

**MEMORANDUM**

TO: County Council

FROM: *MF* Michael Faden, Senior Legislative Attorney

SUBJECT: **Public Hearing:** 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, was introduced on May 5, 2009. A Planning, Housing and Economic Development Committee worksession on this bill and related code enforcement proposals is tentatively scheduled for July 13 at 2 p.m.

Bill 24-09, which was part of the Executive's code enforcement package (see Executive memo on ©7), would increase inspection requirements and add new deadlines for certain dwelling units, particularly single- and 2-family houses. Its primary purpose is to impose a deadline on completion of construction (see DPS memo on ©9).

This bill would take effect on July 1, 2010.

This packet contains:	<u>Circle #</u>
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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

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By: Council President at the Request of the County Executive

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**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

<b>Boldface</b>	<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).

\* \* \*

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

\* \* \*

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



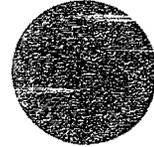
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OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Isiah Leggett  
County Executive

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

LU & ZONING



JZ  
Have → CC  
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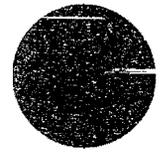
OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Isiah Leggett  
County Executive

November 10, 2008

In File

TO: Michael Knapp, Council President  
FROM: Isiah Leggett, County Executive  
SUBJECT: Transmittal of Code Enforcement Work Group Report Draft



I am transmitting the final report of the Code Enforcement Work Group, which includes comprehensive recommendations to address issues relating to enforcement of the County's housing and zoning laws in residential areas. Collectively, the recommendations impact on numerous safety issues, the quality of life in residential communities, and maintaining the residential character of these neighborhoods. The recommendations attempt to strike a balance between the above mentioned issues while recognizing how residential property use has changed over the past several decades. The report includes a number of proposed legislative changes which I support. I will be transmitting a formal legislative package in the near future.

Over the past year, I have listened to residents, civic associations and other groups who have concerns relating to safety, quality of life and maintenance of the residential character of neighborhoods. Specific issues include unkempt residential properties, lack of coordination of residential code violations enforced by multiple County departments, vehicles parked on front lawns, unsafe passage on residential streets resulting from large parked commercial and recreational vehicles, enforcement of home occupations, and repeat violation offenders.

Almost immediately upon beginning to hear these concerns I directed the formation of a Code Enforcement Work Group, comprised largely of Executive Branch staff whose responsibilities include enforcing various components of the housing and zoning laws. This group has worked over the past year to develop a set of recommendations to address the issues. The Group's recommendations, which I endorse, fall into three broad categories:

1. Changes to the County's housing and zoning laws;
2. Internal work process (sometimes referred to as business processes) changes and cross training for DPS, DHCA, MCFRS, MCPD and DEP staff; and
3. Education programs for residents and community associations that inform property owners of their rights and responsibilities.

While I am well aware of the Council's committee system and the potential for the various legislative proposals recommended by the Work Group to be assigned to different committees, I request that these recommendations be looked at comprehensively. It would be unfortunate for proposed on-property and off-property parking solutions to be looked at without consideration to their impact upon each other, or the home occupation recommendations to be reviewed without considering their tie to aspects of the parking recommendations.

My staff and I look forward to working with you on these issues and I am confident that solutions will be implemented which address safety and other issues raised by our constituents.

Attachment (1): Code Enforcement Work Group Final Report

Bill 24-09



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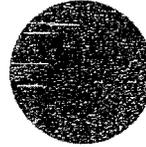
OFFICE OF MANAGEMENT AND BUDGET

Isiah Leggett  
County Executive

Joseph E. Beach  
Director

MEMORANDUM

April 30, 2009



MAY - 1 PM 2:50  
MONTGOMERY COUNTY  
COUNCIL

TO: Phil Andrews, President, County Council  
FROM: Joseph F. Beach, Director  
SUBJECT: Council Bill -- Buildings-Permits and Inspections

The purpose of this memorandum is to transmit a fiscal impact statement to the Council on the subject legislation.

LEGISLATION SUMMARY

This Bill amends Chapter 8 (Buildings), to require certain detached one- and two-family dwellings and townhouses and their accessory structures to obtain an approved inspection 6 and 12 months after the permit is issued and an approved final inspection within 18 months after the permit is issued, unless the permit has been extended.

FISCAL AND ECONOMIC SUMMARY

The Department of Permitting Services (DPS) states that the proposed amendment, as drafted, would require additional inspections for all new construction and additions to certain detached one- and two-family dwellings and townhouses and their accessory structures. The first-year costs to DPS to conduct the additional inspections are approximately \$334,850. The costs include three new staff members (\$208,930), three vehicles (\$75,000) and miscellaneous operating expenses such as computers, phones, office space, and vehicle maintenance (\$50,920). DPS also anticipates additional revenues of \$302,406 through increased fees of affected permits.

The Department of Finance confirms there is no economic impact.

The following contributed to and concurred with this analysis: Alicia Thomas, Department of Permitting Services; George Muste, Department of Permitting Services; Mike Coveyou, Finance; David Platt, Finance

jfb:agw

cc: Kathleen Boucher, Assistant Chief Administrative Officer  
Jennifer Barrett, Department of Finance  
Carla Reid, Director, Department of Permitting Services

Office of the Director

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DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
*County Executive*

Carla Reid  
*Director*

MEMORANDUM

May 4, 2009

TO: Michael Faden, Senior Legislative Attorney  
County Council

FROM: Carla Reid, Director  
Department of Permitting Services

SUBJECT: Code Enforcement Legislation

This legislation solves the problem of the indefinite period of time that single family dwellings, townhouses and residential accessory structures can be under construction. Under current law there is no deadline by which a final inspection must be approved and the construction completed. Construction can continue unfinished for an indefinite amount of time. This legislation imposes a deadline for a final inspection and two additional inspections for detached one or two family dwellings.

DPS will change its practice of inspecting at the request of the applicant to proactively inspecting as part of our routine enforcement of this bill.

The implementation of this bill will also protect homeowners from occupying their homes without approved inspections. As part of the building permit application process homeowners will be advised that final inspections are required prior to occupancy. If a homeowner occupies the area covered by the building permit and there is no approved final inspection the permittee will receive a citation.

If you have questions or need additional information please call Reginald Jetter on 240 777-6275.

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