

MEMORANDUM

March 10, 2023

TO: Planning, Housing, and Parks (PHP) Committee

FROM: Naeem M. Mia, Legislative Analyst
Eunice Jeong, Legislative Analyst

SUBJECT: Briefing: Code Enforcement and Troubled Properties- Department of Housing and Community Affairs (DHCA)

PURPOSE: Receive a briefing on the subject.

Expected Attendees:

- Nathan Bovelleville, Division Chief, Community Development, DHCA
- Tamala Robinson, Section Manager, Code Enforcement, DHCA

Overview and Background

The purpose of this briefing is to obtain updates and request information from the Department of Housing and Community Affairs on its recent code enforcement activities as well as updates on “troubled properties” as defined under Montgomery County Code chapter 29, section 22 as “rental housing which, because of the severity and quantity of violations...is subject to annual inspections by the Department [of Housing and Community Affairs] and requires the development and implementation of a corrective action plan.”

A property may also be designated as a “troubled property” if one or more of the following conditions are observed:

- Rodent or insect infestation affecting 20 percent or more of the units in the building;
- Extensive or visible mold growth on interior walls or exposed surfaces;
- Windows that do not permit a safe means of egress;
- Pervasive or recurring water leaks resulting in chronic dampness, mold growth, or personal property damage in more than one unit; and
- Lack of one or more working utilities that is not shut off due to tenant non-payment.

An individual property is designated as troubled based on a comparison of its most recent inspection results with the results of all other properties inspected during the same time period.

Each year, DHCA uses the results of the preceding year's multifamily housing code inspections to calculate which properties should be designated as troubled. DHCA calculates two numerical scores for each multifamily property inspected: The Total Number of Violations Score (the "TV" Score), and the Severity of Violations Score (the "SV" Score). If a property's scores exceed the annual thresholds established by DHCA, that property will be designated as a "troubled property", and it will receive annual inspections.

The most recent (as of March 6, 2023) troubled property list is available here (on DataMontgomery): <https://data.montgomerycountymd.gov/Consumer-Housing/Troubled-Properties-Analysis/bw2r-araf/explore>.

Of the 665 multi-family rental properties on the list, 73 properties (or 11%) are identified as "troubled" and another 125 (or 19%) are listed as "at-risk." DHCA staff will provide further information and detail on the list of properties, including total number of units under the "troubled" and "at-risk" categories.

A property designated as troubled must develop and implement a corrective action plan that describes in detail the specific actions that the landlord will take within a specified time schedule to both identify and correct current and ongoing housing code violations in a timely manner and prevent future housing code violations to the greatest extent possible. A troubled property must also submit a quarterly log of its internal maintenance calls upon the request of DHCA.

A copy of DHCA's Code Enforcement Handbook, last published in November 2021, is attached at circles 1-44.

Committee Discussion Items

DHCA staff is available to answer the discussion questions outlined below:

- When a property is taken off the troubled properties list, is there any form of additional follow-up (inspections, reporting, etc.)?
- Is DHCA able to fully review and evaluate complaints from residents? What is the typical review time between time of complaint and follow-up?
- On average, how much time does an inspector spend doing an on-site inspection?
- Is there any type of evaluation of properties that have been on the troubled properties list for long periods (e.g., more than one to two years)? Does the County need to take further action with these specific properties?
- What are the most common reported issues with these properties?

- Are these properties owned by similar entities? What other properties (that may not be on the list) do these property owners manage in the county?
- Demographic data on the residents in these properties.

This packet contains:

1. DHCA Code Enforcement Handbook

Circle Page #

1-44



DEPARTMENT of HOUSING AND COMMUNITY AFFAIRS

HOUSING & BUILDING CODE ENFORCEMENT HANDBOOK

1401 Rockville Pike, 4th Floor
Rockville, MD 20852-1452
240-777-0311

www.montgomerycountymd.gov/dhca

(1)



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LEGAL NOTE



This guide contains basic information and does not constitute legal advice. Every effort has been made to include accurate information. However, if there are any content inconsistencies all current laws and regulations would apply. For the exact language of all laws, please consult the Montgomery County Code at www.codelibrary.amlegal.com which is available in over 40 languages.

*Two local municipalities, the [City of Gaithersburg](#) and the [City of Rockville](#) are not within DHCA's housing and building code enforcement jurisdiction.

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INTRODUCTION



Aseem Nigam
Director



Marc Elrich
County Executive



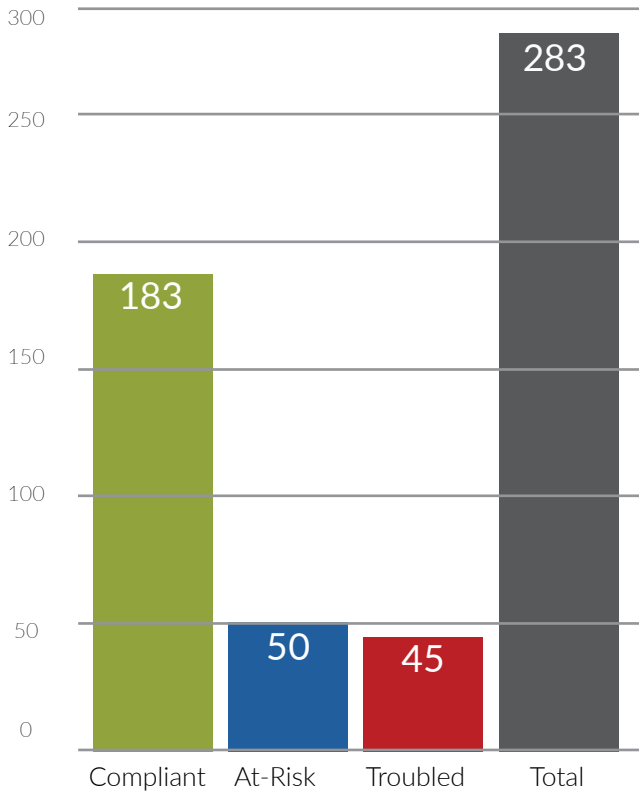
The [Department of Housing and Community Affairs \(DHCA\)](#) plans and implements activities to prevent and correct problems that contribute to the physical and economic decline of residential and commercial areas by...

