



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

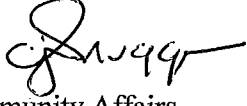
Isiah Leggett
County Executive

Clarence J. Snuggs
Director

MEMORANDUM

January 13, 2017

TO: Isiah Leggett, County Executive

FROM: Clarence J. Snuggs, Director 
Department of Housing and Community Affairs

SUBJECT: Report Required under Section 29-55 of the Montgomery County Code
Establishing a Plan of Action to Undertake Intensive Housing Code Enforcement
in Multifamily Buildings

Introduction

Bill 19-15 was signed into law on December 12, 2016. As per the requirements of the new law, by July 1, 2019, the Department of Housing and Community Affairs (DHCA) must "inspect a sample of each multifamily rental property for which a certificate of occupancy was issued before January 1, 2015". Furthermore, "the Director must provide to the Council, by January 15, 2017, a plan to inspect rental housing that includes:

- A means of prioritizing inspections;
- Standardized inspections for all units; and
- An estimate of the cost for conducting the inspections".

This document constitutes the Director's report under the above provision of the law. In this document, DHCA will explain our methodology for the above items, recognizing that this system will be further developed and refined through regulation. Specifically, the Director of DHCA is required to develop, through method (2) regulation, a system that classifies violations by types and severity, and rates properties based on the severity and quantity of violations. In addition, DHCA will define through regulation, the system to be used to charge landlords for subsequent inspections when violations have not been corrected within the initial allotted timeframe.

Background

As of November 1, 2016, Montgomery County had 679 licensed multifamily rental complexes within its jurisdiction which contain a total of 69,795 individual units. The Silver Spring

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sub-market alone contains 270 complexes with 34,374 units, almost half of the County's total. Prior to the enactment of Bill 19-15, DHCA was required to inspect a sample of units in every multi-family rental complex over a three-year time period. With its existing staffing complement and work load, this resulted in the physical inspection of between 5,500 to 6,000 units each year. DHCA will inspect a 25 to 50 percent sample of units within each rental complex during the period leading up to July 1, 2019. This process will allow DHCA to establish a baseline measurement of the condition of each complex which will be used to determine how frequently that complex will be inspected moving forward.

As per Bill 19-15, certain properties will be required to undergo annual 100 percent inspections if DHCA finds that the property has violations of any applicable law, including:

- Rodent or insect infestation affecting 20 percent or more units in a building;
- Extensive and visible mold growth on interior walls or surfaces exposed to habitable space;
- Windows that do not permit a safe means of secondary emergency egress;
- Pervasive and recurring water leaks that result 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.

Standardized Inspections

DHCA's Code Enforcement Section conducts inspections of single-family, multifamily, and condominium rental units to ensure safe and sanitary conditions. In Fiscal Year 2015, DHCA's 22 Code Inspectors performed 24,254 inspections, managed 7,633 cases, recorded 17,394 violations, and issued 1,439 citations. In order to achieve and maintain this level of activity, the Department has focused on creating a redesigned Case Management System that improved internal efficiency, enhanced security, and provided management with quality actionable information and outcome measurements.

Mobile Device/Tablet Field Inspection Application

As part of this application's design and use, the process of conducting individual property inspections has effectively been standardized through the creation of drop-down lists that both guide the inspector through the unit and allow the inspector to select the item inspected and the appropriate violation. DHCA continues to train inspectors on the new system, and the accompanying standardized inspection protocol. An entire print-out of the various reports and fields exceeds 80 pages; however, please find attached printed samples of the forms and reports generated by the application relating to smoke detectors and infestation (Attachment A).

Overall, because it automates many administrative tasks, the new case management system allows inspectors to spend more time in the field, putting their time and expertise to better use. Code Enforcement's inspectors, supervisors, and managers use the efficient information system to support all aspects of the section's activities. Data quality has improved such that the system now feeds the County's Open Data portal (dataMontgomery) and provides accurate metrics to support management decision making. The Case Management System, with its mobile interface accessed from tablets, is proving to be an effective tool for field work. This tool will assist with data reporting and transparency.

