

Montgomery County, Maryland

HOUSING CODE ENFORCEMENT HANDBOOK



Department of Housing & Community Affairs

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Every reasonable effort has been made to assure the accuracy of the information in this manual. Although the information is believed to be accurate, if there are any inconsistencies with applicable laws or regulations, those laws and regulations would apply. The information contained in this handbook does not constitute legal advice. This handbook is intended to serve as a general guide.

INTRODUCTION

The mission of the Department of Housing and Community Affairs, Code Enforcement Section, is to maintain and preserve the quality of life in Montgomery County in general and that of our neighborhoods and housing stock in particular. The Code Enforcement Section is responsible for administering Chapter 26, Housing and Building Maintenance Standards, Chapter 48, Solid Waste, and Chapter 58, Weeds, Montgomery County Code. These Codes define how properties are to be maintained in Montgomery County.

Consistent enforcement of the County Codes will help to:

- ❖ Improve the quality of life for Montgomery County citizens;
- ❖ Stabilize neighborhoods;
- ❖ Provide safe, decent, and clean dwelling units;
- ❖ Maintain and enhance property values;
- ❖ Prevent blight.

We accomplish these goals by investigating complaints, performing legally required inspections and educating our citizens regarding their rights and responsibilities in the area of property maintenance.

This handbook describes what the Code Enforcement Section does and how it does it. We look forward to working with owners, managers, landlords, tenants, and civic associations as together we strive to realize our mutual goal of maintaining the high quality of life in Montgomery County communities.

THE CODE ENFORCEMENT PROCESS

An inspection is triggered by a complaint, referral, and required inspection or as part of an overall Departmental strategy in particular neighborhoods (target neighborhoods). If violations are observed, a violation notice is prepared and the owner has a stated period of time to correct the violations. After the stated time period has elapsed, the property will be reinspected. If the owner has made the required repairs, the case is closed. Inspectors can grant for good cause an extension of time to correct violations. If the owner is not responsive, the Inspector takes legal action by issuing civil citations to the owner. These citations carry fines of \$100-\$500 depending on the severity of the violation. In addition to the fine, the Inspector requests an Order from the Court requiring that the violations be corrected (an Abatement Order). If the owner fails to correct the problem within the timeframe set by the Judge, this Order allows the Department to enter the property, make the repairs and charge the owner. If the owner fails to pay for the repairs, the Department places a lien against the property and initiates legal actions to collect this lien.

CHAPTER 26--Housing and Building Maintenance Standards

Minimum Standards for Dwelling Units

A dwelling unit is defined as “any room or group of rooms located within a dwelling forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating”.

Every dwelling unit must contain:

- ❖ Kitchen – stove, sink, refrigerator, space for storage and preparation of food;
- ❖ Bathroom – toilet, basin, shower or bathtub;
- ❖ Adequate rubbish facilities;
- ❖ Hot water – heated to at least 120 but not more than 140 degrees Fahrenheit;
- ❖ Safe, unobstructed means of escape to the outside;
- ❖ A heating system capable of providing a minimum temperature of 68 degrees in all habitable rooms; and,
- ❖ Access to any sleeping room must not pass through another sleeping room.

GENERAL REQUIREMENTS FOR SAFE AND SANITARY HOUSING

Owner Responsibilities:

- ❖ All exterior components of the house, foundation, walls, stairs, windows, doors, and the roof must be kept in good repair;
- ❖ All plumbing must be kept in good repair;
- ❖ All wood surfaces must be protected against decay;
- ❖ Interior walls and woodwork must be kept in good repair;
- ❖ Owner must keep the dwelling unit free of flaking or peeling paint; and
- ❖ Owner is required to repaint the dwelling unit after five years even though there is no change of occupancy.

MINIMUM SPACE, USE AND LOCATION REQUIREMENTS

- ❖ Every dwelling unit must contain at least 150 square feet for the first occupant and 100 square feet for every additional occupant;
- ❖ Bedrooms require at least 70 square feet for one occupant and at least an additional 50 square feet of usable area for more than one occupant;
- ❖ Cellar space must not be used for sleeping unless it meets Housing Code requirements for light, ventilation and emergency egress. ***Before using, you must get approval from the Department of Housing and Community Affairs***
- ❖ An occupant is defined as anyone over one year of age.

