



Welcome the Commission on Common Ownership Communities

CCOC

DHCA welcomes the addition of the Commission on Common Ownership Communities (CCOC) to its family, which has been transferred to DHCA from the Office of Consumer Protection by a recent change in County law.

The CCOC was founded 25 years ago and operates under Chapter 10B of the County Code. Its purpose is to serve the County's condominium and homeowner associations by resolving disputes between them and their members, educating them on their rights and duties, and acting as their advocates before other public agencies.

The CCOC is governed by 15 commissioners of whom 8 must be members of the communities and 7 must be professionals who work with the communities. One of its chief functions is resolving disputes, and it operates very much like the Commission on Landlord-Tenant Affairs. Its decisions are legally binding and enforceable in court. Both members and tenants can file complaints about their associations, and associations can file complaints against their members and residents. The CCOC can enforce County and State laws governing condominium and homeowner associations, and can also enforce the private covenants, bylaws, and rules of those associations. Roughly one-third of its disputes are filed by associations, and two-thirds by members. Most disputes are resolved informally.

The CCOC maintains an extensive webpage that includes a manual for board members and a digest of and index to all of its formal decisions. It also publishes a quarterly newsletter. This year, the CCOC inaugurated a precedent-setting initiative under which all directors of all associations in the County must take and pass basic training in how to perform their duties properly. For more information visit the CCOC's website: www.montgomerycountymd.gov/ccoc.

(Peter Drymalski, Investigator-Common Ownership Program)



DHCA Has MOVED!!

The Department of Housing and Community Affairs was housed in the Council Office Building at 100 Maryland Avenue for over twenty years. The Department had offices on the second and third floors when they first moved to the COB in 1995 and eventually the bulk of the Department was housed on the fourth floor with the exception of Housing Code Enforcement, which continued to reside on the second floor. Now we are all together at 1401 Rockville Pike, 4th Floor, Rockville, Maryland. This location is approximately 2 miles from our previous location. We now have more space and better space planning, making the environment a much more pleasant place in which to work.

Staff is still settling into our new environment but we do love it. We are coordinating our activities and meetings so that they can now take place at the new building. We are anxious to begin having our meetings and hearings here. We are sure you will like it as much as we do.



Front of 1401 Rockville Pike, Rockville, MD 20852



New Front desk, DHCA

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Hearing Room



Building Lobby, 1401 Rockville Pike

Four photos of our new space:

- ◆ *Front of Building*
- ◆ *Front Desk*
- ◆ *Hearing Room*
- ◆ *Building Lobby*

Why Isn't There a Landlord Blacklist?



Flower Branch Fire

As everyone knows, there was a devastating explosion and fire at Flower Branch Apartments in Silver Spring on August 11, 2016, which resulted in the displacement of 26 families. DHCA worked with several other State and County agencies, the Red Cross, community partners and the owners of the property to provide services for the displaced families. Public, private and governmental support was overwhelming, and it was great to see everyone join forces to assist these families recover and start putting their lives back together. Montgomery Housing Partnership (MHP) took the lead in collecting money for these families and seeing that funds were distributed to those directly impacted by this event. These families lost everything: car keys identification, clothes, pictures, etc. - things that we take for granted on a daily basis. It was really gratifying to see County residents and agencies work together to help their fellow man. At this time, all of the families have been placed in housing and received money donated by the property management firm and the public.



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This is a question posed by Ronda Kaysen in an article that appeared in the *New York Times* (9.23.16). Her premise being the landlord gets to run credit checks, employment verification, criminal background inquires and the like so by the time a tenant signs a lease, the landlord knows their entire history but what does the tenant know about the landlord?

Ms. Kaysen is writing from her experiences as a resident of New York City but Montgomery County is a little different. Tenants in Montgomery County have access to information about landlords that can be used to help them decide whether or not they might want to rent at a particular location. DHCA's website gives tenants and landlords access to a program called eProperty data mining:

http://www6.montgomerycountymd.gov/apps/DHCA/pdm_online/pdmfull.asp

This site allows anyone to put in the address of a potential rental property and receive the following information:

- ◆ License number and status along with basic ownership information;
- ◆ List of code complaints filed against the property, the subject of the complaint and the date it was filed;
- ◆ List of Landlord-Tenant complaints filed against the property and the subject of the complaint;
- ◆ MPDU status; and
- ◆ Montgomery County Police calls at the Property.

The annual rent survey of multifamily properties and their rent increases gives the Tenant general information regarding rent increase patterns in a particular area. Apparently this is much more information than is available in New York City and most Maryland jurisdictions.

Montgomery County tenants and prospective tenants have many tools at their disposal to help them make informed decisions when selecting a rental property.