Staff Training

In addition to the automated tools available to inspectors, DHCA will periodically hold refresher trainings for field inspectors on such topics as identifying the signs and causes of vermin infestation, and identifying the signs and causes of mold growth. These trainings will reiterate and reinforce the standard techniques and protocols to be used when conducting a home inspection to ensure accuracy and consistency among different inspectors. In addition, these trainings will reinforce the appropriate course of action to take and which agencies to notify when severe mold growth is encountered (see below for more information).

Opportunity for Tenants to Report Issues

DHCA will continue to send individual postcards to each tenant in advance of a scheduled inspection. This postcard will include instructions to tenants on how to report issues in their unit to DHCA before the physical inspection takes place. DHCA will then ensure that units with specific, reported issues will be included in the 25 to 50 percent sample inspected. This will eliminate the fear of retaliation associated with a tenant reporting an issue during an inspection and in front of a representative of the landlord.

The Estimated Cost and Timeline for Conducting These Inspections

As previously described, DHCA will initiate an inspection protocol to conduct inspections on 25 to 50 percent of units within each rental complex. It is estimated that this regime will result in the annual inspection of approximately 11,500 units, a one hundred percent increase from the number currently inspected. In order to achieve this increase, DHCA will hire nine (9) additional housing code inspectors and five (5) additional support staff. DHCA is beginning this process of hiring the field inspectors immediately, and hopes to have four of the nine new inspectors hired by June 30, 2017.

DHCA has previously provided information on the costs, both start-up costs, as well as ongoing costs, to conduct increased inspections required under Bill 19-15. An updated summary of this information, as well as the hiring timeframe to get this initiative up and running, is shown below.

Bill 19-15 - Projected Implementation Cost

Partial Year	April 1, 2017 - June 30, 2017
4 Housing Code Inspectors	96,182
Program Manager II (Supervisor)	—
Tenant Outreach Coordinator	23,791
Program Specialist (Licensing)	21,987
Principal Administrative Aide	—
IT Technician	21,425
Total DHCA	163,385
Motor Pool NDA - Vehicles (5)	162,700
TOTAL	326,085

Annual Cost	July 1, 2017 onward
9 Housing Code Inspectors	829,095
Program Manager II (Supervisor)	112,105
Tenant Outreach Coordinator	95,165
Program Specialist (Licensing)	87,947
Principal Administrative Aide	65,954
IT Technician	83,181
Total DHCA	1,273,447
Motor Pool NDA - Vehicles (11)	364,060
TOTAL	1,637,507

Proposed Methodology for Prioritizing Inspections

In phase one, DHCA will begin its focused inspections on complexes that have a small number of units and that do not have an on-site management. These complexes will receive 100 percent inspections because DHCA has determined that these properties historically are in need of a more intense oversight. In order to prioritize those properties that will get the earliest inspections, DHCA proposes a two-prong methodology using a property's geographic location and certain "indicators" related to a property's characteristics and history of code violations.

Geographic Prioritization

In general, the oldest multifamily housing stock in Montgomery County is located within and in close proximity to the beltway. A secondary concentration of older garden style apartments can be found in the planned communities in the vicinity of Gaithersburg, such as Montgomery Village. Therefore, during the first year, DHCA will concentrate on the Silver Spring, Takoma Park, Wheaton and Gaithersburg garden-style properties that are over 50 years old. Silver Spring has 270 licensed properties (185 are older than 50 years) with nearly 34,374 units. Outside the Takoma Park city limits there are 199 properties with 1,541 units, 188 of which are older than 50 years. A list of the 50 oldest licensed apartment buildings in Montgomery County is included for informational purposes only (Attachment B); other factors besides age will be used to rank apartments needing increased inspections.

In phase 2, inspections will expand out from the older properties to other areas and properties in the County. By July 1, 2019, DHCA will have assigned each multifamily rental complex in the County's housing code enforcement jurisdiction a classification that will determine the future inspection regime for that property.

Property Indicators

DHCA also proposes to use certain code enforcement data and building characteristics (referred to as "indicators") to focus on those buildings that might require closer scrutiny and/or immediate attention. While some of these indicators, such as building size and age, do not necessarily equate with maintenance or condition issues, their inclusion may be helpful as DHCA prioritizes its inspection schedule over time. DHCA recognizes that these indicators will need to be adjusted or fine-tuned over time. The current factors to be considered include:

- Number and type of code violations cited in previous inspection (based on the classification system outlined below);
- Owner responsiveness and accuracy in correcting previous code violations;
- Number and type of housing code complaints in the previous three (3) years;
- Number and type of Office of Landlord Tenant Affairs (OLTA) complaints in the previous three (3) years;
- Previously identified high level of deferred maintenance (as determined by previous inspections);
- Age of Building;
- Number of Units/number of buildings;
- Management Structure (on-site or off-site; self-managed or management company);
- Date of last comprehensive renovation/capital upgrade.