RESPONSIBILITIES OF OWNERS AND OCCUPANTS

Owners:

- ❖ Installation of smoke detectors to protect each sleeping area and at each stairway leading to an occupied area;
- ❖ Maintenance of shared or common areas of land and buildings so that they are clean and sanitary;
- ❖ Provide a sufficient number of containers for storage of solid waste in multi-family properties;
- ❖ Extermination of roaches and vermin in multi-family properties;
- ❖ Maintenance of trees and shrubbery; and;
- ❖ Maintenance of all paved surfaces so that they remain in good condition at all times.

Occupants:

- ❖ Maintenance of dwelling and premises that he or she occupies and controls in a clean and sanitary condition;
- ❖ Disposal of all solid waste in proper containers;
- ❖ Extermination of insects and vermin in single family dwellings; and,
- ❖ Maintain grass in yards of single family dwellings below 12 inches in height.

SECURITY REQUIREMENTS

Multi-family Rental Dwellings

- ❖ Owner must change locks between tenancies;
- ❖ All swinging entrance and exit doors must have single cylinder deadbolt locks or other approved security devices;
- ❖ Door viewers are required in all entrance doors;
- ❖ Operable windows within reach of the ground must be constructed, repaired, and maintained to protect them from being opened from the outside; and

- ❖ All access panels to a roof, attic, crawl space, storage area and any other area which is not used daily must be locked.

Single Family Rental Dwellings

The owner is responsible for supplying, installing, and maintaining a lock for every door to the outside. The owner must supply the tenant with a key that operates the lock from the outside, and the lock must operate without the use of a key by a thumb turn from the inside.

Authority to Conduct Inspections

The Department may inspect dwellings, non-residential structures and premises in order to safeguard the health and safety of the occupants and the general public.

The Department may apply for a warrant if an owner, owner's agent or occupant refuses to consent to an inspection.

Occupants must give the owner access to a dwelling or premises at all reasonable times to make repairs, conduct inspections, or to comply with County Code.

Notices of Violation

Any violation of Chapter 26 requires DHCA to notify the owner of the violation and order that corrective action be taken. The notice must:

- ❖ be in writing;
- ❖ describe the corrective action that needs to be taken;
- ❖ provide reasonable time for performance of action;
- ❖ be served on or mailed to the owner/agent; or
- ❖ be posted on or near the property affected by the notice.

Emergency and Corrective Actions

If at any time, the Code Enforcement Staff determines that a situation requires immediate action to protect the public health and safety, the staff may order the owner, agent or operator to take action to correct the condition immediately. If possible, the order is to be hand delivered to the owner, agent or operator. If the order cannot be hand delivered, the order must be posted on the property in a conspicuous location. If the owner does not take action to correct the condition within 24 hours after the posting or delivery of the order, the staff may enter into a contract to have corrective action taken. The owner is liable to the County for all reasonable and necessary costs that are incurred. These costs constitute a debt owed by the owner to the County and may be placed upon the tax bill as a lien on the property and be collected in the manner in which ordinary taxes are collected.

CONDEMNATION

Any dwelling, dwelling unit, or non-residential structure may be condemned as unfit for human habitation or unsafe for human occupancy if it:

1. Lacks electricity, water supply, sanitation facilities, adequate light, ventilation, or a heating system.
2. Is, entirely or in part, so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or the public.
3. One which, because of its general condition, is entirely or in part, unsanitary or otherwise dangerous to the health or safety of the occupants or public;
4. Contains unsafe equipment, including any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment, on the premises or in the structure that presents a hazard to the life, health, property or safety of the occupants or the public.

5. Is vacant and unoccupied for the purpose for which it was built; has remained substantially in that condition for at least one year; and has been cited for five (5) or more violations of Chapter 26, none of which has resulted in a “not guilty” finding by a court; or
6. Is a public nuisance.

If any of these conditions are found, the Code Enforcement Staff notifies the owner of the condemned property and posts a Condemnation sign on the property. This sign must not be removed until the Code Enforcement Staff authorizes its removal.

The owner of the property must notify any occupants that they must vacate the property. The owner then must secure all windows and doors that are accessible from the ground or by the reasonably foreseeable use of a ladder, and must keep all doors and windows secure from unauthorized entry.