There is a company in New York called Rentlogic that collects information about complaints and violations filed with city agencies against residential buildings, about one third of which are rentals. They also track condominiums and co-ops. Rentlogic analyses this data and grades landlords, property managers and buildings on an A to F scale. Rentlogic then partnered with Citi Habitats, one of the largest real estate brokerage firms in New York City and began displaying its listings on Rentlogic's website with the letter grade given by Rentlogic and a summary of problems at particular properties. If you click on a listing with a poor grade, Rentlogic suggests like apartments with better scores.

As you might imagine, many landlords were upset by this and requested that Citi Habitats withdraw their participation and listings from Rentlogic's site. Landlords were particularly upset about Rentlogic's practice of tracking landlords for 7 years, just like credit bureaus track tenants.

In any case, the question remains, what level of transparency should be available for landlords and should it be just as stringent and obtainable as that for tenants?

PET FEES—Update

As stated in our previous newsletter (Vol2, No. 1, January 30, 2016), the Commission on Landlord-Tenant Affairs (COLTA) is currently working on standards for the County to give guidance to landlords and tenants regarding their respective liability and responsibility if they have pets in a rental unit. The Commission has drafted a sample pet addendum that will be placed on our website by the end of the year. Many of the provisions in the addendum are based on County Animal Control laws. The basic tenets of the law are as follows:

At Large

Any dog is "at large" if it is outside the owner's premises and not leashed, unless it is a service dog, is in a dog exercise area designated by the Maryland National Capital Park and Planning Commission, or is participating in an approved activity. Any other animal (i.e., cat or livestock animal) is "at large" if it is outside the owner's premises and not leashed or immediately responsive to verbal or non-verbal direction.

The common area of a homeowners association, condominium or cooperative is not the owner's premises.

●Penalty for Violation: \$100 for first offense, \$500 for each subsequent violation.

Unwanted Contact

The pet owner must prevent unwelcome or unsolicited threatening physical contact or close proximity to a person or a domestic animal that occurs outside the owner's property that may cause alarm in a reasonable person, such as biting, chasing, tracking, inhibiting movement, or jumping. Penalty for Violation: \$500

If you want more information reading Animal Control laws, see:

<http://www.montgomerycountymd.gov/animalservices/asd/laws.html>



Should you Rent to Felons?

This is an interesting question and does not have an easy answer. The knee jerk reaction is “no”, but this does not take into account many questions- what was the crime? When it happened? What has happened since then? Does the stigma last forever? Should it?

Felons are defined as person convicted of a felony. Felons, unlike persons with physical disabilities or minority status, are not a protected class. It is legal to discriminate against felons when making decision to rent housing and most landlords do not rent to felons fearing legal liability if the person commits another crime. The landlord is charged with vetting his tenants to find the ones that are most financially viable and non-problematic; felons, by definition, have had trouble with the law and are not desirable on their face.

The Department of Housing and Urban Development (HUD) has studied this question and issued guidelines for public housing agencies (PHAs) and owners of Federally-assisted housing on excluding the use of arrest records in housing decisions (Notice PIH 2015-19). These guidelines seek to find a balance between providing access to subsidized housing to persons with criminal records and ensuring the safety of the other residents. It is estimated that nearly one in every three Americans has some type of criminal record. HUD encourages PHAs and owners to exercise discretion in deciding whether to deny an applicant with certain types of criminal history or terminate assistance to a household if a tenant, household member or guest engages in certain criminal activities.

Prospective tenants cannot be denied and current tenants evicted simply because they or a member of the household or guest has been arrested. Arrest only shows that the person is suspected of committing an offense. In the 75 largest counties in the country, approximately one-third of felony arrests did not result in conviction, with about one-quarter of all cases ending in dismissal.¹ Arrest records are often incomplete or inaccurate so while this information should be considered, decisions should not be based solely on this information. Federal law requires that PHAs and owners notify applicants that this information is being considered and give them the opportunity to explain or dispute it before making a decision.

PHAs and owners have been encouraged to use best practices in developing admission and eviction policies concerning criminal records. Some of the best practices are:

- ◆ Written admission policies that limit criminal record screening to assessment of conviction records;

- ◆ Allow applicants to present mitigating circumstances regarding criminal background prior to admission decisions;
- ◆ Limit what criminal conduct is considered during screening based on when it occurred and/or the type of conduct;
- ◆ Adopted admission policies that state the specific factors that will be considered when making the decision as to admission or eviction.

