



## OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich  
*County Executive*

Richard S. Madaleno  
*Chief Administrative Officer*

### MEMORANDUM

June 10, 2025

TO: Chris Cihlar, Director  
Office of Legislative Oversight

FROM: Richard S. Madaleno, Chief Administrative Officer *BSM*

SUBJECT: Draft OLO Report 2025-6: *Code Enforcement in Montgomery County*

Thank you for the opportunity to comment on the Office of Legislative Oversight's (OLO) Draft Report 2025-6: Code Enforcement in Montgomery County. We appreciate receiving the report regarding the code enforcement program. We recognize that OLO dedicated considerable time and effort to gather information, interview staff, and review policies in developing this report. Furthermore, we want to emphasize that the code enforcement program works diligently to ensure that all County residents live in safe and healthy conditions, free from hazards, and that the County's housing and neighborhoods are well-maintained to enhance our residents' safety and quality of life. Code enforcement staff strive to deliver these critical services in a responsive, fair, and equitable manner to all County residents, property owners, and landlords.

Montgomery County is home to approximately 1.08 million people, and approximately 35% of the County's housing units are renter-occupied, which demonstrates the tremendous need and support that the code enforcement provides to County residents. The program conducts proactive and mandated scheduled inspections at over 700 multifamily rental properties in Montgomery County, consisting of over 82,000 individual rental units. Our inspectors conduct over 37,000 inspections per year.

In addition, the team annually addresses over 10,000 Montgomery County 311 service requests regarding safety and maintenance upkeep concerns for all types of residential properties, vacant lots, and the exterior of commercial buildings. This work is performed by thirty-seven housing code inspectors, five team supervisors, three administrative staff, and one manager. All these staff are passionate about their jobs and strive to provide excellent services to our County's residents, as they well deserve.

In this document, we will provide our responses to the OLO report. The responses do not encompass all our comments and concerns related to the entire report but are directed at our major concerns associated with the summarized findings and recommendations.

### **1. Primary Recommendations**

- a) Create taskforce to develop a strategic plan to advance RESJ in code enforcement.
- b) Improve data collection and reporting to better understand code enforcement practices, trends, and outcomes overall and by race, ethnicity, and location.

**CAO Response:** We agree with these recommendations. The Department of Housing and Community Affairs (DHCA) practices greatly advance Racial Equity and Social Justice (RESJ), particularly related to code enforcement. Unfortunately, the report references historical generalizations of code enforcement that we do not believe to be associated with our current practices.

The Department conducts extensive outreach to support Black, Indigenous, and People of Color (BIPOC) communities. The code enforcement staff spend significant effort in these communities to ensure that they are safe and that the landlords comply with maintenance standards. Code enforcement staff have also partnered with other programs within and outside of the Department to target enforcement efforts at many of these communities. Additionally, the code enforcement and Department staff themselves are very diverse and representative of the residents of the County. These activities and characteristics afford the Department the ability to relate to and communicate effectively with the County's diverse residents and communities.

Lastly, we have concerns about the technical, legal, and practical issues involved with collecting data on race and ethnicity and generating reports associated with that data. Notwithstanding, we welcome the concept of improving upon our RESJ efforts.

### **2. Secondary Recommendations**

- a) Increase staffing for Multifamily Team.
- b) Update the County Code and DHCA code enforcement policies and practices
- c) Expand the use of proactive inspections.
- d) Require DHCA to use standardized checklist and approach to communicating with tenants.
- e) Increase "Clean and Lien" budget to abate interior code violations in multifamily properties.
- f) Comply with Executive Regulation 05-17AM methodology for classifying multifamily properties.
- g) Fully comply with annual data reporting requirements for Bill 19-15 under Section 29-6(h).
- h) Enhance two-way communication and engagement with renters and BIPOC residents.
- i) Increase awareness and responsiveness to racial inequities that shape code enforcement.

