

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2022 Legislative Session

Reference No.: CB-088-2022

Draft No.: 2

Committee: PLANNING, HOUSING AND ECONOMIC DEVELOPMENT

Date: 9/21/2022

Action: FAV (A)

REPORT:

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Franklin, Glaros, Harrison, Hawkins, and Turner)

The Planning, Housing and Economic Development (PHED) Committee convened on September 21, 2022, to consider CB-88-2022. The Planning, Housing and Economic Development (PHED) Committee Director summarized the purpose of the legislation and informed the Committee of written comments received on referral. This bill amends Subtitle 13, Housing and Property Standards, to require landlords to keep common areas "in reasonably safe condition" to discourage criminal activity by residents and third parties. An enforcement element is also included to encourage compliance with this law and to promote the health, safety and welfare of County residents. The bill allows the Department of Permitting, Inspections, and Enforcement (DPIE) to investigate any tenant complaints regarding non-functioning security equipment. Violations are subject to a fine of up to \$500.

Council Member Medlock, the bill sponsor, informed the Committee that the bill is intended to address the concerns of safety and security of constituents living in multi-family homes, especially important for senior residents. The bill requires maintenance of common areas and ensures that landlords maintain the common areas in reasonably safe condition.

The Zoning Hearing Examiner submitted a September 9, 2022, memorandum suggesting the following minor revisions:

1. On page 2, line 3, insert "Annotated" after "Maryland Code".
2. On page 4, line 12, delete "during human habitation, of each common area" or revise it to better address the sponsors' intent since it could be interpreted as requiring these measures when common areas are used for human habitation and that is never supposed to occur.
3. On page 4, line 22, capitalize the "s" in "section".
4. On page 4, line 26, delete "made" and insert "in"

The Office of Audits and Investigations (A&I) provided a September 12, 2022, Policy Analysis and Fiscal Impact Statement indicating enactment of CB-088-2022 could pose a modest adverse fiscal impact on the County by increasing the number of inspections DPIE would carry out as a result of tenant complaints. These costs would be at least partially offset by the \$500 fine per

violation, when a violation is found, and the fine is collected.

The A&I Statement also included the following Discussion/Policy Analysis:

“While establishing a “Security Measures and Security Equipment” subsection would specifically mention security equipment, CB-088-2022 would reiterate provisions which already exist under §13-162.02, “Equipment provided by the landlord” subsection (a) that “[e]quipment which is provided by the landlord shall be properly installed, connected, and maintained, and shall be capable of adequately performing the function for which it was designed.” This bill would, however, add enforcement authority to the “maintenance” requirement, as the enforcement authority under §13-162.02 is limited to the required maintenance of air conditioning provided by a landlord.

While requiring that existing equipment be maintained in working order, the bill would not impose any requirement for a minimum standard of security in common areas. This may work adversely to disincentivize some landlords from providing enhanced security measures at the cost of possible fines when these are not properly functioning. Additionally, the bill does not provide a timeframe in which a landlord must fix any broken equipment before accruing a fine; ostensibly leaving it to DPIE’s discretion.”

The Council’s Legislative Officer summarized revisions in a Proposed DR-2 prepared at the bill sponsor’s request to address the ZHE and A&I comments.

Terry Bell, County Council Liaison, stated that the County Executive takes no position on CB-88-2022 and deferred to Department of Permitting, Inspections and Enforcement Director Melinda Bolling and Senior Adviser Lori Parris for discussion of a technical amendment. Ms. Parris suggested an amendment to include a provision for an administrative citation in subsection (f)(4) where reference is made to DPIE imposing a civil fine.

Ryan Washington, Apartment and Office Building Association (AOBA) of Metropolitan Washington, submitted a Position Statement expressing AOBA members’ concerns with CB-88-2022. Mr. Washington also testified during the Committee meeting regarding their concerns and suggested additional amendments to the revised draft. Bonita Bratton testified in support of the legislation.

Council Member Turner commented on the definition of “emergency” included in the bill and suggested that it should reference the State statute instead of the Governor’s Executive Order. The Legislative Officer explained that because the term applied to several sections in the Code, she recommended adding an explanatory note regarding the Governor’s Executive Order and his Executive Order #221-06-15-01 terminating the state of emergency.

After public testimony and discussion by Council Members, on a motion by Council Member Turner and second by Council Chair Hawkins, the Committee voted favorable, 5-0, on CB-88-2022 with the amendments in Proposed DR-2 as well as the amendment to the definition of emergency and DPIE’s suggested language regarding administrative citation.