Categorizing Housing Code Violations by Degree of Seriousness

After each property is inspected, the violations identified will be categorized within the code enforcement database to provide a more detailed report on the types and severity of violations found during the inspection. Although DHCA is concerned about all code violations, for the purposes of properly identifying and focusing those properties that will be designated for increased and more intensive inspections, it is necessary to recognize that some types of violations have a greater potential negative impact on the safety and quality of life of the tenants, and therefore, a greater need to be addressed immediately.

For this reason, DHCA proposes to use the following classification system when analyzing the violations found within each complex; DHCA’s database will be updated to assign the appropriate classification as the violation is entered:

Classification	Types of Violations
Immediate Life and Safety	Issues that present an imminent or immediate risk to tenants, including: Missing, disabled, or non-functioning smoke detectors; broken entrance doors/locks; extensive and pervasive mold (see below); high level of infestation; non-working utilities.
High Priority	Issues requiring major repairs, such as: Interior door damage; major wall repairs; mold (see below); overcrowding; infestation; refrigerator not cooling; windows damage, missing address indicators.
Medium Priority	General maintenance issues such as: housekeeping; faucet leak and other non-emergency plumbing repairs; minor wall/tile repairs; carpet damage; refrigerator gaskets; HVAC filters; inadequate cooling/heating.
Lower Priority	Cosmetic issues such as: painting; general cleaning; repair lights/globes; repair/replace blinds; replace toilet seat; broken/damaged towel rack and/or toothbrush holder; re-glazing bathtub; repairing grout/caulking.

Mold Growth

For the purposes of conducting visual maintenance inspections and based on its historical field inspections, DHCA has historically categorized mold growth in the following manner:

- Life/Safety = extensive and pervasive mold growth on interior surfaces that cannot be attributed to an isolated or short-term cause or event, and that has an immediate and potentially detrimental effect on the health of the residents over a short time period; and
- High priority mold = mold growth over a smaller area that can be attributed to an immediate cause or event, such as mold in conjunction with a water source (as in the kitchen or bathroom) that can be cleaned or quickly corrected, and that does not have a detrimental effect on residents' health over a short time period.

Immediate Life and Safety Violations – Civil Citations

As per current procedures, when a life and safety violation that could result in condemnation is found, an inspector issues an "Emergency Field Notice" that requires a landlord to correct the violation immediately. If the landlord fails to correct the violation as directed, the inspector will condemn the unit and issue a citation. For other violations, DHCA staff will provide a reasonable time period to correct violations (30 days for smaller properties, and 60 days for large properties). Upon re-inspection, if the inspector determines that the landlord has failed to make substantial progress towards correcting the violations (or provide a reasonable correction schedule with signed contracts for remaining violations), the inspector will issue civil citations.

Landlord and Tenant Education

This concerted inspection regime cannot succeed without engaging both landlords and tenants in the process. DHCA's implementation plan includes hiring a code enforcement outreach and education specialist to assist in notifying both landlords and tenants regarding their respective rights and responsibilities.

Landlords are clearly responsible for correcting all code violations in their properties. However, it must be recognized that some housing code violations are due to normal wear and tear on the unit, or through the negligence of the tenant. We propose to track information on types and causes of violations so that we can properly direct targeted education and outreach activities to both landlords and tenants.

For example, if a high number of violations are found in a complex related to tenant placing aluminum foil around a smoke detector to dampen its sensitivity (or otherwise tampering with the smoke detector in a unit), DHCA's staff can initiate an education campaign in that complex regarding fire safety and the need for functioning smoke detectors, and other methods for reducing bothersome false alarms. Another example of a tenant caused violation is related to poor housekeeping practices that can attract vermin. In these cases, DHCA staff can work with tenants and landlords to foster better general housekeeping techniques.