- Revitalizing the physical appearance of older residential and commercial areas
- Increasing the inventory of moderately priced housing
- Promoting fair and equitable relations between landlords, tenants, homeowners and condo associations
- Facilitating the registration of new and existing accessory dwelling units (basement apartments, in-law suites, tiny houses etc.)
- Issuing residential rental property licenses
- Conducting an [annual rental housing survey](#)
- Enforcing housing and building codes to maintain properties in safe and sanitary condition

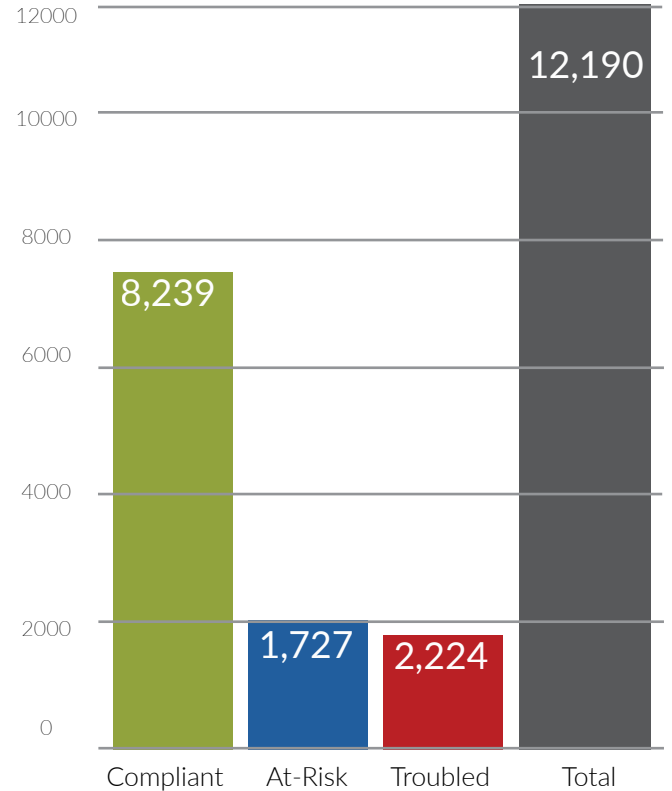
DHCA's housing code enforcement team is comprised of 42 full-time merit employees. The team is dedicated to conducting routine inspections of approximately 700 multifamily rental properties, accessory dwelling unit registration inspections, and complaint inspections for residential dwellings and commercial buildings. On an annual basis, our inspectors resolve over 12,000 MC311 code enforcement service requests. We are fully committed to our mission and working in partnership with all residents and stakeholders to ensure that Montgomery County continues to thrive and provide an outstanding quality of life!

KEY STATISTICS

2019 Multifamily Building Inspections



2019 Multifamily Rental Units Inspected



400,300
HOUSING UNITS



250,400
OWNED



131,700
RENTED



12,333
SERVICE REQUESTS



38,789
INSPECTIONS



9,299
ENFORCEMENT CASES



8,931
CASES RESOLVED



368
CIVIL CITATIONS



96%
VOLUNTARY COMPLIANCE RATE

OUR GOALS

EDUCATION

COMPLIANCE

ENFORCEMENT



Increase public knowledge of housing and building codes.



Promote voluntary housing and building code compliance.



Pursue mandatory compliance through the legal process.

RIGHTS & RESPONSIBILITIES

HEALTH & SAFETY

CORRECTIVE ACTIONS

OUR MISSION



The mission of the Department of Housing and Community Affairs (DHCA) is to plan and implement activities which prevent and correct problems that contribute to the physical decline of residential and commercial areas; maintain a marketplace which is fair to both landlords and tenants; increase the supply of affordable housing; maintain existing housing in a safe condition, and support community programs that benefit our residents.

OUR PARTNERS

Department of Housing and Community Affairs



- Licensing and Registration
- Office of Landlord Tenant Affairs
- Neighborhood Revitalization
- Affordable Housing
- Common Ownership Communities

Department of Permit Services



- Building and Land Use Permits
- Well and Septic Inspections
- Fire Permits
- Sign Permits
- Sediment Control
- Zoning Violations
- Parking Commercial Vehicles and RV's

Department of Health & Human Services



- 24 Hour Crisis Center
- Emergency Eviction Prevention
- Rental Assistance
- Short-Term Rentals
- Neighborhood Vector (Rat) Control
- Adult or Child Protective Services
- Interagency Commission on Homelessness
- No Smoking Laws

Department of Transportation



- Roads, Sidewalks, and Storm Drains
- Public Right-of-the Way Mowing, Litter Clean Up,
- Tree Removal
- Snow Removal
- Leaf Collection
- Neighborhood Parking Permits
- Street Lights

Department of Environmental Protection



- Trash and Recycling
- Illegal Dumping
- Noise and Air Pollution
- Home Energy Efficiency
- Lawn and Tree Care
- Radon
- Mold

Police Department



- Abandoned Vehicles on Public Streets
- Sheriff's Office Eviction Section



Animal Services & Adoption Center

- Animal Rescue
- Wildlife

OUR CODES



We enforce the following Chapters of Montgomery County's Code

[26](#)

[Housing and Building Maintenance Standards](#)

[22-96](#)

[Smoke Detector](#)

[29-22](#)

[Inspection of Rental Property](#)

[48](#)

[Solid Waste](#)

[26-8A](#)

[Carbon Monoxide Alarm](#)

[58](#)

[Weeds](#)

[49-17](#)

[Snow & Ice Removal](#)

Is your property in compliance with Montgomery County's housing and building maintenance codes?

It is in everyone's best interest to be able to confidently answer "YES" to this important question.

[Montgomery County's](#) housing and building codes protect and strengthen our neighborhoods.

All residents should be prepared in advance of a potential DHCA housing and building code [inspection](#) by ...

- 1) Being informed about current building and housing maintenance and safety codes.
- 2) Maintaining the exterior and interior of [residential dwelling units](#) and [non-residential properties](#).
- 3) Sharing this informational guide with others in your community.

INSPECTIONS

Sec. 26-11 Inspections

DHCA may inspect the condition of any dwelling, non-residential structure, and other properties to safeguard the health and safety of occupants and the public.

Single-Family Home Inspections



- Complaint Inspections
- Rental Property License Inspections
- Accessory Dwelling Unit Registration and Licensing Inspections

Multifamily Inspections



- Complaint Inspections
- Every year inspect 100% of Troubled Properties
- Every 3 years inspect 25% of “Compliant Properties”
- More frequent inspection for 25% or more of “At-Risk Properties”

Commercial Building Inspections



- DHCA performs exterior commercial building complaint inspections only
- Structural and mechanical inspections are done by the [Department of Permitting Services](#)
- [HHS Licensure and Regulatory Services](#) inspects food, healthcare,

Special Inspections



- Court ordered (landlord-tenant hearings)
- Adoption and foster care home inspections
- Neighborhood code enforcement operations
- Federally funded and inclusionary zoned rental units

INSPECTION FEES



Housing Code Complaint Inspections \$0

[Executive Regulation 02-17 “Establishing Inspection Fees](#) requires multifamily property owners to correct violations by the second inspection or pay more for subsequent inspections in addition to civil citation fines.



