

AS AMENDED ON MARCH 9, 2015
RESOLUTION NO. 2486

A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND APPROVING A POLICY
ON ENFORCEMENT OF OVER-OCCUPANCY PROVISIONS CHAPTER 15.24

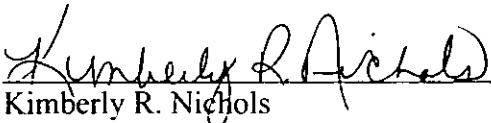
WHEREAS, the City's Policy provides guidance to City Employees regarding the enforcement of the occupancy provisions in chapter 15.24 of the Property Maintenance Code; and

WHEREAS, it is in the best interest of the City that a clear policy regarding the occupancy provisions be available for the execution of the enforcement of this code section.

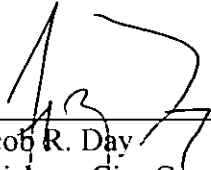
NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Salisbury hereby approves the policy attached hereto as Exhibit A.

THE ABOVE RESOLUTION was introduced and read and passed at the regular meeting of the Council of the City of Salisbury, Maryland held this 9 day of March, 2015 and is to become effective immediately upon adoption.

ATTEST:

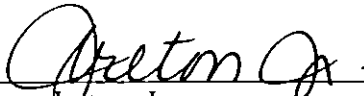


Kimberly R. Nichols
City Clerk



Jacob R. Day
Salisbury City Council President

Approved by me this 18th
Day of March 2015



James Linton, Jr.

Policy:

The purpose of this policy is to link any violation of the occupancy provisions, as referenced in the (*Property Maintenance Code, Chapter 15.24*) to the Housing Officials authority to **deny, revoke, suspend or not renew** a landlord's, Rental Unit Owner License or Rental Unit Registration as is required by (*Chapter 15.26, Rental of Residential Property*) and, when appropriate, to reduce the maximum allowed occupancy of a non-conforming use. The policy will ensure proper execution of the occupancy provisions set forth in this code by the housing official and all enforcement staff.

1. If an over-occupancy violation is identified, a citation for a municipal infraction is issued. If the evidence available to the City Department of Neighborhood Services and Code Compliance (NSCC) establishes, by a preponderance of the evidence, that the property owner or the designated agent of the property owner was aware of the over-occupancy of the property, the NSCC Official shall immediately proceed with the punitive measures set forth in paragraphs 3. A. through 4. If the NSCC officer does not have sufficient evidence to establish that the property owner or the designated agent was aware of the over-occupancy of the property, the NSCC shall proceed accordingly to paragraphs 2-4 below.
2. At the time when the citation for a municipal infraction is issued, an Identification of Excessive Occupancy letter will be issued requiring the property owner to contact NSCC regarding this matter within ten (10) days.
3. Immediately following the ten-day time period, if the structure remains over-occupied and the landlord has not submitted proof of having taken action to evict the persons who over-occupy the property, the following will occur:
 - A. An Order to Vacate the unit will be issued and sixty (60) days will be given for occupants to vacate the premises. This notice must be mailed via certified mail to both the current owner of record as identified by the State of Maryland and the listed property agent as required in the City of Salisbury Housing Code Rental Registration requirements. This notice will also be posted on the subject property.
 - B. Rental unit registration will be suspended once an inspection has confirmed that the unit has been vacated.

- a. 1st offense will be a three (3) month suspension
 - b. 2nd offense will be a six (6) month suspension
 - c. 3rd offense will be a twelve (12) month suspension
- C. Neighborhood Services & Code Compliance reserves the right to issue continuing municipal infractions during this time.
- D. Additionally, if an exemption for 3 or 4 unrelated was granted, this non-conforming use will be lost permanently.
4. Following the suspension of the rental unit registration, a comprehensive inspection will be completed. If the unit is found to be in compliance, a certificate of occupancy will be issued and the unit may resume as a rental use.

In addition to the above the directives, the proposed changes made to Chapter 15.24 & 15.26 are as follows:

15.24.280 E. Removing “two (2) unrelated” since not all zoning districts permit a minimum occupancy of two unrelated. This change will cause more consistency and accuracy throughout the code.

15.24.1640 Similar language as stated above in 15.24.280 will be added to 15.24.1640. to maintain consistency.

15.26 Denial, Nonrenewal or Suspension of License and/or Registration – If the occupancy limitations are violated and if the requirements of the licensing and registration standards of this code are not satisfied, the license and registration may be denied, not renewed or suspended.

5. This policy is not intended to revoke a license as result of an over occupancy of a unit.