



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Troubled Properties	Number 05-17
Originating Department Housing and Community Affairs	Effective Date

Department of Housing and Community Affairs

Montgomery County Regulation on:

## TROUBLED PROPERTIES

Issued By: County Executive  
Regulation Number: 05-17

Authority: Montgomery County Code, 2014, Section 29-22(b)(2)

Supersedes: N/A

Council Review: Method Two (2) under Code Section 2A-15

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Comment Deadline: August 1, 2017

Effective Date: \_\_\_\_\_

Sunset Date: None

### SUMMARY:

This regulation sets forth a methodology for designating Troubled Properties under Section 29-22(b)(2) of the Montgomery County Code, based on the severity and quantity of violations of Chapter 26, with said rental housing being subject to annual inspections and the requirement to develop and implement a corrective action plan under Section 29-22(c).

### CHAPTER 29. LANDLORD-TENANT RELATIONS — REGULATIONS

*[insert the following in entirety below COMCOR 29.30.01 - Establishment of Contractual Obligations for Maintenance Costs in Single Family Rental Units]*

#### COMCOR 29.40.01 Troubled Properties

##### 29.40.01.01 Purpose

The minimum standards that apartment complexes and personal living quarters buildings (“rental housing” or “rental housing properties”) must meet are set forth in Chapter 26 of the Montgomery County Code. During its inspection of rental housing, the Department conducts a visual assessment of rental housing for compliance with Chapter 26. Any violation of these standards is considered non-compliant, and is so noted by the Department without distinction as to the severity of the violation, except those violations cited under Section 26-13 and



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Section 26-15 of the Code. However, for the purposes of meeting the requirements of Section 29-22(b)(2), the Department shall categorize and rank violations in the order of severity as outlined below, to determine if rental housing is to be designated as a Troubled Property.

This regulation sets forth a methodology for designating Troubled Properties under Section 29-22(b)(2) of the Montgomery County Code, based on the severity and quantity of violations of Chapter 26, with said rental housing being subject to annual inspections and the requirement to develop and implement a corrective action plan under Section 29-22(c).

### 29.04.01.02 Definitions

Unless defined below, all terms herein have the same meanings as those in Chapter 29 of the Code.

- (a) *Apartment complex* is defined in Chapter 29 of the Code.
- (b) *Corrective action plan* means a written document that describes in detail the specific actions that a Landlord must take within a specified time schedule to correct violations identified in the most recent inspection of a rental housing conducted by the Department.
- (c) *Multifamily Dwelling Unit* is defined in Chapter 29 of the Code.
- (d) *Personal living quarters building* is defined in Chapter 29 of the Code.
- (e) *Tenant Organization* is defined in Chapter 53A of the Code.
- (f) *Troubled Property* means rental housing which due to the severity and quantity of violations is subject to annual inspections by the Department and a corrective action plan.

### 29.04.01.03 Classifying Violations by Severity

- (a) The Department shall maintain and make public a list of violations (“violations list”) and the assigned level of severity based on the four categories described below. The violations list may be revised when and as determined by the Director.
- (b) Health and Safety violations are generally those that present an imminent or immediate risk to tenants including, but not limited to:
  - (1) Those violations listed in Section 29-22(b)(1) of the Code;
  - (2) Violations which cause the Department to exercise the powers delineated in Section 26-13 and Section 26-15 of the Code;
  - (3) Missing, disabled, or non-functioning smoke detectors;
  - (4) Broken entrance doors and/or missing or broken locks; or



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(5) Any other violation designated as a Health and Safety violation on the list described in Section 29.04.01.03(a).

(6) Unless the magnitude of a violation necessary to meet the level of a Health and Safety violation is specified in the Code or regulation, a violation must meet the requirements of Section 26-13(a) of the Code in order to achieve this designation.

(c) Higher Priority Violations are generally those that do not present an imminent or immediate risk to tenants' health or safety, but require major repairs, including but not limited to:

- (1) Damage to interior doors and/or door locks;
- (2) Major wall repairs;
- (3) The limited presence of mold that does not meet the standard set in Section 26-13(a)(3) of the Code;
- (4) Overcrowding;
- (5) Infestation not rising to the level established in Section 29-22(b)(1)(a);
- (6) Inadequately functioning major appliance, such as a refrigerator not cooling, or a stove not heating, to the required temperature;
- (7) Other damage to windows not related to egress;
- (8) Missing address indicators; or
- (9) Any other violation designated as a High Priority violations list described in Section 29.04.01.03(a).

