

Baltimore Housing

Rule # 1 Pursuant to Article 13 Subtitle 5 of the Baltimore City Code

Rules and Procedures for Multi-Family Dwelling License Revocation Hearings

Pursuant to Article 13, Section 5-2 of the Housing and Urban Renewal Ordinance of the Baltimore City Code, the Commissioner of Baltimore Housing adopts the following Rules and Procedures governing Multi-Family Dwelling License Revocation Hearings:

General Provisions

- 1) The Hearing shall be presided over by the Baltimore Housing Commissioner known as the "Commissioner" or the Housing Commissioner's Designee known as the "Commissioner's Designee".
- 2) Any person(s) who is entitled to notice pursuant to Article 13 Sections 5-15 thru 5-18 of the Baltimore City Code and chooses to exercise their right to be heard shall be known as the "Respondent (s)".
- 3) Respondents may appear and be heard in person and may present, under oath, evidence relevant and material to the matter under consideration.
- 4) Respondent(s) may be represented by an attorney who is a member in good standing of the Bar of the State of Maryland.
- 5) A Corporation may be represented by an officer or agent of the Corporation or an attorney who is a member in good standing of the Bar of the State of Maryland.
- 6) A record of all proceedings shall be made by electronic recording device. Typewritten copies of the proceedings may be ordered by the Respondent(s) and/or Baltimore Housing for a fee. **The party requesting the transcription is responsible for payment of the fee.**
- 7) **The Housing Commissioner may designate an attorney from the Code Enforcement Legal Section of Baltimore Housing to present evidence and testimony to support revoking the Multi-Family Dwelling License.**

Presentation of Evidence and Argument

- 1) All parties shall have the right to call witnesses, to conduct direct and cross-examination, to present relevant evidence and to make objections and argument.
- 2) The Commissioner or the Commissioner's Designee may refuse to allow or may curtail the introduction of any evidence that is found to be irrelevant, cumulative, unduly prejudicial or outside the scope of the License Revocation Hearing.
- 3) Parties to the License Revocation Hearing may by agreement stipulate to any facts involved in the proceedings provided that each stipulation is duly noted for the record.

- 4) Oral argument may only be made before the Commissioner or the Commissioner's Designee.
- 5) Oral argument may be curtailed or limited at the Commissioner or the Commissioner's Designee discretion.
- 6) The Maryland Rules of Evidence shall apply to the proceeding but according to the Commissioner or Commissioner's Designee discretion they may be relaxed.

Burden of Proof and Order of Proof

- 1) The Commissioner or Commissioner's Designee may revoke a license upon a finding by a **"preponderance of the evidence"** that;
 - a. The Owner or lessee of a multi-family dwelling or rooming house has failed to comply with a lawful notice to correct a violation that affects the health, safety, morals or general welfare of the occupants or general welfare; OR
 - b. The Owner, lessee or AGENT of a multi-family dwelling or rooming house has allowed the Property to be used for prostitution, drug activity or any other activity that creates or constitutes a nuisance; OR
 - c. The owner or lessee should have known that these premises were being used for prostitution, drug activity or any other activity that creates or constitutes a nuisance and failed to prevent it.
- 2) The order of proof shall be as follows:
 - a. Introduction and identification of all the parties present;
 - b. A brief statement by the Commissioner's designated attorney about the purpose of the hearing;
 - c. Testimony and presentation of evidence, by the Commissioner's designated attorney that:
 - i. The Owner or lessee of a multi-family dwelling or rooming house has failed to comply with a lawful notice to correct a violation that affects the health, safety, morals or general welfare of the occupants or general welfare; OR
 - ii. The Owner, lessee or AGENT of a multi-family dwelling or rooming house has allowed the Property to be used for prostitution, drug activity or any other activity that creates or constitutes a nuisance; OR
 - iii. The owner or lessee should have known that these premises were being used for prostitution, drug activity or any other activity that creates or constitutes a nuisance and failed to prevent it.
 - d. Cross-examination of the witnesses at the conclusion of each direct examination by the Respondent;
 - e. Re-direct by the Commissioner's designated attorney;
 - f. Testimony and presentation of evidence may be presented by the Respondent(s);

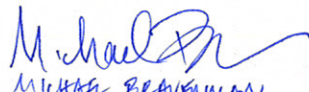
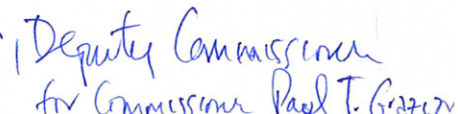
- g. Cross-examination of the Respondent(s) and their witnesses at the conclusion of each direct examination by the Commissioner's designated attorney;
- h. Re-direct by the Respondent(s);
- i. Closing statements (no longer than 10 minutes);

Revocation of the Multi-Family Dwelling License

- 1) The written decision of the Housing Commissioner or the Commissioner's designee to revoke a Multi-Family Dwelling License shall be known as a "License Revocation Order".
- 2) A written License Revocation Order shall be issued within one (1) business day of the conclusion of the License Revocation Hearing or as soon practicable thereafter.
- 3) Upon agreement of the parties, the decision of the Housing Commissioner or the Commissioner's Designee may be postponed to any date certain.
- 4) The License Revocation Order shall state a brief summary of the facts and the specific section of Article 13 Section 5-15 that the Respondent(s) violated.
- 5) The License Revocation Order shall be sent by First Class Mail to all Respondent(s) within one (1) business day after the issuance of the License Revocation Order or as soon as practicable thereafter.

Postponements and Adjournments

- 1) A request for a Postponement of a License Revocation Hearing must be **received five (5) business days prior to the hearing**. The request shall be sent to the Code Enforcement Legal Section, 417 E. Fayette Street, Room 202, Baltimore, Md 21202 or by fax to (410) 385-8689. The postponement request shall state the reason(s) for the postponement request and shall be signed by the party requesting the postponement. The postponement request shall be granted or denied after review by the Commissioner or the Commissioner's Designee.
- 2) No application for adjournment, once a License Revocation Hearing has commenced, shall be granted except for good cause shown.



 Michael BRAVERMAN Deputy Commissioner
 for Commissioner Paul T. Graziano
 Paul T. Graziano, Commissioner
 Baltimore Housing

Date adopted: 7/21/05

Date effective: 7/21/05

