

PROPOSED ORDINANCE

BOARDING OF RESIDENTIAL STRUCTURES

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND (“THE COMMISSIONERS”), ADOPTING AND ENACTING AN ADMINSTRATIVE PROCESS FOR THE BOARDING UP OF RESIDENTIAL STRUCTURES WITHIN THE CITY CAMBRIDGE AND FOR THE CREATION OF A MONITORED REHABILITATION PROGRAM.

WHEREAS, the Commissioners of Cambridge desire to eliminate vacant and blighted structures within the City of Cambridge, and to encourage the restoration of structures into affordable housing units; and

WHEREAS, where the boarding-up of multiple residential structures is necessary, the Commissioners desire that such boarding require the issuance of a boarding permit from the City, and that such boarding of structures shall be temporary and not permanent, with the goal and intent of having the structures rehabilitated into affording housing units; and

WHEREAS, pursuant to the recommendations of a task force appointed to study this issue, the Commissioners desire to implement a process for the boarding up and renovation of multiple residential units within the City of Cambridge, and to require the restoration of the structure within a reasonable time period.

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Commissioners of Cambridge hereby adopt the following procedures to be known as the “Monitored Rehabilitation Program,” which shall be applicable to all residential structures within the City of Cambridge:

A. General Boarding Requirements for all Residential Structures.

1. **Boarding standards.** The boarding up of windows and doors of residential structures within the City shall comply with the following requirements:

- (a) All boarding materials shall be cut to fit the window openings and secured with corrosion resistant torx-type fasteners at 6” on center;
- (b) All boarding materials shall be painted flat black in color;
- (c) The front entrance (the street-facing doorway) shall not be boarded, but shall remain secured against unauthorized entry, and shall be maintained in an operable condition so as to permit access for emergency purposes; and

- (d) Proper “911” identification numbers shall be affixed to the structure pursuant to code requirements.
2. **Boarding Permit.** A boarding permit shall be required for each residential unit. The boarding permit fee shall be \$_____. The application for boarding permit shall specify the materials to be used. No windows or doors shall be boarded without the issuance of a valid boarding permit, unless otherwise exempted as set forth below or accepted in to the Monitored Rehabilitation Program.
3. **Time limitations.**
- (a) **Initial Boarding.** All properties requiring boarding up of windows and/or doors at the time of enactment of this Ordinance, shall be boarded in compliance with the City boarding specifications set forth herein, within SIXTY (60) days from the effective date of this Ordinance; and
- (b) **Removal of Boarding Materials.** With the exception of those residential units accepted for participation in the Monitored Rehabilitation Program set forth below, all boarding materials shall be removed and all windows and/or doors installed or repaired to code within NINE (9) months from the effective date of this Ordinance.
4. **Compliance with code requirements.** With the exception of those residential units accepted for participation in the Monitored Rehabilitation Program, and which remain in strict compliance with said Program, all residential properties which are boarded shall remain subject to all applicable City Property Maintenance requirements and subject to all applicable enforcement procedures, as set forth in the International Property Maintenance Code and/or International Building Code, as amended from time to time.
5. **Exemptions. Fire and other accidental damage.** Windows and/or doors may be boarded-up prior to the issuance of a permit, if the boarding-up is required due to a fire or other accidental event which causes damage to the structure, subject, however to the following:
- (a) The structure must be occupied or have been occupied within 6 months prior to the fire/damaging event;
- (b) The owner of the structure shall immediately notify DPW, in writing, of the fire or damaging event;
- (c) The boarding-up of windows and/or doors shall comply with the boarding requirements set forth herein;
- (d) The owner shall make application for a building permit (if applicable) within FORTY-FIVE (45) days from the date of the fire/damaging event;
OR;
- (e) All boarding materials shall be removed and the windows and/or doors repaired or replaced, and in compliance with the Property Maintenance

Code of the City, within FORTY-FIVE (45) days from the date of the fire/damaging event and;

- (f) No permit fee shall be required for minor damage, which is hereby defined as damage to no more than TWO doors or windows or combination thereof.

B. Monitored Rehabilitation Program for the renovation of multiple residential units. In an effort to encourage rehabilitation of structures for affordable housing units, the City hereby adopts a Monitored Rehabilitation Program ("Program" or "MRP"), which permits owners of two or more units, to make application to have units accepted into the program, with some of the units boarded-up for an extended period of time, while other units within the Program are completely rehabilitated for occupancy (seeking a Certificate of Occupancy).