Multifamily Rental Property Inspections

[29.20.02.03 Inspection Fees](#)

1st Inspection \$0
2nd Reinspection \$0
3rd Reinspection and up may require fees

[Executive Regulation 13-17 “Unmaintained Vacant Dwellings”](#) must be inspected at least once in a 12-month period. If an owner fails to correct violations DHCA may clean and secure the property or seek a court order to demolish a hazardous property. A tax lien would be placed on the property to recover all expenses.



[Sec. 26-22 Designation of Unmaintained Vacant Dwellings](#)

[Sec. 26-24 Fees; Lien](#)

1st Inspection \$0	6th Inspection \$600
2nd Inspection \$200	7th Inspection \$700
3rd Inspection \$300	8th Inspection \$800
4th Inspection \$400	9th Inspection \$900
5th Inspection \$500	10th Inspection \$1000

GENERAL PRE-INSPECTION LIST

The items on the list below should be safe and in good condition. Additionally, all Sec. 26-6 [Standards for Basic Equipment and Facilities](#), Sec. 26-7 [Standards for Light, Ventilation, and Heating](#), and Sec. 26-9 [Maintenance of Dwelling Units](#) standards must be met.

EXTERIOR	INTERIOR
✓ Foundation, Roof, Porches, Decks, and Exterior Walls	✓ Smoke and Carbon Monoxide alarms manufactured less than 10 years ago
✓ Exterior Paint and Property Grounds	✓ Windows, Screens, and Doors. Window Guards are required in multifamily rental units located above the ground floor and occupied by children under age 11 or if tenant requested.
✓ Driveway, Parking lot, and Walkways	✓ Electrical Outlets, Switches, Lighting Fixtures, and GFCI
✓ Gutters, Downspouts, and Storm Drains	✓ Electrical panels, Meters, Thermostats, Heating, and Cooling Systems
✓ Exterior Lighting and Address Signs	✓ Stove, Oven Burners, Hood Fan ✓ Leave immediately and call 911 if you smell gas!
✓ Fences, Gates, and Swimming Pool Enclosures	✓ Faucet, Sink, Refrigerator, Dishwasher, Garbage Disposal
✓ Exterior Doors with Secure Locking Mechanism	✓ Floors, Cabinets, and Countertops
✓ Exits are unobstructed to the Public Right of Way	✓ Laundry Facilities
✓ Adequate Trash and Recycling Container Capacity	✓ Staircases, Guardrails, and Handrails
✓ Maintain plumbing (clean drains, repair leaks, check water pressure and temperature)	✓ Bathtub, Shower, Sink, Towel Bar
✓ Multifamily Illuminated Exit Signs, Stairwell/ Hallway Lighting and Self-closing Fire Doors	✓ Multifamily dwelling unit entry doors within an enclosed hallway are self-closing and self-latching.

RE-INSPECTION



- The inspector will re-inspect a property to verify that all violations have been corrected.
- If there are any uncorrected violations civil citations can be issued or a final notice of violation maybe issued to the property owner.
- Generally, if a non-urgent violation is not corrected within 15 days a civil citation will be issued.
- Visit [e Property](#) to check the status of an inspection.
- Most violations are subject to a \$500 Class A civil citation.
- DHCA will make every effort to work with property owners and occupants to correct violations.
- However, when violations remain uncorrected after repeat offenses and civil citations a District Court hearing will be held to obtain an abatement order requiring corrective actions.

REPAIRS



- [Landlords and tenants](#) are responsible for making sure rental property defects are reported and repaired as soon as possible.
- Contact the [Department of Permitting Services \(DPS\)](#) to obtain the necessary permits and to comply with current building codes.
- [Maryland's Department of Labor](#) maintains a list of licensed contractors.
- Never pay the total amount to a contractor before a repair or work project is completed as described in the signed and dated work contract.
- Montgomery County's [Office of Consumer Protection](#) works with the public to prevent, investigate, and resolve contractor scams and fraud.

AVOID HOUSING CODE COMPLAINTS



BE A GOOD NEIGHBOR



Department of Housing and Community Affairs

AVOID HOUSING CODE COMPLAINTS



BE A GOOD NEIGHBOR



Department of Housing and Community Affairs

MAINTENANCE STANDARDS

Sec. 26-9 Maintenance Dwelling Units

Sec. 26-10 Maintenance Non-Residential Property



Maintain the interior and exterior of dwellings clean and free of defects and infestations.



Maintain and test smoke and carbon monoxide detectors monthly. Replace all detectors manufactured 10 or more years ago.



Maintain all plumbing and repair any leaks or issues promptly.



Keep the dwelling free of peeling paint.



Grass and weeds must be no more than 12 inches tall.



Shovel snow off sidewalks and the public right of way within 24 hours.



Rental properties built before 1978 must maintain current [Maryland Department of Environment \(MDE\)](#) lead certificates.



Smoking in a multifamily rental property's common areas such as hallways, laundry rooms, game rooms, playgrounds is prohibited!



Radon testing is only required in Montgomery County before a single-family home is sold.

MINIMUM DWELLING STANDARDS

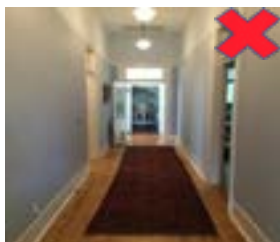


- 150 square feet of habitable space for one person
- 100 square feet of habitable space for each additional person over a year old
- A safe unobstructed fire exit in each habitable room directly to the outside
- 70 square feet in sleeping area for 1 person (sleeping room minimum width is 7 feet)
- 50 square feet of sleeping area for 2 or more people over 1 year old
- Full kitchen and bathroom
- Hot water 120-140°F
- Heating system capable of 68°F or higher
- Air-conditioning capable of maintaining habitable rooms less than 80°F from June 1st to September 30th in multifamily and townhouse rental properties. All other types of rental properties that provide air-conditioning (AC) must maintain the AC in good working order. Detached single-family homes and dwellings located on a site listed in the National Register of Historic Places are not required to provide AC.
- Smoke and carbon monoxide detectors manufactured less than 10 years ago on each level near or inside sleeping areas, hallways, and kitchens
- Carbon monoxide detectors are required in all rental units and homes with attached garages and fuel burning (gas, oil, wood, propane, kerosene etc.) appliances (fireplaces, heaters, stoves, dryers etc.)
- Landlords of multifamily apartments and condos located above the ground floor must install window guards or stops in all habitable spaces if the apartment is occupied by children age 10 or younger or upon any tenant's request.

HABITABLE SPACE

Habitable space or a habitable room is any finished space in a dwelling used or intended to be used for living, sleeping, cooking, or eating, except a bathroom, laundry room, food pantry, hallway, closet, storage space, and similar areas.