In cases of infestation, DHCA outreach staff can work with landlords to evaluate extermination techniques that are used, and educate them on current best practices in extermination. At the same time, the staff can work with tenants to educate them on how to avoid any actions that might attract or foster the spread of vermin. These are just a few of the examples of how this information can be helpful in DHCA's housing code efforts.

Database Upgrades and Data Integrity

In order to implement this plan, the ongoing upgrades and enhancements to the Housing Code Enforcement and Rental Licensing database will need to be "fast-tracked" to ensure that DHCA has the tracking and analytic tools available to classify properties, track activities and prepare the necessary management reports. To this end, DHCA will hire one additional full-time Information Technology Specialist with the necessary database utility skills. This person will work intensely with DHCA management and code staff leading up to July 1, 2017, start date to ensure that the database provides the tools necessary to manage this undertaking, as well as after this date to track activities.

Reporting

DHCA is required to submit an annual report to the County Executive and County Council each September 1st on a variety of factors related to the preceding year's housing code enforcement activities, such as violations, corrective actions taken, etc. With the above improvements in the housing code enforcement database, DHCA will be better able to produce statistics and reports. For this reason, DHCA hopes to develop more frequent reports in order to keep the Executive and Council apprised of its ongoing activities (perhaps quarterly or every six months). DHCA will continue to explore options for making this information more accessible on its website.

CJS/cja

Attachments

cc: Bonnie Kirkland
Assistant Chief Administrative Officer

ATTACHMENT A:

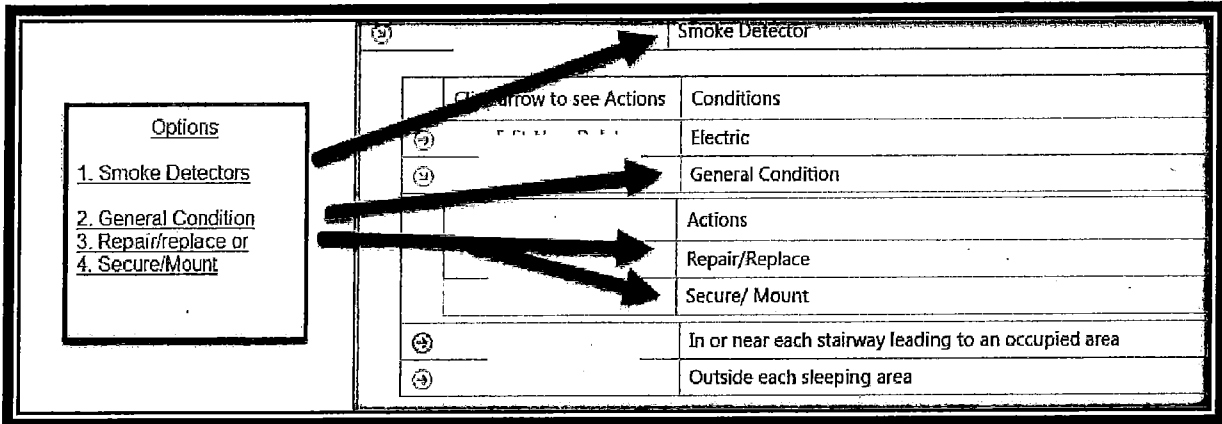
Below is a snapshot from DHCA's Code Enforcement iPad application. As the inspector enters the data in the field, it is simultaneously entered in to the database. The screenshot below indicates a few selections that staff can make when conducting an inspection and noting violations. The example below shows a smoke detector violation where an inspector would select and determine what actions are required to correct this violation i.e. general conditions, repair/replace or secure/mount

When Infestation is selected, one can select from the categories such as bedbugs, other, rats/mouse, roaches. As you can see from the screenshot below, Infestation, Roach, Exterminate/Eliminate was selected and will be cited to correct. The inspectors also have the ability to enter a note to be more specific for each violation noted once a selection from the dropdowns has been made.