(d) Medium Priority Violations are generally those related to ongoing maintenance issues including, but not limited to:

- (1) Poor housekeeping;
- (2) Faucet leaks and other non-emergency plumbing repairs;
- (3) Minor wall and/or tile repairs;
- (4) Carpet damage;
- (5) Deteriorated refrigerator gaskets;
- (6) Old, poorly functioning HVAC filters;
- (7) Inadequate cooling and/or heating; or
- (8) Any other violation designated as a Medium Priority violations list described in Section 29.04.01.03(a).

(e) Lower Priority Violations are generally those of a superficial or cosmetic nature including, but not limited to:



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- (1) Interior walls and ceiling in need of paint;
- (2) General cleaning;
- (3) Lights and light covers in need of repairing or replacing;
- (4) Window blinds in need of repairing and replacing;
- (5) Broken or damaged toilet seat;
- (6) Broken or damaged bathroom towel rack and/or toothbrush holder;
- (7) Bathtub in need of re-glazing and/or repairing grout and caulking; or
- (8) Any other violation designated as a Lower Priority violations list described in Section 29.04.01.03(a).

(f) The quantity of violations under each category necessary to designate rental housing as a Troubled Property, as measured by a scoring system, is set forth in Section 29.04.01.04 of this regulation.

### 29.04.01.04 Designating Troubled Properties

(a) After an inspection of rental housing, and based on the inspection findings, the Department shall calculate a Total Property Score to be assigned to that rental housing based on the four criteria listed below:

- (1) The severity of the violations found in the rental housing;
- (2) The total number of violations found in the rental housing;
- (3) The total number of Multifamily Dwelling Units in which no violations were found; and
- (4) The age of the rental housing.

(b) *Severity of Violations ("SV") score.*

- (1) The Severity of Violations score shall be based on the following point system:
  - (i) Five (5) points for each Health and Safety Violation found;
  - (ii) Three (3) points for each Higher Priority Violation found;
  - (iii) Two (2) points for each Medium Priority Violation found;
  - (iv) One (1) point for each Lower Priority Violation found.
- (2) The Department will assign the appropriate point value to each violation observed based on its severity, and will add the points together to develop a total number of points. The Department will then divide this total number of points by the total number of Multifamily Dwelling Units inspected to determine an average number representing the Severity of Violations ("SV") Score for that rental housing.

(c) *Total Number of Violations ("TV") score.* The Department will divide the total number of violations found in the rental housing by the total number of Multifamily Dwelling Units inspected to determine an



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average number of violations per unit which will be the Total Violations (“TV”) Score for that rental housing.

- (d) *No Violations Found (“NV”) score.* In order to discourage violations and encourage a high standard of management and maintenance practices, the Department will calculate a score based on the number of Multifamily Dwelling Units in each rental housing in which no violations were found by dividing the overall total number of Multifamily Dwelling Units in which no violations were found by the number of Multifamily Dwelling Units inspected. This average number of units with no violations will then be multiplied by negative one (-1) to calculate the No Violations (“NV”) Score for that rental housing.
- (e) *Property Age (“PA”) score.* The Department will assign points based on the age of the rental housing according to the following system:
  - (1) Three (3) points for properties greater than 51 years old
  - (2) Two (2) points for properties aged between 36 and 50 years old
  - (3) One (1) point for properties aged between 16 and 35 years old; and
  - (4) No points for properties aged 15 years or less.
- (f) *Total property score.* The Department shall calculate a Total Property Score by adding together the SV score, the TV score, the NV score and PA score. The Director, in his or her discretion and based on a review of the applicable inspection report and other facts, may review and revise the Total Property Score for that rental housing if he or she determines that such an action is appropriate and in the best interests of the Department and the public.
- (g) On or about July 1, 2019, and annually thereafter, and based on the results of the Department’s most recent inspection and scoring of rental housing in the County, the Department will rank each property in descending order from the highest Total Property Score to the lowest in order to create a ranked list of rental housing properties.
- (h) The Department will then divide this ranked list into four (4) quartiles, each containing approximately the same number of rental housing properties. The rental housing properties assigned to the top quartile will be designated as Troubled Properties.
- (i) Beginning on or about July 1, 2019, the Department will inspect every Troubled Property at least once within the succeeding 12-month period, and so long as a rental housing complex remains a Troubled Property, the Department will inspect the complex within each succeeding 12-month period until the corrective action plan has been successfully completed and the rental housing is no longer designated as a Troubled Property.