A residential dwelling must have at least 150 square feet of habitable space for one person and 100 square feet for each additional person over age 1.



Sec. 26-5 Space, Use, and Location

SLEEPING AREAS

Sec. 26-5 Space, Use, and Location

Sec. 26-8 Fire Safety and Security

Sec. 22-40 Emergency Exits

Sec. 26-8A Carbon Monoxide Alarm or Detector Required

- A working smoke detector less than 10 years old near each sleeping area
- A working carbon monoxide detector near or inside of the room of a home and in all rental units
- A doubled keyed deadbolt is not permitted, A thumb turn deadbolt lock is required on the inside of exit doors
- Heated room temperature of at least 68°F
- For townhomes and multifamily rental properties, air-conditioning capable of cooling rooms to at least 80°F is required from June 1st to May 30th

- Must be at least 7 feet wide
- 70 square feet for one person
- Two or more people over age 1 must have at least 50 square feet per person
- A safe and unblocked fire escape window
- 50% of the ceiling height must be at least seven feet high
- Basements must have a minimum ceiling height of six feet eight inches
- A second exit path by door, stairs, or hallway must provide direct access to the dwelling's exterior
- Exit stairs must not be located over a heating system



1 Person Sleeping Room must be at least 70 sq.ft. 50 sq.ft. is required for each additional person



A Safe Fire Exit Directly to Outside



Carbon Monoxide Detectors Manufactured Less than 10 Years Ago



Smoke Detectors Manufactured Less than 10 Years Ago



6 feet 8 inches ceiling height



Interior Thumb Turn Deadbolt Lock

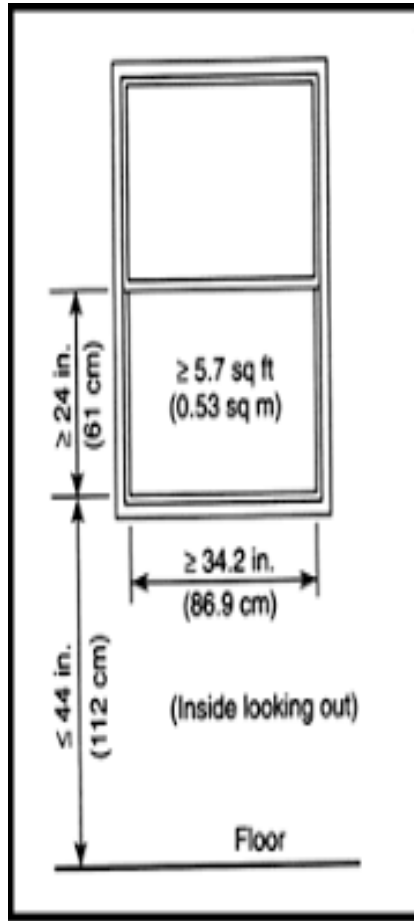
WINDOW SAFETY

Sec. 26-7 Light, Ventilation, and Heating

All habitable rooms used for sleeping must have at least one safe and unblocked emergency window exit (safe egress). All windows must function properly, have locks, and screens. In certain multifamily rental units window guards are required.

The emergency window exit must...

- Be at least 5.7 square feet or 5 square feet in net clear opening on the ground level.
- Can be opened without the use of a tool or key.
- Have a minimum net clear opening height of 24 inches and a minimum net clear opening width of 20 inches; and
- Have the bottom of the window opening or window sill height no more than 44 inches above the room's floor.



Safe Emergency Exit



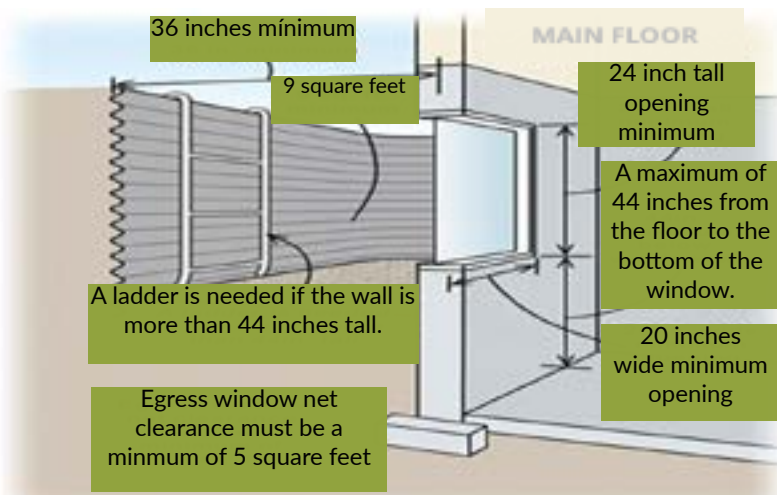
Unsafe Blocked Emergency Exit



If the bottom of a window or the window sill is partially built in the ground a window well is required.

A window well must be ...

- At least 36 inches from the wall of the house all around;
- At least 36 inches or equal to the width of the opening in the foundation wall;
- No deeper than 44 inches unless at least one wall is a graduated and climbable slope or steps for escape and access.



WINDOW SAFETY

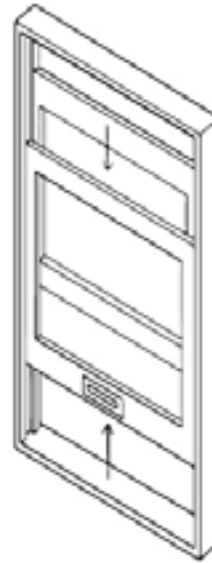
REQUIREMENTS FOR APARTMENT AND CONDOMINIUM BUILDINGS ONLY

Rigid metal window guards or window stops must be installed in every habitable room of any rental apartment or condo located above the ground floor to prevent windows from opening more than 4 inches when:

- 1) The unit is occupied by a child age 10 or younger.
- 2) Any tenant requests window guards.

- Tenants without minor children under age 11 do not have to have window guards installed.
- All window guards must be securely screwed into the window frame by the landlord at no cost to the tenant.
- Landlords must notify tenants in [writing](#) about the [window guard law](#) at least annually at one of the following points in time: a) at lease signing, b) at lease renewal, c) when the rent is increased, or d) every February 1st.
- Window guards are not required in basement or ground floor units, on windows that do not open, in windows that have a permanently bolted air-conditioning unit with no opening more than 4 inches, and in windows used to access a fire escape ladder or an exterior balcony.
- Landlords must maintain a current inventory of the types of devices used, the number installed in each unit, and the location of each device.
- Landlords and tenants must ensure that window guards/stops remain permanently installed in rental units occupied by children under age 11.

Window protection devices must comply with all building and fire safety codes. The top and the bottom of the window may not open more than 4 inches.