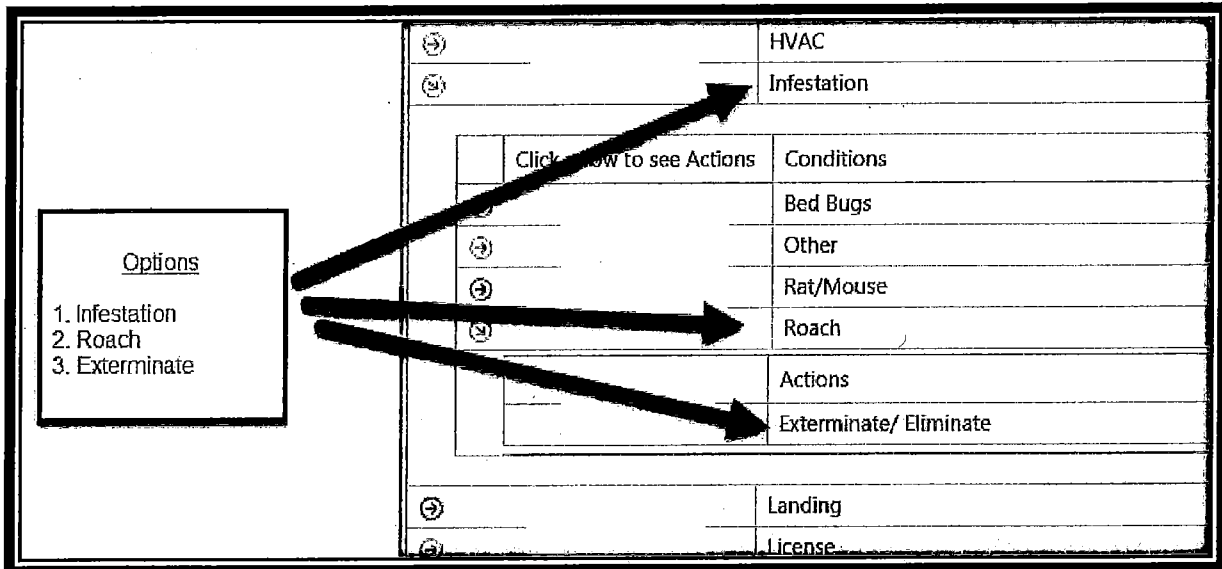
Standard List of Items to be Inspected:

④	Fireplace/ Chimney
④	Floor
④	Garage
④	Gutter/ Downspout
④	Handrail/ Guardrail/ Balusters
④	Hatch
④	Housekeeping
④	HVAC
④	Infestation
④	Landing
④	License
④	Light/ Electrical Fixture
④	Medicine Cabinet
④	No Violations Observed
④	Other
④	Overcrowding
④	Parking Lot

Example – Smoke Detectors:



Example – Infestation:



ATTACHMENT B -- The 50 Oldest Licensed Apartment Buildings in Montgomery County

License Number	Community Name	Street Address	City	Zip	Unit Count	Year Built
13612	2215 Spencerville Road	2215 SPENCERVILLE RD	SPENCERVILLE	20868	2	1900
17491	Bethesda Church Road, 10210-12	10210 BETHESDA CHURCH RD	DAMASCUS	20872	1	1900
17806	Thayer Avenue, 808	808 THAYER AVE	SILVER SPRING	20910	2	1917
17473	Boulevard Of Chevy Chase	4733 BRADLEY BLVD	CHEVY CHASE	20815	11	1918
17507	Central Avenue, 301	301 CENTRAL AVE	GAITHERSBURG	20877	4	1920
17341	Greenwood Avenue, 8208	8208 GREENWOOD AVE	TAKOMA PARK	20912	4	1921
17508	Thayer Avenue, 810	810 THAYER AVE	SILVER SPRING	20910	3	1921
40330	Silver Spring Avenue, 755	755 SILVER SPRING AVE	SILVER SPRING	20910	1	1922
47772	Thayer Avenue, 746	746 THAYER AVE	SILVER SPRING	20910	2	1922
17512	Flower Avenue, 8303	8303 FLOWER AVE	TAKOMA PARK	20912	6	1923
18019	Easley Street, 731	731 EASLEY ST	SILVER SPRING	20910	4	1923
50463	Prospect Street, 907	907 PROSPECT ST	TAKOMA PARK	20912	2	1923
50343	Flower Avenue, 8215	8215 FLOWER AVE	TAKOMA PARK	20912	1	1926
55327	Prospect Street, 909	909 PROSPECT ST	TAKOMA PARK	20912	2	1926
17323	Bonifant Street, 828	828 BONIFANT ST	SILVER SPRING	20910	3	1927
17554	Wisconsin Avenue, 7347	7347 WISCONSIN AVE	BETHESDA	20814	4	1929
60561	Hampden Street, 3901	3901 HAMPDEN ST	KENSINGTON	20895	1	1929
17501	Flower Avenue, 7817	7817 FLOWER AVE	TAKOMA PARK	20912	4	1930
17284	Silver Spring Avenue, 761	761 SILVER SPRING AVE	SILVER SPRING	20910	3	1931
17963	Flower Avenue, 8615	8615 FLOWER AVE	TAKOMA PARK	20912	5	1931
18572	Flower Avenue, 8513	8513 FLOWER AVE	TAKOMA PARK	20912	3	1931
17322	Maplewood Avenue, 806	806 MAPLEWOOD AVE	TAKOMA PARK	20912	4	1932
17370	Philadelphia Avenue, 817	817 PHILADELPHIA AVE	SILVER SPRING	20910	4	1932
17456	Thayer Avenue, 809	809 THAYER AVE	SILVER SPRING	20910	4	1932
17505	Flower Avenue, 8417	8417 FLOWER AVE	TAKOMA PARK	20912	4	1932
17991	Thayer Avenue, 811	811 THAYER AVE	SILVER SPRING	20910	3	1932
42213	Kennebec Avenue, 804	804 KENNEBEC AVE	TAKOMA PARK	209126807-	3	1932

