


MEMORANDUM

November 28, 2016

TO: County Council

FROM: Josh Hamlin, Legislative Attorney 

SUBJECT: **Action/ADDENDUM:** Bill 19-15, Landlord – Tenant Relations – Licensing of Rental Housing – Landlord-Tenant Obligations

Council staff has received a few additional items since the packet for Bill 19-15 went to print. Staff also anticipates receipt of a memorandum from Councilmember Elrich describing certain amendments that he may offer when the Council considers Bill 19-15. That memorandum will be distributed as an additional addendum when it is received. The additional materials received thus far are briefly described below.

1. Possible amendment to be offered by Councilmember Hucker:

Councilmember Hucker may offer an amendment that would add to the required information in the Director's annual report to the Council and Executive: (1) the number of citations issued to landlords during the prior and current fiscal years; and (2) the amount of fines collected from landlords during the prior and current fiscal years. This draft amendment is at ©1.

2. Statement from DHCA Director Snuggs:

As is indicated in footnote 8 on page 14 of the Action packet, DHCA has communicated its view that flexibility in the procedure for determining "troubled properties" is important, and has suggested that establishing the procedure in the annual report that would be required under the Bill, rather than by method (2) regulation as the Bill currently provides, would be more desirable to the Department. Director Snuggs has submitted a statement explaining the rationale for this preference (see ©2).

3. AOBA/GCAAR Request for Delayed Effective Date of Utility Disclosure Requirements:

The Committee-recommended Bill includes a requirement that tenants in buildings built before July 1, 1978, whose units are not individually metered, will receive the same information as to how their electric and gas bills are calculated as is required under State regulation for tenants in newer buildings. AOBA and GCAAR have expressed concern that landlords of affected properties may need more time than the 91 days provided under the Charter to update their computer systems and prepare the information required. AOBA and GCAAR have requested a six-month delayed effective date for this requirement. Council staff believes that this request is reasonable, and providing that the provisions take effect 180 days after the Act becomes law would essentially only delay compliance by three months beyond the Charter's 91 days. An amendment to provide for this could be made by adding a new subsection (b) to Section 3 of the Bill as follows,

(b) The requirement that landlords provide certain information concerning electric and gas utility billing under Section 29-30, as amended in Section 1, takes effect 180 days after this Act becomes law.

This packet contains:

Possible Councilmember Huckler Amendment
DHCA Director Snuggs Statement

Circle #

1
2

Hucker Amendment

This amendment would add to the required information included the DHCA Director's annual report to the Council and Executive: (1) the number of citations issued to landlords during the prior and current fiscal years; and (2) the amount of fines collected from landlords during the prior and current fiscal years.

Add new paragraphs (5) and (6) after line 45 so that subsection 29-26(h) reads as follows:

- (h) The Director must report on rental housing inspections to the Executive and the Council, by September 1 of each year. The report must include:
- (1) the address of each property inspected during the prior fiscal year;
 - (2) the address of each property that has been inspected or is scheduled to be inspected on an annual or triennial basis during the current fiscal year;
 - (3) for each property inspected:
 - (A) a summary of violations by:
 - (i) number found;
 - (ii) number corrected; and
 - (iii) type of violation; [[and]]
 - (B) the status of any incomplete inspections;
 - (4) for each property required to have a corrective action plan under Section 29-22 in the prior fiscal year or during the current fiscal year, a list of:
 - (A) violations found;
 - (B) violations corrected; and
 - (C) the status of the corrective action plan[.];
 - (5) the number of citations issued to landlords during the prior and current fiscal years; and
 - (6) the amount of fines collected from landlords during the prior and current fiscal years.

**Selection Criteria for Focused Housing Code Enforcement
Method 2 vs. Annual Report**

DHCA recently proposed a new focused neighborhood code enforcement strategy, in which more inspections would be conducted more frequently based on the presence of certain code violations. This strategy and its protocol may occasionally need to be fine-tuned. It is DHCA's preference to include its inspection protocol in its Code Enforcement Annual Report, sent to Council by September 1 of each year. This would hold DHCA responsible for reporting on the prior year's inspection results as well as setting the upcoming code enforcement agenda in a single document. DHCA believes this would streamline the process and provide flexibility that otherwise may be impacted by requiring a more-time intensive Method 2 adoption in order for DHCA to modify its inspection protocol.