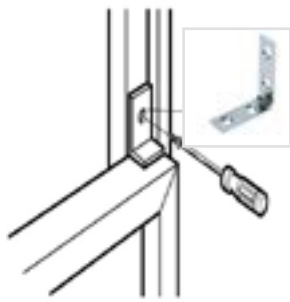


In rental units located within 20 feet of the finished ground level, the window protection device must have an ASTM F2090 compliant emergency escape release mechanism.

EXAMPLES OF CODE COMPLIANT WINDOW GUARDS/STOPS



Metal Block



Metal Bracket



Metal Bars



WINDOW SAFETY

CHILD SAFETY



According to the Academy of American Pediatrics accidental window falls cause 12 deaths and 5,000 injuries among children ages 10 and under each year! In 80% of the accidental window fall cases a window screen was in place before the fall.

- Never leave young children alone in a room even when window guards have been installed to prevent a window from opening more than 4 inches.
- Keep windows closed and locked when young children are present.
- Never depend on screens to keep children from falling out of windows.
- Never place any furniture or any object near a window that a child can climb on.
- Do not let children play near windows, balconies, and patio doors.
- Use windows outside of a child's reach for ventilation.
- Teach children and others about the danger of accidental window falls.
- Remove any objects that may be thrown by a child to break a window.
- Never let children play in hallways, stairways, and other common areas that may not have window guards.

RESIDENTIAL RENTALS

Sec. 29-16 Required License



- A property owner renting a dwelling for more than 30 days must obtain a rental license from [DHCA's Licensing and Registration Unit](#) .
- A property with an accessory apartment (basement apartment, in-law suite, tiny house etc.) with separate facilities for cooking, eating, sleeping, and sanitation, rented or unrented, must be registered and licensed with DHCA even if the unit is unoccupied or not being rented.
- A short-term residential rental (less than 30 days) must be licensed with [Montgomery County's Department of Health and Human Services \(HHS\) Food and Facilities Licensing](#) .
- A maximum of 6 guests over the age of 18 is permitted in a short-term rental, however the property must have the minimum required habitable space and sleeping areas for the total number of occupants.
- Long-term and short-term residential rentals must have 100 sq. ft. of habitable space for one person, 150 sq. feet for each additional person, and 50 sq.ft. of sleeping area per person for 2 or more.
- Property owners are responsible for ensuring that their property is in compliance with all zoning, housing, building, fire, and other applicable safety codes.

*DHCA does not have jurisdiction over accessory dwelling units located in the following municipalities: [City of Rockville](#), [City of Gaithersburg](#), and the [Towns of Laytonsville](#), [Barnesville](#), [Garrett Park](#), and the [Villages of North Chevy Chase](#). Homeowners in the [City of Takoma Park](#) must obtain a one-time accessory dwelling unit license from DHCA and maintain a renewable rental license with the City of Takoma Park

ACCESSORY DWELLING UNITS

TYPES OF ACCESSORY DWELLINGS UNITS



DETACHED



ATTACHED



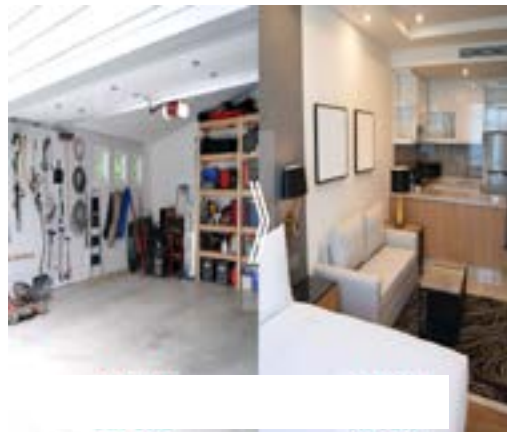
INTERIOR (UPPER LEVEL)



INTERIOR (LOWER LEVEL)



ABOVE GARAGE



GARAGE CONVERSION

ACCESSORY DWELLING UNITS

[Sec. 26-6 Standards for Basic Equipment and Facilities](#)

[Sec. 29-19 Licensing Procedures](#)

[Sec. 59-3.3.3 Accessory Residential Uses](#)

Homeowners in Montgomery County must obtain a [license](#) to construct, use, or rent an Accessory Dwelling Unit (ADU) on the same lot as their principal dwelling. An ADU is a second dwelling unit that is part of a detached home or in a separate structure that includes facilities for cooking, eating, sanitation, and sleeping.



- The unit or the principal dwelling must be the primary residence of the license holder.
- Use the same street address as the principal dwelling.
- May not exist with any other type of residential rental such as a short-term rental or rented room.
- Must have 150 sq.ft. of minimum habitable space for one person plus 100 sq.ft. for each additional person, which includes at least 50 sq.ft. of sleeping area for 2 or more people over age 1
- Maximum occupancy is 2 adults over the age of 18 and their children.
- Maximum floor area for a “detached” unit must be the least of 50% of the principal dwelling, 10% of the lot area, or no more than 1,200 square feet.
- Maximum floor area for an “attached” unit is 1,200 square feet or if the unit is in the basement it may be equal to the square footage of the main level living space.
- If the unit is not located within 1 mile of [Metrorail](#), the [Purple Line](#), or [MARC Rail Station](#) it must meet one of three parking requirements ...
 1. One on-site parking space for the accessory dwelling unit in addition to the required on-site parking space for the principal dwelling.
 2. If a new driveway is constructed for the accessory dwelling 2 on-site parking spaces must be provided.
 3. A [waiver](#) is obtained to validate that there is adequate on-street parking from the [Office of Zoning and Administrative Hearings \(OZAH\)](#).

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SMOKE DETECTORS



According to the [National Fire Protection Association](#) 40% of home fire deaths occur in properties without working fire alarms!

- All smoke detectors manufactured more than 10 years ago must be replaced!
- Non-existent, expired, or defective smoke detectors is an urgent housing code violation.
- Hard-wired smoke detectors must be replaced only with hard-wired units.
- Replace battery operated smoke detectors with 10 year lithium ion sealed battery-operated units or with hard-wired detectors with a back-up battery.
- Replace back-up batteries at least once or twice per year in a hard-wired detector.
- If the unit chirps the battery is probably dead.
- [Install smoke detectors](#) on each level of the home, in hallways, stairwells, and in/or near sleeping areas.
- Test smoke alarms monthly by pushing the test button.
- Hearing impaired people may use special detectors with flashing lights and bed shakers.
- Never disconnect, paint or cover up a smoke detector!
- Visit Montgomery County's [Fire and Rescue website](#) for more smoke alarm and fire safety information.

