapse.

C. Unsafe equipment.

- 1) Unsafe equipment includes any boiler, heating equipment, cooking equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that it is found by the Code official to be hazardous to the life, health, property or safety of the tenants of the premises or structure.
- 2) Unsafe equipment may contribute to the finding that the structure is unsafe or unfit for human occupancy or use.

D. Structure unfit for human occupancy. A structure is unfit for human occupancy or use whenever the code official finds that it is unsanitary, vermin- or rodent-infested, contains filth or contamination or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code.

E. Closing of condemned structures. Upon failure of a property owner to close or vacate a premises within the time specified in an order, the Code Official may cause the premises to be closed through any available public agency or by contract or arrangement with private persons, and the cost shall be charged against the real property which the structure is located and shall constitute a lien on the real property, which shall be collectable in the same manner as real property taxes with the same priority, interest and penalties in accordance with Section 123-32, entitled "Enforcement; Sale of Real Property." Of the Harford County Code, as amended. *[Amended by Bill No. 24-024]*

§ 162-7. Notices and orders; transfers.

A. General provisions.

- 1) Whenever the Code Official determines that there is a violation of this code or has reasonable grounds to believe that a violation is occurring, or whenever the Code Official has determined to condemn a structure, or part of it, or equipment in accordance with this code, notice shall be given to the property owner and to the tenant in the manner prescribed in this code.
- 2) If the Code Official has condemned the structure, or part of it, or equipment, the code official shall serve prior notice to the property owner and to the tenants of the intent to:
 - a. Order the structure or part of it placarded or vacated; or
 - b. Order the equipment placed out of service.

B. Service of notice.

- 1) Notice shall be deemed to be properly served upon a property owner or tenant by one of the following methods:
 - a. By delivering to the person to be served, or his or her agent, a copy of the notice and all other necessary papers; or
 - b. By mailing to the person to be served at his or her last known address, or to his or her agent, by first class and certified or registered mail, with return receipt requested, a copy of the notice and all other necessary papers.
- 2) If the certified or registered letter is returned with receipt showing that it has not been delivered, notice shall be served by posting a copy of it in conspicuous place in or about the structure affected by the notice.

C. Notice to vacate. When a condemnation order is served on a tenant, the tenant shall be given reasonable time to vacate the structure, except, where there is an imminent threat to health and safety due to unsafe conditions, the occupants of the building will be required to vacate immediately.

D. Transfer of ownership. A property owner who has received a compliance order or upon whom a notice of violation has been served may not sell, transfer, mortgage, lease or otherwise dispose of the premises until:

- 1) The provisions of the compliance order or notice of violation have been complied with; or
- 2) The property owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of the compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee in which he or she acknowledges the receipt of the compliance order or notice of violation and states that he or she fully accepts and assumes the responsibility, without condition, for making the corrections or repairs required by the compliance order or notice of violation.

E. Removal of placard. No individual may deface or remove a condemnation placard without the approval of the Code Official.

§ 162-8. Violations and penalties.

A. General Penalties. Unless otherwise specified herein, criminal and civil penalties for violations of this Chapter shall be administered in accordance with Section 1-23, Entitled “General Penalty,” of the Harford County Code, as amended. *[Amended by Bill No. 24-024]*

B. Notice of Violation.

- 1) The Code Official may issue a Notice of Violation to a property owner or tenant who, upon reasonable belief, violated this Chapter or any other Rule or Regulation adopted in accordance herewith.
- 2) Any Notice of Violation issued pursuant to this section shall include the corrective measures necessary to abate such violation and the date by which the corrective measures must be completed. *[Amended by Bill No. 24-024]*