**CAO Response:** We generally agree with these recommendations. And have the following comments:

- a) Budget permitting, we agree with the recommendation to hire new inspectors and increase staffing in the Multifamily Team.
- b) While we agree with some of the recommendations related to updating the County Code and DHCA code enforcement policies and practices, we are aware that some of the National Healthy Housing Standards may conflict with current local codes. Montgomery County prioritizes public health and safety as the primary basis of the code and of our processes, and we look forward to the discussion with the Council.
- c) While the Department prioritizes scheduling complaint-based inspections, far more of the Department's annual inspections are mandated multifamily inspections conducted in portions of the over 82,000 rental units in the over 700 multifamily properties. Mandated inspections take a very proactive approach to identifying violations without requiring renters to file complaints.
- d) The checklist for communicating with tenants was implemented before the commencement of OLO's investigation and report. Code enforcement staff informed OLO of the implementation during the investigative process.
- e) Section 26-15 enables DHCA to make repairs without a hearing in cases of a serious emergency that threaten public life, health, or safety. The law stipulates that property owners are responsible for correcting such violations and gives them the right to be notified of and respond to the violations within specified timeframes. Clean and Lien funds have primarily been used to address exterior violations such as trash, tall weeds, broken fences, boarding up unsecured vacant buildings, and other concerns that are visible and pose a risk to the entire neighborhood. Such issues are not merely classified as blight. The funds have also been utilized to manage severe interior hoarding situations that impact the life, health, and safety of the occupants. The Department does not recommend increasing the Clean and Lien budget solely to address indoor code violations in multifamily buildings. Doing so will require navigating legal challenges for securing proper documentation needed to enter individual homes. Additionally, it has been impractical to focus on violations related to major building systems such as elevators, HVAC, boilers, chillers, ventilation, domestic water supply, fire suppression, or fire alarm systems, as the repairs of these systems are very complicated and are routinely performed by contracted certified vendors. Assuming responsibility for such repairs could create significant liability concerns for the Department and the County.
- f) DHCA staff informed OLO staff that revisions were required related to Executive Regulation 05-17AM. An amended executive regulation (MCER 1-25) was drafted,

published in the County Register, and is being revised based on comments received during the public comment period. Executive Regulation 1-25 will address the technical and procedural shortcomings of Executive Regulation 05-17AM and is a more practical application of the law.

- g) The OLO report suggests that DHCA is not in compliance because the current reports do not include specific data related to violations and citations identified and issued related to single-family homes. We believe the intent of the law is for DHCA to report on specific statistics related to violations and citations identified and issued in multifamily properties. While the language in the current law may be considered somewhat ambiguous, Section 29-6(h) specifically references the September 1 report related to rental housing inspections. This is the Troubled Property report, which specifically relates to inspections, inspection results, citations, and data associated with multi-family properties. Additionally, the Department conducts approximately 4,000 single-family and approximately 2,000 multifamily complaint inspections annually. Reporting each address and the summary of violations, including the number found, number corrected, type, and status of any incomplete inspections, would be overly burdensome for the Department and would create a very cumbersome and voluminous report. However, the Department can be more specific in reporting on data associated with fines collected in multifamily properties and preferred language data associated with complaints, and we look forward to discussing the associated reporting requirements with the Council
- h) DHCA goes to great lengths to ensure that we can effectively engage and communicate with BIPOC residents. The workforce of DHCA and the Code Enforcement Program is quite diverse, and the staff are skilled in multiple languages. Code enforcement staff frequently serve as translators or interpreters for other programs within the Department. They also attend numerous community meetings and tenant association gatherings in BIPOC communities, ensuring that multilingual staff or translators are present at those events. Additionally, staff often participate in meetings coordinated by Council staff and by both contracted and non-contracted community-based organizations. The Department has devoted significant time and resources to compel landlords to timely abate violations and address tenant complaints, particularly at troubled and at-risk properties, where many BIPOC tenants reside. These efforts include expediting court proceedings for citations at properties with persistent non-compliance issues and coordinating with other departments and agencies, such as the Maryland Office of the Attorney General - Consumer Protection Division. The Department has also worked with other County departments to amend the County's consumer protection laws to identify landlords/owners as merchants and renters as consumers, thereby strengthening the County's enforcement capabilities. BIPOC residents and renters benefit from these initiatives, given the high concentration of BIPOC residents among the County's renters.

- i) The OLO report suggests that “The County’s code enforcement policies and practices are rooted in a history of racial inequity.” This statement is an overgeneralization and not specifically related to the policies and practices of Montgomery County. The body of the report refers to many historical contexts, such as using code enforcement to condemn properties and displace BIPOC residents, but it does not provide any evidence or clarification to support that these practices are currently relevant. Nevertheless, we are always open to policies and practices that increase awareness and responsiveness to racial inequities. In fact, several code enforcement staff are active members of the County’s Equitable Engagement Programs and use lessons learned to help shape policies and practices through a racial equity lens.

Thank you for preparing this report that provided us the opportunity to review DCHA processes and services. However, we have significant concerns regarding some references to historical practices and generalizations that we do not see as relevant to recent or current practices in Montgomery County. We also believe that some interpretations of the laws in this OLO report do not accurately reflect the actual intent of those laws, resulting in some flawed findings. Nonetheless, we recognize the importance of being open-minded about the recommendations outlined in this report and are always willing to receive feedback that will help us improve our service delivery, transparency, and overall operations fairly and equitably.

We look forward to discussing the OLO report and our responses at a Council work session.

RM/nb

cc: Fariba Kassiri, Deputy Chief Administrative Officer, Office of the County Executive  
Ken Hartman, Assistant Chief Administrative Officer, Office of the County Executive  
Tricia Swanson, Director of Strategic Partnerships, Office of the County Executive  
Scott Bruton, Director, Department of Housing and Community Affairs  
Tiffany Ward, Director, Office Racial Equity and Social Justice