[Sec. 22-96 Smoke Detectors/Alarms](#)

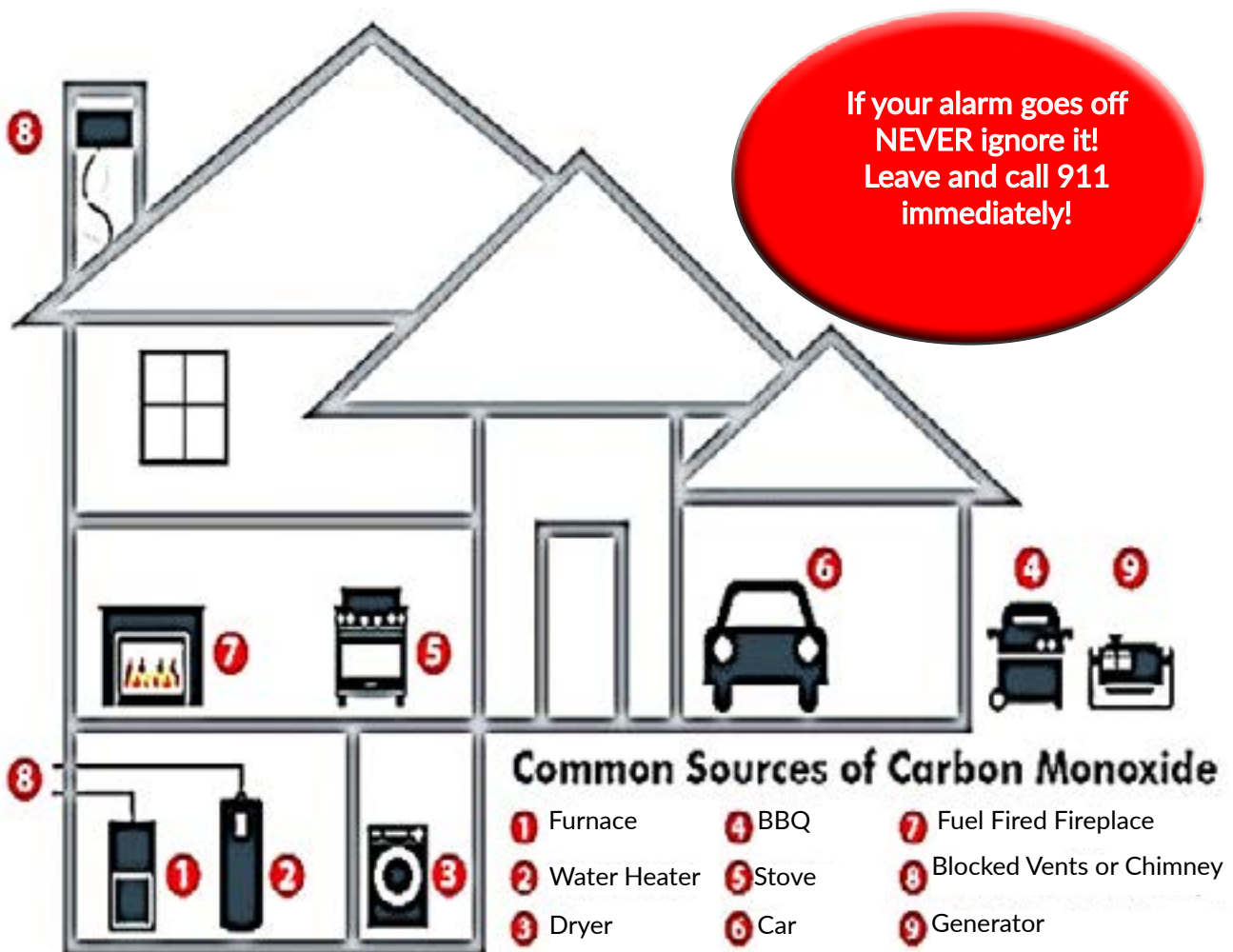
[Sec. 26-8 Fire Safety and Security](#)

CARBON MONOXIDE DETECTORS

According to the Centers for Disease Control, every year 50,000 people go to the hospital emergency room and 430 die due to accidental carbon monoxide poisoning!

- Carbon monoxide is a silent killer because it can not be seen, smelled, or heard.
- As per Maryland law, all rental properties including properties powered only by electricity must have carbon monoxide detectors installed.
- [Carbon monoxide](#) detectors or combination smoke and carbon monoxide detectors must be installed on each level in homes with fuel burning appliances or an attached garage
- If your carbon monoxide alarm sounds exit immediately and call 911!
- Carbon monoxide detectors will not detect a natural gas leak!
- Since [natural gas](#) is odorless a chemical additive called mercaptan is used to give natural gas a bad odor that smells like rotten eggs. If you smell gas leave immediately and call 911!
- Please visit the [Washington Gas](#) website to learn more about how to avoid and detect a natural gas leak.

Common Sources of Carbon Monoxide in Your Home



[Sec. 26-8A. Carbon Monoxide Alarm or Detector](#)

TRASH AND SOLID WASTE

Sec. 48-24. Storage and Removal



- Trash must be stored in strong plastic or metal containers that have tight fitting lids.
- Occupants in single-family homes and townhouses are responsible for using the proper trash and [recycling](#) containers.
- [Multifamily property owners](#) are responsible for providing tenants with an adequate number of trash and recycling containers.
- Commercial property owners and occupants are both responsible for solid waste disposal and recycling.
- Call [MC311](#) or visit the [Department of Environmental Protection](#) web page for more information about trash collection, recycling, and illegal dumping.

TREES

[Sec. 26-9 Maintenance of Dwelling Units](#)



[Sec. 49-10. Obstruction of Public Rights-of-Way](#)



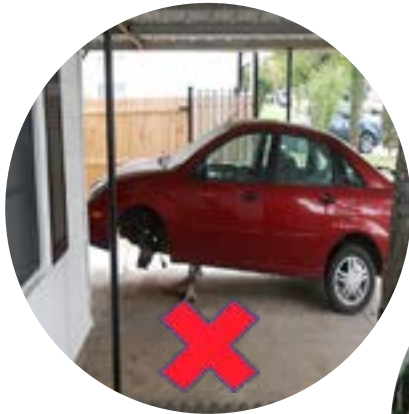
Shrubs, trees, vines, and other vegetation including dead trees and branches must be maintained so that they do not pose a risk to health and safety.

