



**Committee:** PHED  
**Committee Review:** At a future date  
**Staff:** Khandikile Mvunga Sokoni, Legislative Attorney  
**Purpose:** To introduce agenda item – no vote expected  
**Keywords:** #Buildings #Demolition #Removal  
#Construction

AGENDA ITEM #9B  
November 1, 2022  
**Introduction**

## SUBJECT

Expedited Bill 30-22, Buildings – Demolition or Removal

Lead Sponsors: Councilmember Hucker and Councilmember Riemer

## EXPECTED ATTENDEES

None

## COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

N/A

## DESCRIPTION/ISSUE

Bill 30-22 would:

- (1) redefine the term demolish; and
- (2) generally amend the law regarding buildings and building permits.

## SUMMARY OF KEY DISCUSSION POINTS

- N/A

### **This report contains:**

Staff Report

Expedited Bill 30-22

Legislative Request Report

Pages 1-2

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**M E M O R A N D U M**

October 27, 2022

TO: County Council

FROM: Khandikile Mvunga Sokoni, Legislative Attorney

SUBJECT: Expedited Bill 30-22, Buildings – Demolition or Removal

PURPOSE: Introduction – no Council vote required

Expedited Bill 30-22, Buildings – Demolition or Removal, lead sponsors Councilmember Huckler and Councilmember Riemer, is scheduled to be introduced on November 1, 2022. A public hearing is tentatively scheduled for November 29, 2022.

The bill would:

- (1) redefine the term demolish; and
- (2) generally amend the law regarding buildings and building permits.

**BACKGROUND.**

The purpose of Bill 30-22, according to the bill’s sponsors, would be to close out a “loophole” under which a building can be substantially removed except for a small wall, hence avoiding the need for a demolition permit. On that site, a contractor can then rebuild what is for all practical purposes a “new home” which they can market and sell as such without having to obtain a permit for new home construction. Instead, the permit they do apply for is one for alterations or renovations. When this happens, the contractor is not required to provide a warranty for a new home. The sponsors of this bill seek to ensure that where a building is substantially demolished, a demolition permit will be required and any home rebuilt on that site will require a new construction permit.

Applying for a demolition permit triggers certain obligations on the part of the applicant including a requirement that water supply and other utilities are properly disconnected, compliance with safeguards to abate any pest control issues or any negative environmental impact (e.g. asbestos, lead, etc). These same safeguards do not apply to alteration permits. In addition, alteration permits do not cover stormwater management.

**BILL SPECIFICS**

Bill 30-22 would amend the definition of “demolish” so that it would mean not only the tearing down of an *entire* building or structure but also tearing down sixty-seven (67) percent or more of first story exterior walls of a one-family or two-family dwelling unit. Basement and cellar

walls would not be considered exterior walls for purposes of measuring the sixty-seven (67) percent of wall removal.

By changing the threshold for requiring a demolition permit, a person seeking to substantially remove a building would have to go through the same process as someone tearing down the whole building thereby requiring the applicant to meet requirements regarding the disconnection of utilities, pest control, environmental and stormwater management measures. This would also ensure that when building the new structure, the applicant would have to apply for a new construction building permit which would in turn require that they must provide a new home warranty to the consumer who purchases that home.

This packet contains:

Expedited Bill 30-22

Legislative Request Report

Circle #

© 1

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Expedited Bill No. 30-22  
Concerning: Buildings - Demolition or Removal  
Revised: 10/27/2022 Draft No. 1  
Introduced: November 1, 2022  
Expires: \_\_\_\_\_  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: \_\_\_\_\_  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Councilmember Hucker and Councilmember Riemer

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**AN EXPEDITED ACT** to:

- (1) redefine the term demolish; and
- (2) generally amend the law regarding buildings and building permits

By amending

Montgomery County Code  
Chapter 8, Sections 8-27

<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:*

1 **Sec. 8-27. Demolition or removal of buildings.**

2 \* \* \*

3 (e) Permit requirement; conditions. A person must not demolish or remove a  
4 building or structure unless the Director has issued a permit to do so under  
5 this Section. Each demolition or removal permit must require the  
6 applicant to:

7 (1) before demolishing or removing a building or structure,  
8 exterminate any rodents or other pests in it;

9 (2) after demolition or removal, clear all construction and  
10 demolition debris;

11 (3) restore the established grade of the surrounding land, unless a  
12 sediment control permit is otherwise required; and

13 (4) at all times keep the site free from any unsafe condition.