C. Citation.

- 1) A citation pursuant to Harford County Code Section 1-23 shall be issued to a property owner and/or tenant upon failure to comply with the provisions of a notice of violation.
- 2) A citation pursuant to Harford County Code Section 1-23 may be issued to a property owner and/or tenant without prior issuance of a notice of violation subject to the discretion of the Code Official.
- 3) Lien on property. A monetary judgment entered against a property owner by a Court of competent jurisdiction in connection with any citation issued under this Chapter shall constitute a lien on the property where the violation occurred and shall be collectible in the same manner as real property taxes with the same priority, interest and penalties in accordance with Section 123-32, entitled “Enforcement; Sale of Real Property,” of the Harford County Code, as amended. *[Amended by Bill No. 24-024]*

D. Service.

- 1) A notice of violation or citation shall be deemed to be properly served upon a property owner or tenant by one of the following methods:
 - a. By delivering to the person to be served, or his or her agent, a copy of the notice of violation or citation and all other necessary papers; or
 - b. by mailing to the person to be served at his or her last known address, or to his or her agent, by first class and certified or registered mail, with return receipt requested, a copy of the notice of violation or citation and all other necessary papers.
- 2) If the certified or registered letter is returned with receipt showing that it has not been delivered, the notice of violation or citation shall be served by posting a copy of such notice of violation or citation in a conspicuous place in, on or about the structure where the violation occurred. *[Amended by Bill No. 24-024]*

E. Other penalties. A penalty ordered under this code is in addition to, and is not a substitute for any other penalty authorized by federal, state or local law.

§ 162-9. Appeals.

A. A person aggrieved by a decision of the code official which has been made in connection with the enforcement of any provision of this chapter or regulation adopted pursuant to this chapter may appeal the

decision to the director of the department. Such appeal shall be filed in writing within 30 calendar days of the date of the final decision by the code official and shall clearly state the grounds on which the appeal is based. *[Amended by Bill No. 24-024]*

B. Any final decision made by the Director pursuant to this section may be appealed to the Circuit Court for Harford County by the aggrieved person who initiated the departmental appeal. An appeal of any final decision made by the director shall be filed in writing within 10 calendar days of the date of such final decision and shall clearly state the grounds on which the appeal is based. The decision of the Director shall be presumed by the Court to be proper and to best serve the public interest. *[Amended by Bill No. 24-024]*

C. The provisions of this section shall not apply to any citation issued in accordance with this Chapter, as such citation is subject to the jurisdiction of the District Court of Maryland for Harford County and the applicable procedures set forth in the Annotated Code of Maryland. *[Amended by Bill No. 24-024]*

D. Appeals of notices and orders, other than imminent danger notices, shall stay the enforcement of the notice and order until the appeal heard by the Director pursuant to the provisions of this section. As used in this subsection, imminent danger shall be defined as a condition which could cause serious or life-threatening injury or death at any time.

§ 162-10. Building and environmental requirements.

A. Scope. The provisions of this section shall establish the minimum standards for maintenance of premises and structures.

B. Premises conditions.

- 1) Sanitation. The premises shall be maintained in a clean, safe and sanitary condition, free from any accumulation or rubbish or garbage.
- 2) Insect and rodent control. The premises shall be free from infestation of insects, rodents, vermin or other pests.

C. Exterior structure.

- 1) General. The exterior of a structure shall be maintained in good repair and shall be structurally sound and maintained in a sanitary condition so as not to pose a threat to the health, safety or welfare of the occupants.
- 2) Structural members. Supporting components of a structure shall be kept sound and capable of safely bearing the dead and live loads imposed upon them.
- 3) Exterior surfaces. Each foundation, exterior wall, roof and all other exterior surfaces shall be maintained in good repair and shall be kept in such condition so as to exclude rodents and other pests.
- 4) Foundation walls. Foundation walls shall be structurally sound and shall be maintained free from open cracks and breaks that would be hazardous or unsafe.
- 5) Exterior walls.