- 1. Limitation on Number of Units.** This Program shall only apply to applicants enrolling at least two, but no more than ten residential structures in need of renovation. Applicants which are sole members of LLC's may combine properties which are also owned by the same individual, but as a sole member of another LLC, as a single "package" subject to the limitations that the application shall be at least two but not more than ten residential structures in need of renovation. For an owner or applicant to include more than ten units, approval must be obtained from Housing Board of Review;
- 2. Completion date.** The owner may be granted a permit to keep each property boarded up for a period of NINE (9) months per property, with a maximum program duration of FIVE (5) years. At the termination of the permit period, all of the properties shall be in full compliance with the applicable International Building Code and International Property Maintenance Code, so as to qualify for a Certificate of Occupancy. Failure to bring all properties into full compliance prior to the expiration of the boarding permit, shall constitute a municipal violation;
- 3. Enrollment/Participation Fee.** To participate in the Monitored Rehabilitation Program, the property owner shall remit an enrollment/participation fee in the amount of **written amount** (\$_____) per residential unit per year of enrollment within the program, to cover administrative expenses;
- 4. Detailed schedule of renovations required.** Each property owner who elects to participate in the Monitored Rehabilitation Program, shall submit a detailed schedule of renovations, and completion dates for each phase thereof, as part of the application. The schedule of renovations shall either be accepted by DPW or rejected based on non-compliance with the provisions of this ordinance. In the event that the schedule is rejected by DPW, no boarding permit shall be issued and the owner shall not be authorized to include the residential unit which was rejected into the Program. Copies of the accepted schedule shall be attached to the permit;

5. **Issuance of Permit.** Upon the payment of all applicable fees, and upon the acceptance and approval, in writing, by DPW of the schedule of renovations, DPW shall issue a Permit authorizing the owner's participation in the Monitored Rehabilitation Program;
6. **Timely Boarding Up of Participating Properties.** Owners shall properly board up all properties which are included in the Monitored Rehabilitation Program within SIXTY (60) days from the effective date of this ORDINANCE. All boarding of properties shall be done in strict compliance with the boarding standards in effect at the time;
7. **Identification of Participating Properties.** Each property included within the Monitored Rehabilitation Program shall be placarded by DPW which clearly and conspicuously identifies the property as one within the "Monitored Rehabilitation Program;"
8. **Obligation to maintain Property in safe condition.** The owner shall maintain the surrounding yard of any property within the Program in a safe condition, and shall comply with any and all exterior yard area maintenance notices, emergency/hazardous conditions notices issued by DPW. Failure to comply with said notices shall result in termination from the Program, as set forth in item 9 herein below;
9. **Failure to complete renovations within the approved schedule. Penalty fee; termination from the Program.** In the event that an owner fails to timely complete the renovations pursuant to the completion dates set forth in the approved schedule of renovations, the owner shall be assessed a penalty fee in the amount of \$_____ for that unit. Said penalty fee shall be collected the same as taxes, and shall constitute a lien on the property. In addition thereto, failure to strictly comply with the schedule of renovations shall result in termination from the program, which termination shall be communicated to the owner in writing by DPW and said penalty shall be assessed to all properties originally enrolled in the program. The owner shall have the right to appeal the decision of DPW to terminate the owner's participation in the Program to the Housing Board of Review. Any and all properties which are terminated from participation in the Program shall immediately be subject to all applications and provisions of the City's International Building Code and/or International Property Maintenance Code, including notices and orders for repairs, and all applicable enforcement provisions thereof; and
10. **Re-enrollment.** In the event an owner is terminated from the Monitored Rehabilitation Program for any reason, his/her re-enrollment may only be permitted by the decision of the Housing Board of Review, pursuant to a timely appeal of the decision by DPW to terminate the participation in the Program.
11. **Exemptions –**
 - (a) properties which initially receive a boarding permit only, and are still within said permit time frame, may only be enrolled in the Monitored

Rehabilitation Program as granted by the HBOR, so long as the owner meets the requirements of section B of this ordinance.

(b) properties which have received a boarding permit for which the time frame has expired are ineligible for enrollment in the Program unless purchased by another bonafide owner meeting the requirements of section B and submitted as part of a new "package".

(c) properties having received a Demolition Order from the Division of Building Safety Services shall be excluded from participation in the Monitored Rehabilitation Program. Properties which successfully appeal a Demolition Order may be eligible for enrollment in the Monitored Rehabilitation Program as approved by the HBOR subsequent to meeting the requirements of Section B subsections 1 through 9 of this ordinance.

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

Edwin C. Kinnamon, Clerk

BY: _____
VICTORIA JACKSON-STANLEY, Mayor

Introduced on the ____ day of _____, 2011.

Adopted and effective this ____ day of _____, 2011.