- Generally, property owners are responsible for removing trees and limbs that fall on their property ([Hensley v. Montgomery County, 25 Md. App 361 \(1975\)](#)).
- The County has no legal authority to require that an owner remove the owner's fallen tree from an adjacent property.
- Maryland law permits property owners to cut back tree branches and vegetation encroaching from an adjacent property but only to the property line. Property owners may not trespass onto the adjacent property for purposes of removing the encroaching branches and vegetation ([Melnick v. C.S.X Corp., 312 Md. 511 \(1988\)](#)).
- If a property owner is unable to resolve a dispute regarding a tree that has fallen from an adjoining property, they are advised to contact their homeowner's property insurance company.
- For assistance with maintaining and protecting trees visit the Department of Environmental Protection's [Montgomery County Tree Program](#) web page or call [MC 311](#) or 240-777-0311.
- Dead or dangerous trees on County property or the public right of way are referred to the [Department of Transportation](#) or to MC 311. ([Sec.49-10. Obstruction of Public Rights-of-way](#))

VEHICLES

Sec. 26-9 Maintenance of Dwelling Units

Sec. 59.6.2.5 Vehicle Parking



- Vehicles parked on residential property must be operable and display valid license plates.
- Inoperable vehicles must be stored in an enclosed garage or storage building.
- Abandoned or inoperable vehicles parked on the street are referred to the Montgomery County Police Abandoned Vehicles Section 240-773-6411.
- No more than one vehicle may be parked for every 160 square feet of surfaced area in the front yard. The parking surface area can be no more than 30-35% in a front yard depending on the zone, contact DPS
- Heavy commercial and recreational vehicles are prohibited from parking on residential streets, except for loading and unloading. Violators can be ticketed by the police.
- A heavy commercial vehicle has at least one of the following characteristics: a gross vehicle weight of more than 10,000 pounds, a manufacturer's rated load capacity of more than one ton, is 21 feet long or longer (including any object loaded onto the vehicle), and/or is more than eight feet high.

VIOLATIONS

A NOTICE OF VIOLATION IS ISSUED TO THE PROPERTY OWNER AND CORRECTIVE ACTION IS REQUIRED BEFORE THE DEADLINE.

COMMON VIOLATIONS



URGENT VIOLATIONS

MUST BE CORRECTED WITHIN 24-48 HOURS OR THE PROPERTY WILL BE CONDEMNED AS "UNFIT FOR HUMAN HABITATION"

Sec. 26-13 Designation of Unfit Dwellings and Unsafe Non-Residential Structures

NO DETECTOR



HOARDING



GAS LEAKS



NO HEAT OR AIR-CONDITIONING



DANGEROUS ELECTRICAL WIRING



SEVERE INFESTATIONS



EXCESSIVE LEAKS



NO WINDOW GUARDS



EXCESSIVE MOLD



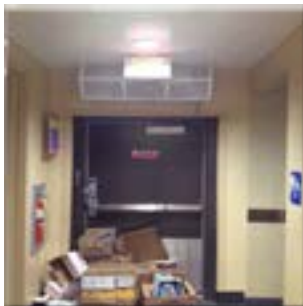
NO UTILITIES



NO FIRE EXIT



BLOCKED FIRE EXIT



STRUCTURAL HAZARDS



INOPERABLE BATHROOM



URGENT VIOLATION CONDEMNATION

Sec. 26-13 Designation of Unfit Dwellings and Unsafe Non-residential Structures

Any person occupying a condemned property must vacate the property immediately!

- The occupants may not return to a condemned property until DHCA confirms that all dangerous health and safety violations have been resolved.
- If a rental property is condemned through no fault of the tenant, the landlord may be required to pay the [tenant's relocation expenses](#) .
- DHCA may condemn any house or building as unfit for human habitation that ...

- ✓ Is damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested
- ✓ Lacks entirely or partly illumination, ventilation, heating, water, or sanitation facilities
- ✓ Generally is unsanitary or dangerous to the health and safety of the occupants and/or the public
- ✓ Is vacant and unoccupied for the purpose for which it was built or is a public nuisance

- ✓ An owner of a condemned or abandoned property must secure all windows and doors and keep them secured against unauthorized entry.

- ✓ The "condemned property" sign must not be removed except as authorized by DHCA.

- ✓ For abandoned condemned structures DHCA will remove exterior solid waste, cut tall grass, secure the property's exterior, and recover the costs via a tax lien.



OVERCROWDING

Sec. 26-5 Space, Use, and Location

Overcrowding complaints are usually related to an increase in the number of cars parked on the street, garbage accumulation, noise levels, [room rentals](#), unlicensed accessory apartments, and short-term rentals. However, overcrowding is only a housing code violation when the number of occupants exceeds the required minimum sleeping area or habitable space.



Sleeping rooms must be at least 70 square feet for one person or 50 square feet for each person if occupied by more than one person. (Each person over age 1 counts as one occupant.)



A dwelling's habitable space must be at least 150 square feet for one person and 100 square feet for each additional person over age 1.



INFESTATIONS

Sec. 26-9 Maintenance of Dwelling Units

- Pest infestations are a housing code violation for all types of dwellings.
- Property owners and tenants are both responsible for keeping dwellings clean to avoid and eliminate an infestation.
- Avoid clutter and quickly resolve excessive humidity, leaks, and stagnant or pooled water.
- Use trash cans with tight fitting lids.
- [Recycle](#) paper, cardboard, wood, and other items that contribute to infestations.
- Store food in sealed containers.
- Repair cracks, holes, broken screens or windows, leaks, and standing water.
- Never bring mattresses, furniture, pets, or clothing found on the street into your home, it may have insects or insect eggs!
- Keep grass, weeds, and shrubs trimmed.
- Don't keep firewood, rotting wood, or dead plants near your home.
- Don't leave dirty dishes, open kitchen garbage or pet food overnight!



[HHS Environmental Vector Control \(Rat Control\)](#) investigates complaints and enforces regulations associated with the elimination and control of rats. As per [Chapter 39](#) of the Montgomery County Code it is unlawful for anyone to allow their property to be infested with rats. If you suspect a rat infestation call 240-777-3986.



Mice



Bed Bugs



Mold



Cockroaches



Mosquitos



Termites

MOLD

Sec. 29-22 Inspection of Rental Housing



- The [Environmental Protection Agency \(EPA\)](#) recommends [moisture control](#) as the best strategy for preventing and reducing mold growth. However, there are no Federal, State, or County standards or limits for airborne mold.
- Use an inexpensive [humidity](#) monitor to make sure humidity levels are no more than 50%.
- Set the thermostat between 68-78 degrees Fahrenheit.
- Never turn-off your heating/cooling system for long periods of time, change air filters, and service annually
- Avoid condensation build-up on windows, walls, ceilings etc.
- Use the heating and cooling system, dehumidifiers, fans, or open windows to decrease humidity/condensation.
- Avoid oversized heating and cooling systems as reduced air circulation will not remove enough moisture from the air.
- Always ventilate appliances, kitchens, bathrooms, and laundry rooms.
- Never install carpet in bathrooms and damp areas.
- Repair or report leaks and standing water as soon as possible.
- Clean light mold and dry surfaces before painting or caulking.
- Call a certified mold remediation professional to safely and effectively remove heavy and severe mold.