- a. Each exterior wall shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which admit elements or dampness to the interior portions of the walls or to the occupied areas of the structure.
 - b. All exterior surface materials be maintained weatherproof to prevent deterioration.
- 6) Roofs and drainage. The roof shall be structurally sound and may not have defects which admit elements. Roof drainage shall be adequate to prevent rainwater from causing dampness or deterioration in the walls or interior portion of the structure.
- 7) Decorative features. All cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition or removed, at the property owner's option.
- 8) Signs, marquees and awnings. All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair, be properly anchored and kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatment.
- 9) Chimneys.
 - a. All chimneys, cooling towers, smokestacks and similar appurtenances shall be maintained structurally sound, safe and in good repair.
 - b. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust.
- 10) Stairs and porches. Each exterior stair, porch, fire escape, balcony and all appurtenances attached to them shall be safe to use and capable of supporting the anticipated loads and shall be maintained in a safe and sound condition and good repair.
- 11) Windows, doors and frames. Each window, door and frame shall be maintained so as to exclude rain and rodents as completely as possible and to substantially exclude wind from entering the structure.
- 12) Weathertight. Each window and exterior door shall be fitted reasonably in its frame and be weathertight. Each window shall be free of cracks and holes.
- 13) Openable windows. Each window, other than a fixed window, shall be capable of being easily opened from the inside and shall be capable of being held in position.
- 14) Insect screens.
 - a. During the period from April 1 to December 1, every door and window or other outside opening used for ventilation purposes shall be supplied with tight-fitting insect screens.
 - b. Exception. Upon the prior approval of the Code Official, screens may not be required for exterior doors or other types of openings which make screening impractical, such as openings equipped with air conditioning units or openings above the fourth floor. The Code Official may require alternatives to screens.
- 15) Door hardware. Each exterior door and its hardware shall be maintained in good condition. Door locks on all interior and exterior doors entering housing units shall be in good repair and capable of tightly securing the door.

D. Interior structure.

- 1) General. The interior of a structure and its equipment and facilities shall be maintained in good repair, structurally sound and in a sanitary condition so as not to pose a threat to the health, safety or welfare of the occupants.
- 2) Structural members. Supporting components of a structure shall be sound, well maintained and capable of safely carrying the imposed loads.
- 3) Interior surfaces. Floors, walls, including windows and doors, ceilings and other interior surfaces shall be maintained in good repair and in a clean, safe and sanitary condition.
- 4) Bathroom and kitchen floors. Each toilet, bathroom and kitchen floor surface shall be maintained so as to be substantially impervious to water, to permit the floor to be easily kept in a clean and sanitary condition.
- 5) Sanitation.
 - a. The interior of a structure shall be maintained in a clean and sanitary condition, free from any accumulation of rubbish or garbage.
 - b. Refuse shall be stored in accordance with Chapter 109, § 109-3, of the Harford County Code, as amended.
 - c. Garbage or rubbish may not be allowed to accumulate or be stored in public halls or stairways.
- 6) Insect and rodent harborage.
 - a. A structure shall be kept free from infestation, and where infestation is found, the area shall be promptly exterminated by processes which are not injurious to human health.
 - b. Continuing or repeated incidents of infestation, as determined by the Code Official, shall require the installation of rodent- and verminproof walls. The rodent- and verminproof walls shall be installed in accordance with the applicable local building code.
- 7) Exit doors. Each door available as an exit shall be capable of being opened easily from the inside.
- 8) Exit facilities.
 - a. All interior stairs and railings and other exit facilities of a structure shall be maintained in sound condition and good repair.
 - b. Each interior stair used for exit shall be maintained so as to be safe to use and capable of supporting the anticipated loads.
- 9) Lead-paint abatement. Lead-paint abatement procedures approved by the Department of Health shall be performed by the property owner on:
 - a. Surfaces, including but not limited to ceilings, doors, radiators, stair banisters, trim molding, walls and window frames, that are in a deteriorated condition that they present a potential health hazard due to lead paint; and
 - b. Surfaces, including but not limited to doors, radiators, stair banisters, trim molding and window frames, that are covered with lead paint and present a potential biting surface.