Repair or Removal of Condemned Structures

When a property is condemned, the owner must repair or remove the condemned structure within the time period allowed by the Inspector. If the owner does not comply with the Inspector's order, the structure will be demolished after giving the owner a 30-day written notice. The cost of the demolition will be charged to the property owner. If the owner fails to reimburse the County for the demolition cost, the County will collect it as taxes on real property. Any such charge is a lien on the property.

Minimum Standards for Non-Residential Property

The Owner is responsible for:

- ❖ The maintenance of vacant properties;
- ❖ The removal of solid waste and maintenance of the grounds;
- ❖ The upkeep and maintenance of all paved and gravel surfaces of parking lots, driveways, sidewalks and entry aprons; and
- ❖ Eliminating any condition which creates a public nuisance in a manner to prevent its re-occurrence

Chapter 48 – Storage of Solid Waste

What is Solid Waste?

Solid Waste is all waste materials and debris, including, but not necessarily limited to, any garbage, sludge, medical/pathological waste, debris from building construction, ashes, junk, industrial waste, dead animals, salvageable waste, dead or felled trees, uprooted tree stumps, tree limbs, bushes, plants, leaves, grass, garden trimmings, street refuse, abandoned vehicles, machinery, bottles, cans, waste paper, cardboard and sawdust. Solid waste also includes any automobile, truck, box, container, tire, appliance, furniture, or recreational equipment that is in a state of disrepair or dysfunctional, unless the item is awaiting removal or being repaired or renovated for the personal use of the owner or occupant. The repair, renovation or removal must be completed within 30 days. Solid waste also includes any recyclable waste.

Who Provides Containers For the Storage of Solid Waste?

Single Family Houses and Townhouses

The occupant is responsible for providing containers with tight fitting lids for storage of solid waste in single-family houses and townhouses.

Multi-Family Facilities

The owner is responsible for providing an adequate number of containers in multi-family facilities.

Commercial Property

Both owners and occupants jointly share responsibilities for the control of solid waste in commercial properties.

Container Standards

All solid waste storage containers must be rigid plastic or metal, vermin-proof and equipped with tight fitting lids.

Storage of Motor Vehicles

No motor vehicles are to be stored on residential property unless they are operable and display valid tags.

Clean and Lien Process

A Clean and Lien Order allows the County to enter a property to remove solid waste if an owner fails to comply with previous notices to clean the property of all solid waste items. The owner is then presented with a bill for the costs incurred by the County. If the owner fails to pay the bill within a specified time, a lien is placed on the owner's property. The Clean and Lien process has been a useful tool for cleaning up neglected properties.

HOW TO FILE A COMPLAINT

Complaints may be called in to the Counties MC311 call center by calling 311 inside the county and 240-777-0311 outside the county.

When calling, you will be asked to provide the address of the property in question and a brief description of the alleged violation, i.e., junk car parked in the yard, porch deteriorated, etc. If you are a tenant please provide the apartment complex name, and, if known, the name of the owner and/or property manager or agent.

We ask for your name and phone number so that an Inspector can keep you apprised as to the status of the case, contact you for additional information, or if you are a tenant, to schedule an inspection of your rental unit. If you request anonymity, your name will not be released.

The case will be assigned to an Inspector and an initial inspection will be conducted. If any violations are observed, a notice of violation is sent to the owner. In most cases, violations must be corrected within 30 days.

A reinspection will be conducted for all complaints. If any violations remain uncorrected, a second and final notice of violation may be sent to the owner. This notice states that if the violations are not corrected, (typically within 15 days) civil citations will be issued.

Our Department will make every effort to work with property owners and occupants to correct violations of the Code, but when violations remain uncorrected after repeated warnings, civil citations will be issued.

When a civil citation is issued, the matter goes to District Court. A trial is held and if the owner is found guilty, the County will seek an Abatement Order from the Court allowing the County to abate the violation and charge the owner for the cost. In addition, if the owner fails to comply with the abatement order, he/she can be charged with contempt.