14 (f) Bond or surety. Each applicant for a demolition or removal permit must  
15 file a performance bond, cash, certificate of guarantee, or surety with the  
16 Department, in an amount equal to the cost of demolition or removal, to  
17 assure the safe and expedient demolition or removal of the building or  
18 structure and clearing of the site. If the building or structure is not  
19 demolished or removed and the site is not cleared of all debris within the  
20 time specified in the permit, but not sooner than 60 days after the permit  
21 is issued, the Director may enter the property, demolish or remove the  
22 building or structure, clear the site of debris, and take action to forfeit the  
23 performance bond, enforce the guarantee, or otherwise reimburse the  
24 Department for its cost.

25 (g) Definitions. As used in this Section:

1 [(1) remove means to move a building or structure substantially  
2 intact from or within a site; and]

3 [(2)](1) [d]Demolish means to tear down or destroy an entire  
4 building or structure, or [all of a building or structure except a  
5 single wall or facade.] sixty-seven (67) percent or more of first  
6 story exterior walls of a one-family or two-family dwelling unit.  
7 Demolish includes the conversion of an exterior wall into an  
8 interior wall. Basement and cellar walls are not considered exterior  
9 walls[.]; and

10 (2) Remove means to move a building or structure substantially intact  
11 from or within a site.

12 **Sec. 2. Expedited Effective Date.**

13 The Council declares that this legislation is necessary for the immediate  
14 protection of the public interest. This Act takes effect on the date on which it becomes  
15 law.

## LEGISLATIVE REQUEST REPORT

Expedited Bill 30-22

### *Buildings – Demolition or Removal*

**DESCRIPTION:** This Bill amends Chapter 8 redefine the term demolition to include removal of 67 per cent of first story exterior walls of a single-family or two-family dwelling.

**PROBLEM:** According to the bill’s sponsors, this bill would close out a “loophole” under which a building can be substantially removed except for a small wall, hence avoiding the need for a demolition permit. On that site, a contractor can then rebuild what is for all practical purposes a “new home” which they can market and sell as such without having to obtain a permit for new home construction. Instead, the permit they do apply for is one for alternations or renovations. When this happens, the contractor is not required to provide a warranty for a new home. The sponsors of this bill seek to ensure that where a building is substantially demolished, a demolition permit will be required and any home rebuilt on that site will require a new construction permit.

Applying for a demolition permit triggers certain obligations on the part of the applicant including a requirement that water supply and other utilities are properly disconnected, compliance with safeguards to abate any pest control issues or any negative environmental impact (e.g. asbestos, lead, etc). These same safeguards do not apply to alteration permits. In addition, alteration permits do not cover stormwater management.

**OBJECTIVE:** Require a demolition permit for tearing down 67 per cent or more of the first story exterior walls of a one-family or two-family dwelling.

**COORDINATION:** Department of Permitting Services.

**FISCAL IMPACT:** To be provided by Office of Management and Budget

**ECONOMIC IMPACT:** To be provided by Office of Legislative Oversight

**RACIAL EQUITY & SOCIAL JUSTICE IMPACT STATEMENT:** To be provided by Office of Legislative Oversight

**EVALUATION:** To be requested.

**EXPERIENCE**

**ELSEWHERE:** Inapplicable.

**SOURCES OF INFORMATION:** Eric Friedman, Director  
Office of Consumer Protection  
240.777.3636

George Muste, PE, Division Chief  
Residential Construction & Fire Code Compliance  
Department of Permitting Services  
Division of Building Construction Services  
240.777.6232

**APPLICATION  
WITHIN**

**MUNICIPALITIES:** Varies. Applicable to municipalities governed by Chapter 8.

**PENALTIES:** Fines associated with violations as outlined in Sec. 8-22 of the Code.