§ 162-11. Light and ventilation requirements.

A. General provisions.

- 1) Scope. The provisions of this code shall govern the minimum standards for basic equipment and facilities used for light and ventilation of a structure.

- 2) Alternative methods and devices. In place of the means for natural light and ventilation prescribed in this code, alternative arrangement of windows, louvers or other devices or methods that will provide the equivalent minimum performance requirements shall be permitted in order to comply with the applicable local building code.

B. Light.

- 1) General. All areas in a structure shall be provided sufficient light so as not to endanger health and safety. All areas in a structure shall be provided with natural light or equipment to accommodate artificial light of sufficient intensity and distributed so as to permit the maintenance of sanitary conditions and the safe use of the area and the appliances, equipment and fixtures.
- 2) Common halls and stairways. Each common hall and stairway in a structure, other than one- and two-family structures, shall be adequately lighted at all times with an illumination equivalent to the footcandles provided by at least a sixty-watt standard incandescent light bulb for each two hundred (200) square feet of floor area, provided that the spacing between lights may not be greater than thirty (30) feet. Each exterior stairway shall be illuminated.

C. Ventilation.

- 1) General. All areas in a structure shall be provided sufficient ventilation so as not to endanger health and safety.
- 2) Mechanical ventilation.
 - a. When mechanical ventilation is provided instead of natural ventilation, the mechanical ventilating system shall be maintained in good operating condition during the occupancy of the structure or portion of it.
 - b. When part of the air provided by a mechanical ventilation system is recirculated, the portion or volume of air recirculated may not be recirculated to a different habitable area.

§ 162-12. Plumbing and fixture requirements; sewage system.

A. Scope. The provisions of this section shall govern the minimum standards for plumbing facilities and fixtures.

B. Required plumbing facilities. Each housing unit shall include its own plumbing facilities, which shall be maintained in proper operating condition, can be used in privacy and are adequate for personal cleanliness and the disposal of human waste. The following minimum plumbing facilities shall be supplied and maintained in a sanitary and safe working condition:

- 1) Water closet and lavatory.
 - a. Each housing unit shall contain within its walls a room separate from other habitable areas which provides a water closet supplied with cold-running water and which affords privacy.
 - b. A lavatory shall be placed in the same room as the water closet or located in another room, in close proximity to the door leading directly into the room in which the water closet is located.
 - c. The lavatory shall be supplied with hot and cold running water.
- 2) Bathtub or shower. Each housing unit shall contain a room which is equipped with a bathtub or shower supplied with hot- and cold-running water and which affords privacy.

- 3) Kitchen sink. Each housing unit shall contain a kitchen sink apart from the lavatory required by this section. The sink shall be supplied with hot- and cold-running water.

C. Alternative plumbing. Alternative plumbing facilities and fixtures for use in housing units may be allowed as approved on a case-by-case basis by the Director of the Department or a designee.

D. Plumbing fixtures.

- 1) General. All plumbing fixtures shall be maintained in a safe and usable condition. All plumbing fixtures shall be of nonabsorbent material and shall have received all necessary and legally required approvals.
- 2) Connections.
 - a. Water supply lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order, shall be kept free from obstructions, leaks and defects and shall be capable of performing the function for which they are designed.
 - b. All repairs and installations shall be made in accordance with the provisions of the applicable local building code or applicable local plumbing code.
- 3) Maintenance. All plumbing fixtures shall be maintained in a clean and sanitary condition so as not to breed insects and rodents or produce dangerous or offensive gases or odors.
- 4) Access for cleaning. Plumbing fixtures shall be installed to permit easy access for cleaning both the fixture and the area around it.