ATTACHMENT B -- The 50 Oldest Licensed Apartment Buildings in Montgomery County

17458	Kennebec Avenue, 806	806 KENNEBEC AVE	TAKOMA PARK	20912	4	1933
17517	Ridge Drive, 6366, 6368 And 6370	6366 RIDGE DR	BETHESDA	20816	3	1933
17717	Garland Avenue, 7814	7814 GARLAND AVE	TAKOMA PARK	20912	1	1933
18018	Flower Avenue, 8411	8411 FLOWER AVE	TAKOMA PARK	20912	2	1933
18020	Holstein Street, 7903	7903 HOLSTEIN ST	TAKOMA PARK	20912	1	1933
17495	Long Branch Parkway, 7916	7916 LONG BRANCH PKWY	TAKOMA PARK	20912	3	1934
65228	Domer Avenue, 404	404 DOMER AVE	TAKOMA PARK	20912	3	1934
16959	Flower Avenue, 8501	8501 FLOWER AVE	TAKOMA PARK	20912	4	1935
17429	Flower Avenue, 8627	8627 FLOWER AVE	TAKOMA PARK	20912	5	1935
18138	Flower Avenue, 8413	8413 FLOWER AVE	TAKOMA PARK	20912	6	1935
18151	Strathmore Apartments #2	7039 STRATHMORE ST	CHEVY CHASE	20815	4	1935
58698	Garland Avenue, 8008	8008 GARLAND AVE	TAKOMA PARK	20912	3	1935
17433	Flower Avenue, 8619	8619 FLOWER AVE	TAKOMA PARK	20912	5	1936
17434	Eastern Avenue Apartments	7603 EASTERN AVE	SILVER SPRING	20910	41	1936
17470	Flower Avenue, 8605 & 8607	8605 FLOWER AVE	TAKOMA PARK	20912	6	1936
17475	Flower Avenue, 8609	8609 FLOWER AVE	TAKOMA PARK	20912	3	1936
17546	Flower Avenue, 8505 & 8507	8505 FLOWER AVE	TAKOMA PARK	20912	10	1936
17569	Victoria Apartment	10416 FAWCETT ST	KENSINGTON	20895	10	1936
17619	Vassar Circle, 3	3 VASSAR CIR	GLEN ECHO	20812	2	1936
17623	Kennebec Avenue, 900	900 KENNEBEC AVE	TAKOMA PARK	20912	3	1936
17693	Greenwood Avenue, 7815	7815 GREENWOOD AVE	TAKOMA PARK	20912	6	1936
17706	Blair Park	7721 EASTERN AVE	TAKOMA PARK	20912	52	1936
17744	Greenwood Avenue, 8220	8220 GREENWOOD AVE	TAKOMA PARK	20912	5	1936