

MEMORANDUM

TO: County Council

FROM: *MF* Michael Faden, Senior Legislative Attorney

SUBJECT: **Introduction:** 24-09, Buildings – Permits and Inspections

Bill 24-09, Buildings – Permits and Inspections, sponsored by the Council President at the request of the County Executive, is scheduled to be introduced on May 5, 2009. A public hearing is tentatively scheduled for June 9 at 7:30 p.m.

Bill 24-09 would increase inspection requirements and add new deadlines for certain dwelling units, particularly single- and 2-family houses. It would take effect in a year (on July 1, 2010).

This packet contains:	<u>Circle #</u>
Bill 24-09	1
Legislative Request Report	5
Memo from County Executive	6

Bill No. 24-09
Concerning: Buildings – Permits and
Inspections
Revised: 4-24-09 Draft No. 2
Introduced: May 5, 2009
Expires: November 5, 2010
Enacted: _____
Executive: _____
Sunset: None
Effective: July 1, 2010
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN ACT to:

- (1) revise the validity periods for building permits for certain dwelling units;
- (2) revise inspection requirements for certain dwelling units; and
- (3) generally amend County law governing building permits.

By amending

Montgomery County Code
Chapter 8, Buildings
Sections 8-25 and 8-26

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

- 29 (A) shows good cause for each extension;
- 30 (B) requests an extension in writing before the permit
- 31 expires; and
- 32 (C) pays the fee specified in paragraph [(2)] (3).

33 * * *

34 **8-26. Conditions of permit.**

35 * * *

36 (n) Required inspections. The Director must record the following
37 inspections in the Department’s inspection history file for any
38 building permit for a detached one- or two-family dwelling:

- 39 (1) an approved inspection, other than the sign inspection, within 6
40 months after the building permit was issued;
- 41 (2) an approved inspection of any exterior surface, including any
42 window, wall siding, and roof, installed as part of any
43 renovation, addition, or new construction of a dwelling or other
44 building or structure on the premises, within 12 months after
45 the building permit was issued; and
- 46 (3) an approved final inspection within 18 months after the
47 building permit was issued, unless the Director extended the
48 permit under Section 8-25(b)(3) or (4).

49 If the Director extended a permit under Section 8-25(b)(3) or (4), the
50 deadline to file an inspection under this subsection is extended by the
51 same period of time.

52 (o) Invalid permits. A permit holder must not perform or continue any
53 work under a permit that does not comply with all conditions imposed
54 under this Section.

LEGISLATIVE REQUEST REPORT

Bill 24-09

Buildings – Permits and Inspections

- DESCRIPTION:** This Bill amends Chapter 8 (Buildings), to require certain detached one- and two-family dwellings and townhouses to obtain an approved final inspection 18 months after the initial permit is issued.
- PROBLEM:** Currently, many residential construction projects languish without any progress. Chapter 8 does not set a deadline for a final, approved inspection.
- GOALS AND OBJECTIVES:** To ensure that residential building projects are completed.
- COORDINATION:** Department of Permitting Services
- FISCAL IMPACT:** To be requested.
- ECONOMIC IMPACT:** To be requested.
- EVALUATION:** Subject to the general oversight of the County Executive and the County Council.
- EXPERIENCE ELSEWHERE:** N/A.
- SOURCE OF INFORMATION:** Nowelle A. Ghahhari, Assistant County Attorney, Division of Public Safety Litigation; Reginald Jetter, Chief, Division – Case Work Management, Department of Permitting Services; George Muste, Manager, Residential Review and Complaints, Department of Permitting Services.
- APPLICATION WITHIN MUNICIPALITIES:** All but Gaithersburg and Rockville.
- PENALTIES:** Class A Violation.

BILL



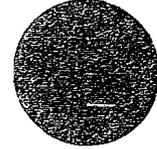
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Isiah Leggett
County Executive

OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

MEMORANDUM



April 2, 2009

TO: Phil Andrews, President
Montgomery County Council

FROM: Isiah Leggett, County Executive 

SUBJECT: Proposed Legislation – Buildings – Permits and Inspections

I am attaching for the Council's consideration a bill which requires certain detached one- and two-family dwellings and townhouses to obtain an approved final inspection within 18 months after the Department of Permitting Services issues the initial building permit. I am also attaching a Legislative Request Report for the bill.

This bill is one of four legislative proposals that I am submitting to Council today to implement the recommendations included in the November 2008 final report of the Code Enforcement Work Group. Each of these proposals is intended to address code enforcement problems which erode the quality of life in the County.

Under current law, there is no deadline for a final, approved inspection and many projects languish without any progress. This bill will help ensure that residential buildings are completed within a reasonable time. Thank you for your prompt consideration of this legislation. I look forward to working with the Council as it considers this proposal.

Attachments (2)

cc: Thomas Street, ACAO
 Marc Hansen, Deputy County Attorney
 Carla Reid, Director, DPS
 Richard Nelson, Director, DHCA