E. Water system.

- 1) General. Each sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing facility shall be properly connected to either a public water system or to a private water system which has received all necessary and legally required approvals.
- 2) Contamination. The water supply shall be maintained free from contamination. All water inlets for plumbing fixtures shall be located above the overflow rim of the fixture.
- 3) Water supply. The water supply system shall be installed and maintained to provide at all times a supply of water to plumbing facilities, fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily.
- 4) Water-heating facilities.
 - a. Water-heating facilities shall be installed in a manner which has received all necessary and legally required approvals, be properly maintained and be properly connected with hot-water lines to the fixtures required to be supplied with hot water.
 - b. Water-heating facilities shall be capable of heating water to such a temperature so as to permit an adequate amount of water to be drawn at every kitchen sink, lavatory basin, bathtub, shower and laundry facility or other similar facilities at a temperature required by the local plumbing code.
- 5) Alternative water systems. Alternative water systems may be allowed as approved on a case-by-case basis by the Director of the Department or a designee.

F. Sewage system.

- 1) General. Each sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing facility shall be properly connected to either a public sewer system or private sewage disposal system which has received all necessary and legally required approvals.
- 2) Maintenance.
 - a. Each plumbing stack, waste and sewer line shall be installed and maintained so as to function properly and shall be kept free from obstructions, leaks, and defects to prevent structural deterioration or health hazards.
 - b. All repairs and installations shall receive all necessary and legally required approvals.

§ 162-13. Mechanical and electrical requirements.

A. Scope. The provisions of this section shall govern the minimum standards for mechanical and electrical facilities and equipment.

B. Heating facilities.

- 1) Structures.
 - a. Each housing unit shall be supplied with sufficient heat or heating equipment capable of supplying sufficient heat during the period from October 1 to May 15 to maintain a room temperature of not less than sixty-eight degrees Fahrenheit (68° F.) in all habitable areas during the hours between 6:30 a.m. and 10:30 p.m. of each day and maintain a temperature of not less than sixty degrees Fahrenheit (60° F.) during other hours.
 - b. The temperature shall be measured at a point three (3) feet above the floor and three (3) feet from exterior walls.
 - c. Exception. When the outside temperature falls below zero degrees Fahrenheit (0° F.) and the heating system is operating at its full capacity, a minimum room temperature of sixty degrees Fahrenheit (60° F.) shall be maintained at all times.
- 2) Cooking and heating equipment.
 - a. All cooking and heating equipment, components and accessories in heating, cooking and water-heating devices shall be maintained free from leaks and waterflow obstructions and kept functioning properly so as to be free from fire, health and safety hazards.
 - b. All installations and repairs shall be made in accordance with the provisions of the applicable local building code or other applicable laws or ordinances.
 - c. Portable cooking equipment employing flame is prohibited, except for residential-type food trays or salvers which are heated by a candle or alcohol lamp and which have received all necessary and legally required approvals.
- 3) Installation. All mechanical equipment used for heating and cooking shall be properly installed, safely maintained in good working condition and shall be capable of performing the function for which it was designed and intended.
- 4) Fuel-burning equipment. All fuel-burning equipment shall be connected to a chimney, flue or vent in accordance with applicable local or state codes or according to manufacturer's instructions in cases where no local or state codes apply.
- 5) Clearances. All necessary and legally required clearances to combustible materials shall be maintained.

- 6) Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation in accordance with applicable local or state codes or according to manufacturer's instructions in cases where no local or state codes apply.
- 7) Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided for the fuel-burning equipment.
- 8) Unauthorized devices. Devices purporting to reduce gas consumption by attachment to a gas appliance, the gas supply line or the vent outlet or vent piping may not be used unless labeled for that use and the installation has specifically received all necessary and legally required approvals.
- 9) Fireplaces. Fireplaces and other construction and devices intended for use similar to a fireplace shall be stable and structurally safe and connected to chimneys which have received all necessary and legally required approvals.
- 10) Climate control. When facilities for interior climate control (heating, cooling and humidity) are integral functions of housing units, these facilities shall be maintained and operated in accordance with the designed capacity.