HOARDING

Sec. 26-13. Designation of Unfit Dwellings and Unsafe Nonresidential Structures

Sec. 26-8 Fire Safety and Security

- According to the [American Psychiatric Association](#), hoarding disorder occurs in approximately 2-6% of the U.S. population.
- A home with excessive clutter accumulation or hoarding can be condemned as “unfit for human habitation”.
- Home photos 6-9 are examples of hoarding conditions may require condemnation.
- [Hoarding](#) is a public safety risk that is most often reported to DHCA by family members, property managers, and neighbors.
- Rental property owners and tenants may be cited for a hoarding code violation.
- Information about efforts to address hoarding in Montgomery County can be found in this [report](#).
- Contact [HHS Adult Protective Services](#) if you are concerned about abuse, neglect, an individual's physical or mental health, 240-777-3000 or MC 311.
- Contact [MC 311](#) to report a hoarding complaint.



TROUBLED PROPERTIES

Sec. 29-22 Inspection of Rental Housing

Executive Regulation 5-17 Troubled Properties established a scoring method to identify Troubled Properties based on the severity and quantity of violations in a multifamily rental property. Troubled Properties have the following health and safety violations...



Rodent or insect infestations affecting 20% or more of the rental units.



Extensive and visible mold growth on interior walls and exposed surfaces.



Rooms or sleeping areas that do not have a safe and unobstructed emergency fire exit directly to the outside.



Significant or routine water leaks causing chronic dampness, mold growth, or property damage in more than one unit.



Lack of one or more utilities (electricity, gas, water etc.) that were not shut off due to tenant non-payment.

A list of Troubled, At-Risk, and Compliant multifamily rental properties can be found on our [Troubled Properties Analysis](#) web page.

ENFORCEMENT

[Sec. 26-12 Notice of Violation](#)

[Sec. 26-15 Severe Conditions and Corrective Actions](#)

CORRECT VIOLATIONS BY THE NOTICE OF VIOLATION DEADLINE TO AVOID ADVERSE LEGAL ACTION!



- A notice of violation is issued to the property owner to list all housing code violations found during the inspection.
- Urgent violations must be corrected within 24-48 hours.
- Non-urgent violations must be corrected within 30 days or less.



- An inspection is conducted prior to the court date to assess compliance.
- Visit [eProperty 2.0](#) to check the status of an inspection.
- Most uncorrected violations are subject to a \$500 civil citation for each violation.



- In most cases, DHCA is able to work with property owners and occupants to correct violations.
- Under certain circumstances, a district court judge can compel non-compliant property owners to correct violations and pay fines under the issuance of an abatement order.

CODE ENFORCEMENT PROCESS

Step 1

A property is inspected.
If no violation is found
the case is closed

Step 2

A "Notice of Violation" or
an "Emergency Field Notice"
is issued for an urgent
violation.

Step 3

Violations are corrected
by the deadline or DHCA
may authorize a
["Repair and Deduct"](#) or
["Clean and Tax Lien"](#)

Step 4

Civil citations and fines
are issued for each
uncorrected violation.

Step 5

A court hearing
subpoena is issued within
60-90 days.
An abatement order can be
granted in court to correct the
violations in 30 to 60 days.

Step 6

The property owner corrects
the violations and fines are
paid or a judge will compel
property owners to correct
violations.



QUESTIONS AND ANSWERS



1. My neighbor's grass is very tall is that a code violation?

Yes, grass and weeds taller than 12 inches is a code violation. However, some homeowner associations may require a grass height that is less than 12 inches.



2. There is an abandoned unmaintained house on my street what can be done?

Call [MC311](#), an inspector will enforce all applicable codes. If the owner cannot be found Montgomery County will address overgrown vegetation, solid waste, and will secure the property. A tax lien will be placed on the property to recover the cost.



3. My neighbors are very noisy is that a code violation?

Excessive [noise](#) is not a housing code violation, but a complaint can be reported to the [Department of Environmental Protection](#), the [Police Department's](#) non-emergency number 301-279-8000, or [MC311](#).



4. Can my neighbor legally run a business out of his home?

Under certain circumstances it may be allowed. Any home business that has more than five customers per week must be registered with DPS. For more information visit the [Department of Permitting Services](#) website or call [MC311](#) or 240-777- 0311.



5. My neighbor is renting out his basement. Is this legal?

A basement apartment rental or accessory dwelling unit must be housing code compliant and have a valid [rental license](#). All rental properties licensed by DHCA can be found on [eProperty 2.0](#).



6. It is always difficult to find street parking in my neighborhood. How can street parking be reserved for permit holders only?

To request neighborhood parking by permit, please visit the [Division of Parking Management](#) web page or call [MC 311](#).

QUESTIONS AND ANSWERS



7. Too many people live in my neighbor's house. How does DHCA determine if a residential dwelling is overcrowded?

DHCA measures and compares the amount of [habitable space](#) and the size of sleeping areas to confirm an overcrowding violation. A residential dwelling must have 150 square feet for 1 person and 100 square feet for each additional person. Sleeping areas must have at least 70 square feet for 1 person and 50 square feet per each additional



8. Are landlords required to install and maintain air-conditioning in good working condition for all rental properties?

Air-conditioning must be installed and maintained in [multifamily and townhouse rental properties](#) to cool [habitable spaces](#) to 80°F or less from June 1st to September 30th. All other rental property types that have air-conditioning installed must maintain it in good working condition. Although there are no specific turn on dates for heat, all dwellings must have the capacity to provide a minimum temperature of 68°F during the heating season.



9. Are trash bags placed on the side of the road on trash pick up day a code violation?

No. However, trash and solid waste on the grounds of a property is a housing code violation. Please call [MC311](#) to report a housing code violation or the [Department of Environmental Protection](#) for more information about trash collection and recycling.



10. Can I park my inoperable car in my driveway?

No, vehicles that are inoperable and untagged must be stored in an enclosed garage or storage facility to avoid a housing code violation.



11. I am renting a single family home for 12 months but my landlord is also renting out an Air bnb basement apartment on the same property. Is this allowed?

No, short-term or Air bnb rentals may not exist with any other type of residential rental on the same property.



12. What happens when a housing code violation is found?

A [notice of violation](#) is issued to the property owner and the violation must be corrected within the specified deadline to avoid a civil citation.



**HOUSING CODE ENFORCEMENT
EDUCATION OUTREACH**

HOUSING AND BUILDING

SAFETY IS OUR

TOP PRIORITY!

THANK YOU FOR YOUR

CODE COMPLIANCE!



240-777-0311
www.montgomerycountymd.gov/dhca