Some factors to be considered are:

- ◆ Whether the applicant’s offense affects the safety and security of other residents;
- ◆ The level of violence, if any, of the offense for which the applicant was convicted;
- ◆ Length of time since the conviction;
- ◆ Number of convictions that appear on the applicant’s criminal history;
- ◆ Whether the applicant is currently in recovery for an addiction and whether they were under the influence of drugs or alcohol at the time of the offense; and
- ◆ Any rehabilitation efforts that the applicant has been involved in since the time of the conviction.

While these regulations are specific to housing owned or subsidized in part through HUD, considering those persons who may have made a mistake in their past could help restore the dignity of someone who is trying get their life in order. If nothing else, using the best practices would allow applicants to know exactly what obstacles they need to overcome to be considered for housing. After all, housing is a fundamental need and those who are forced to go without it run a high risk of recidivism.

¹ Excerpted from U.S. Department of Housing and Urban Development Office of Public and Indian Housing, Notice PIH 2015-19

Upcoming Events—February— June 2016

October 2016

October 6—COLTA Meeting, 6:30 p.m.
 October 11, 2016—Hearing, Scott v Costa
 October 25—Hearing, **Date To Be Determined**
 October 27—Hearing, Fulci v Hayward

***All COLTA meetings will now be held at 1401 Rockville Pike, 4th Floor, Rockville, MD 20852**

November –December 2016

November 1—COLTA Meeting, 6:30 p.m.
 November 9— Hearing, Nogueira/Guera v Chang
 November 10—Landlord Seminar, Wheaton (tentative)
 November 11—*Veterans Day*
 November 17—Tenant Seminar, Wheaton (tentative)
 November 24—*Thanksgiving*
 December 6—COLTA Meeting, 6:30 p.m.
 December 26—*Christmas Holiday*



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DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

We're on the web!

www.montgomerycountymd.gov/olta

DID YOU KNOW?

- ☺ *Email correspondence is not considered mail for the purposes of sending a tenant the disposition of a security deposit.*
- ☺ *If your property has not been designated as "lead free", you must do a lead test between every tenancy in properties built prior to 1978.*
- ☺ *If you fail to pay your HOA dues and the Association reports you to Licensing and Registration, your rental license can be revoked.*

District Court Self-Help Center

The District Court of Maryland provides **free** limited legal services for people who are not represented by an attorney and who are:

- ◆ The person with the legal problem. They cannot help relatives or agents of the person with the legal problem or other third parties.
- ◆ Not acting on behalf of a business or estate. They cannot help businesses, including sole proprietorships, LLCs and personal representatives.

These services include help completing court forms, answering questions about your legal problem and preparing for your day in court. They also provide referral to mediation. The Self-Help Center staff will not represent you in Court but they will provide referrals to persons seeking an attorney. The service is designed to help you represent yourself. Live-chat attorneys are available to assist you in District Court Civil cases only. These services include:

- *Landlord-Tenant
- *Small Claims
- *Debtor/Creditor
- *Replevin
- *Domestic violence/Peace Orders

Telephone hours of operation: Monday—Friday, 8:30 am—12:30 pm and 2:00 pm—4:30 pm at **410-260-1392**

The website is:
<http://www.courts.state.md.us/district/selfhelpcenter/home.html>

You also have the option of Live Chat.

Seminar—Health Care for Seniors



The Office of Landlord-Tenant Affairs in conjunction with DHCA Senior Fellow, Leslie Marks, coordinated a program for the landlords of properties with seniors aging in place. As our population ages, they present a unique set of problems that are not always easy to handle. We are talking about people who may have lived in a complex for many years and were generally stellar tenants but as they have aged, begin to present problems due to various health conditions. This also applies to tenants living in complexes designed for seniors only. This seminar focused on health care resources available to seniors in Montgomery County. It is hoped that the information provided will give landlords some tools they can use to help their tenants in difficult situations. Some of these programs are free and some have a small cost but all of them are designed to improve the quality of life for Montgomery County's seniors.

This particular seminar was presented to members of the Apartment and Office Building Association (AOBA) who manage such complexes. AOBA was very interested in informing their members of the options available to them in situations involving seniors. Our speakers were:

Leslie Marks: DHCA Senior Fellow, Moderator
Sara Demetrious: Program Coordinator, Community Health & Wellness, Suburban Hospital
Cindy Libby-Green: Executive Director, Premier Homecare

Laurie Goldman: Social Worker, Montgomery County Department of Health & Human Services
Sybil Greenhut: Program Manager, Mental Health Services, Montgomery County Department of Health & Human Services

Although the seminar had a relatively small audience, it was well received. The managers were very interested in the available programs and especially interested in the information provided by Adult Protective Services and the Social Worker, both of whom gave extensive information on available services through the County as well as the limitations of those services.

The next seminar will be geared toward senior residents. We did one program for senior tenants a year ago and it was very well received, so we look forward to doing it again.