C. Electrical facilities.

- 1) Facilities required. All units shall be supplied with an electrical service of no less than sixty (60) amperes, one hundred twenty/two hundred forty (120/240) volts.
- 2) Receptacles. Each habitable area in a housing unit shall contain at least one receptacle outlet. Each laundry area and bathroom shall contain at least one (1) grounded-type receptacle. Every kitchen shall have at least two receptacle outlets.
- 3) Lighting fixtures. Each rental unit, public hall, water closet compartment, furnace room, hallway, corridor, interior stairway, bathroom, laundry room and kitchen shall contain at least one (1) electrical lighting fixture.
- 4) Installation. All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with applicable laws. All electrical equipment shall be of a type which has received all necessary and legally required approvals.

§ 162-14. Firesafety requirements.

A. Scope. The provisions of this section shall govern the minimum standards for firesafety facilities and equipment. All structures shall be constructed and maintained to prevent and avoid fire hazards and in a manner conducive to firesafety.

B. Means of egress.

- 1) General. A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to the exterior at a street, yard, court or passageway leading to a public open area at grade.
- 2) Direct exit. Each housing unit shall have access directly to the outside or to a common area that leads directly to the outside.
- 3) Doors. All doors in the required means of egress shall be easily opened from the inner side.
- 4) Fire escapes. All fire escapes shall be maintained in working condition and be structurally sound and adhere to local building codes and all applicable local and state laws.
- 5) Exit signs. All exit signs shall be maintained and visible in accordance with the applicable state and local code.

- 6) Emergency escape. Every basement sleeping room shall have at least one (1) operable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside, opening without the use of separate tools. Where windows are provided as a means of egress or rescue, they shall have a sill height not more than forty-four (44) inches above the floor. All egress or rescue windows from sleeping rooms must have a minimum net clear opening of five (5) square feet. The minimum net clear opening height dimension shall be twenty-four (24) inches. The minimum net clear opening width dimension shall be twenty (20) inches. Bars, grills or screens placed over emergency escape windows shall be releasable or removable from the inside without the use of a key, tool or excessive force.
- 7) Exception to Subsection B(6) above. A complete residential fire sprinkler system may be installed. Installed must be in accordance with the State Fire Prevention Code.

C. Accumulations and storage.

- 1) General. Garbage or rubbish may not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.
- 2) Flammable matter. Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as wastepaper, boxes and rags, may not be accumulated or stored on premises except in reasonable quantities consistent with normal usage.
- 3) Residential unit. A housing unit may not be located within a structure containing an establishment handling, dispensing or storing flammable liquids with a flash point of one hundred degrees Fahrenheit (100° F.) or lower.

D. Fire-resistance ratings. Floors, walls, ceilings and other elements and components which are required by the applicable fire code to comply with a fire-resistance ratings shall be maintained so that the respective fire-resistance rating of the enclosure, separation or construction is preserved.

E. Fire protection systems.

- 1) General. All fire protection systems and equipment shall be maintained in proper operating condition at all times.
- 2) Smoke detectors.
 - a. All housing units shall be provided with a minimum of one (1) single-station smoke detector in the vicinity of each sleeping area.
 - b. The smoke detectors shall be installed and maintained in accordance with Public Safety Article, Title 9, Subtitle 1 entitled, "Smoke Detection Systems," of the Annotated Code of Maryland. *[Amended by Bill No. 24-024]*
 - c. When actuated, the smoke detector shall provide an alarm suitable to warn the occupants within the unit.
- 3) Fire suppression system. Fire suppression systems in housing units so equipped shall be maintained in good condition, free from mechanical defect. Sprinkler heads shall be kept clean and free of corrosion and paint and may not be bent or damaged.
- 4) Fire extinguishers. All portable fire extinguishers in housing units so equipped shall be visible and accessible and maintained in an efficient and safe operating condition.

