

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2017 Legislative Session

Reference No.: CB-37-2017

Draft No.: 2

Committee: TRANSPORTATION, HOUSING AND ENVIRONMENT COMMITTEE

Date: October 3, 2017

Action: FAV(A)

REPORT:

Committee Vote: Favorable with Amendments, 4-0 (In favor: Council Members Turner, Patterson, Franklin and Taveras)

CB-37-2017 (DR-2) amends the Prince George's County Housing and Property Standards ordinance to address overcrowding. The bill adopts the 2015 International Property Maintenance Code pertaining to minimum area requirements for dwelling standards relating to overcrowding of dwelling units.

Gary Cunningham, Deputy Director of the Department of Permitting, Inspections and Enforcement (DPIE) supported the legislation and spoke on behalf of DPIE. Mr. Cunningham indicated that this overcrowding standard is the international standard.

The amendments are as follows:

1. On page 1, in line 19, after "Bedroom" insert "and living room"; on page 1, in line 20, after "Bedroom" insert "and living room"; and on page 1, in line 20, after "bedroom" insert "and living room".
2. On page 2, strike lines 1 through 4, and substitute: "**404.4.1 Room area.** Every living room shall contain not less than 120 square feet (11.2 m²) and every bedroom shall contain not less than 70 square feet (6.5 m²) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m²) of floor area for each occupant thereof."
3. On page 2, in line 9 and on page 2, in line 11, respectively, strike "at least" and substitute "not less than".
4. On page 2, in line 23, at the end of the sentence, insert: "For purposes of Section 13-123 of the County Code, occupant is defined as any person over one year of age."

5. On page 2, in the chart, after lines 22 through 25, amend as follows:” living room-1 to 2 occupants is 120”; strike the “kitchen” entry in its entirety; and “the minimum area in square feet for bedrooms shall comply with Section 404.4.1.”.

6. On page 3, after line 4, insert:

Extensions:

(a) The Director of the Department of Permitting, Inspections and Enforcement is authorized to grant an extension not to exceed 90 days to comply with a violation of sections 404.4, 404.4.1, 404.4.2, 404.4.3, 404.4.4, 404.4.5, Table 404.5, 404.5.1, 404.5.2, and/or 404.6 of the Housing Code, with the following exceptions for which no extension to comply shall be granted:

1. Subject dwelling unit is found to have a pending code violation that constitutes an immediate threat to the health or safety of the occupant or public; and

2. Tenant, occupant, or owners have been found guilty of a public or neighborhood nuisance within a two-year period, pursuant to the County Nuisance Abatement Board.

(b) In order for an extension to comply to be applied for any tenant, occupant, or owner, the County shall require said tenant, occupant, or owner, to execute an inspection agreement to provide for access to the dwelling unit at a reasonable time for an inspection within 30 days of a violation of sections 404.4, 404.4.1, 404.4.2, 404.4.3, 404.4.4, 404.4.5, Table 404.5, 404.5.1, 404.5.2, and/or 404.6 of the Housing Code.

7. On page 3, after line 10, insert:

“404.6 Efficiency Unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m²). A unit occupied by not more than two *occupants* shall have a minimum clear floor area of 170 square feet (15.7 m²). A unit occupied by not more than three *occupants* shall have a minimum clear floor area of 220 square feet (20.4 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.

2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front. Light and *ventilation* conforming to this code shall be provided.

3. The unit shall be provided with a separate *bathroom* containing a water closet, lavatory and bathtub or shower.

4. The maximum number of *occupants* shall be three.”

The Office of Law indicated that the bill mirrors occupancy ordinances in many jurisdictions both locally and nationally. It is important to note, however, given the nature of the bill, it may be subject to Equal Protection challenges.

The Office of Audits and Investigation indicated that the enactment of CB-37-2017 should not have an adverse fiscal impact on the County.