NEIGHBORHOODS ALIVE PROGRAM

Periodically, DHCA will conduct inspections of properties in specific neighborhoods in response to requests from Civic Associations, Code Enforcement staff, or other County Agencies to ensure that neighborhoods are safe and clean, buildings are in sound condition and property values are preserved. The process for notifying owners of these inspections and the enforcement process is the same as outlined above.

Multi-Family Rental Properties

Multi-family properties are inspected at least once every three years, although they may be inspected more frequently if necessary. Inspections are also made in response to complaints.

A letter is sent to the owner, the Management Company or agent, and postcards are sent to the tenants notifying them of the upcoming inspection. The inspections range from common areas to 100% of the units depending upon the condition of the property. However, regardless of the percentage of units inspected, all common areas, storage rooms, boiler rooms, hallways and stairways and exteriors of buildings are inspected.

Single-Family Rental Properties

All single-family rental properties must be licensed as rental facilities. To license a single-family rental property, contact the Licensing Unit at 240-777-3666. Inspections of these properties are made in response to complaints or if they are located within a neighborhood that has been targeted for intensive code enforcement.

Accessory Apartments

DHCA is responsible for administering the Accessory Apartment Class 3 Licensing Program. An Accessory Apartment is a second dwelling unit that is part of a single-family detached house that has provisions for cooking, eating, sanitation and sleeping.

A Class 3 Accessory Apartment license is required from the Department of Housing and Community Affairs (DHCA), Licensing Section before an Accessory Apartment can be legally established.

Accessory Apartments must meet all applicable code requirements for dwelling units including egress, space and use requirements. For further information please contact the Counties MC311 call center at 311 inside the county or 240-777-0311 outside the county.

FREQUENTLY ASKED QUESTIONS

- Q:** Is my landlord required to provide air conditioning?
- A:** There is no requirement for air-conditioning, however, if air conditioning is provided, it must work properly.
- Q:** Are there scheduled turn on dates for air conditioning and heating?
- A:** No. However, every landlord must provide a minimum temperature of 68 degrees Fahrenheit at all times during the heating season.
- Q:** The branches of my neighbor's tree are hanging over my property. Is this a code violation?
- A:** Dead branches and limbs overhanging an adjacent property is a code violation; live branches overhanging an adjacent property, is not.
- Q:** How many people can live in a dwelling unit?
- A:** The number of people who can live in a dwelling unit depends on the size of the unit. There must be 150 square feet for the first occupant and 100 square feet for each additional occupant.
- Q:** My neighbor has an inoperable car in his driveway. Is this a code violation?
- A:** Yes. Montgomery County Code requires that all vehicles on private property must be in operable condition and have current registration.
- Q:** My neighbor won't cut his grass. Is this a code violation?
- A:** Yes. If the grass has grown higher than 12 inches
- Q:** My neighbors next door are very noisy. How can I eliminate this condition?
- A:** Excess noise complaints can be reported to the Counties MC311 call center by calling 311 inside the county and 240-777-0311 outside the county or the Police Department's non-emergency number; (301) 279-8000.
- Q:** There is a vacant house on my street. Who is responsible for its upkeep?
- A:** The owner is responsible for its upkeep. If that is not being done, the Inspector will enforce all applicable codes. If the owner cannot be found, Montgomery County may do the necessary work and put a tax lien on the house.
- Q:** My neighbor is running a business out of his home. Is this allowed?
- A:** Yes. Under certain circumstances, it may be permissible. For further information, contact the Counties MC311 call center at 311 inside the county and 240-777-0311 outside the county
- Q:** My neighbor is building a deck on his house. Is a building permit required?
- A:** Yes. For further information, contact the Counties MC311 call center at 311 inside the county and 240-777-0311 outside the county
- Q:** My neighbor's trash cans do not have lids and trash gets scattered about there property. What can I do?

- A:** All trashcans must have tight fitting lids. The Division of Housing Code Enforcement enforces trash and debris on a property. Contact the Counties MC311 call center at 311 inside the county and 240-777-0311 outside the county
- Q:** My neighbor is putting food scraps in his compost pile. Is this permitted?
- A:** It is only permitted when the compost pile is completely rodent-proofed.
- Q:** My neighbor is renting out his basement. Is this permitted?
- A:** Under certain circumstances it is legal. It is highly recommended that an investigation be conducted to ensure compliance with current codes.

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