F. Fire doors.

- 1) All necessary and legally required fire-resistance-rated doors or smoke barriers shall be maintained in good working order, including all hardware necessary for their proper operation.
- 2) Only approved doorstops, hold-open devices or other door hardware shall be used on egress doors, fire doors or smoke-barrier doors.

§ 162-15. Responsibilities of owners and tenants.

A. Scope. The property owner or tenant shall be responsible for compliance with the provisions of this chapter and may be cited for violation of it, except as provided in this chapter. Unless a waiver is granted in accordance with this chapter, no person may rent or lease to another person for occupancy or use any housing unit without the structure and premises complying with the provisions of this chapter. *[Amended by Bill No. 24-024]*

B. General. A property owner may not be cited for a violation of this chapter that is caused by the negligent, wrongful or malicious acts or omissions of a tenant, provided that the property owner's acts or omissions have not contributed in any way to cause the violation.

C. The Code Official shall have the authority to cite a tenant for a violation(s) of the provisions of this section that are the tenant's responsibility.

D. Sanitary conditions.

- 1) Cleanliness.
 - a. The tenant shall be responsible for keeping that part of the structure or premises which the tenant occupies, controls or uses in a clean and sanitary condition.
 - b. Each property owner of a structure containing two (2) or more housing units shall maintain, in a clean and sanitary condition, the common areas of the structure and premises.
- 2) Disposal and storage of rubbish and garbage. The tenant shall be responsible for the storage and disposal of rubbish and garbage in a clean and sanitary manner as may be required by applicable laws or ordinances.
- 3) Supplied fixtures and equipment.
 - a. The tenant shall be responsible for keeping owner-supplied equipment and fixtures clean and sanitary and for the exercise of reasonable care in their proper use and operation.
 - b. The property owner shall be responsible for maintaining the equipment and fixtures in good and proper operating condition.
- 4) Equipment to be furnished by tenant. The tenant shall be responsible for the maintenance of equipment and fixtures furnished by the tenant. The equipment and fixtures shall be properly installed and shall be maintained in good working condition, kept clean and sanitary and free of defects, leaks or obstructions.

E. Extermination.

- 1) All structures. If necessary, the property owner shall be responsible for extermination within the structure and on the premises before renting or leasing the structure.
- 2) Single occupancy. The tenant of a structure containing a single housing unit shall be responsible for the extermination of any insects, rodents or other pests in the structure or the premises.

- 3) Multiple occupancy. Each property owner or operator of a structure containing two (2) or more housing units shall be responsible for the extermination of any insects, rodents or other pests in the structure or on the premises, except where infestation within a housing unit is caused by a failure of the tenant to take reasonable action to prevent the infestation within the housing unit.

F. Firesafety. Responsibility for installing and maintaining in good working order any smoke detector installed pursuant to this chapter shall be in accordance with Public Safety Article, Title 9, Subtitle 1, entitled, "Smoke Detection Systems," of the Annotated Code of Maryland. *[Amended by Bill No. 24-024]*

§ 162-16. Retaliatory Evictions.

No property owner or operator shall evict an occupant of any rental housing unit solely because the occupant has filed a written complaint or complaints with the Department. Nothing contained herein is intended to supersede the application or provisions of § 8-208.1 of the Real Property Article.

Section 2. And be further enacted, that after two years after the effective date of this Act the Department shall submit to the County Council a report that outlines the effectiveness of the Livability Code and provides recommendations for improvements to the Livability Code.

Notes:

[1] - Editor's Note: Section 8, Ch. 6, Acts 1988, transferred Art. 41B to Art. 83B.

[1] - Editor's Note: Section 3 of this bill provided that the provisions of § 162-8 shall take effect January 1, 1989.

[HISTORY: Adopted by the Harford County Council by Bill No. 88-43. Amendments noted where applicable.]