

Resolution No.: 20-1146
Introduced: May 21, 2026
Adopted: May 21, 2026

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President at the Request of the County Executive

SUBJECT: Approval of Executive Regulation 1-25, Troubled Properties

Background

1. The Code of Montgomery County Regulations, under Section 10B.07.02.01, authorizes the County Executive to set forth a methodology used to designate multifamily properties as troubled, at-risk, or compliant under Section 29-22(b)(2) of the Montgomery County Code, based on the severity and quantity of violations of Code Chapter 26.
2. Executive Regulation 1-25 revises the methodology that the Department of Housing and Community Affairs (DHCA) will use to evaluate multifamily inspection results, which are used to determine a multifamily property's designation as troubled, at-risk, or compliant. It also amends the timeframe for notifying multifamily properties of their inspection results and associated designations. It also includes provisions to ensure that landlords comply with the County's Air Conditioning Law enacted by Bill 24-19. In addition, in response to the County's Rent Stabilization Law enacted by Bill 15-23, it details the steps that troubled and at-risk multifamily properties must undertake to change their troubled or at-risk designations.
3. Executive Regulation 1-25 was advertised in the February 2025 Montgomery County Register. Public comments were received and responded to by the Executive. The proposed regulation is unchanged from the advertised regulation.
4. The Council received Executive Regulation 1-25 in a memorandum from the Executive dated April 14, 2026.
5. The Planning, Housing, and Parks (PHP) Committee reviewed Executive Regulation 1-25 on July 28, 2025 and unanimously approved it.
6. Under Method (2), the Council may approve, disapprove, or extend the time for action within 60 days of receiving the regulation. In the absence of Council action, the regulation is deemed approved as submitted.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

The County Council approves Executive Regulation 1-25, Troubled Properties.

This is a correct copy of Council action.



Sara R. Tenenbaum
Clerk of the Council

Effective Date

Montgomery County Regulation on
Troubled Properties
Housing and Community Affairs

Issued by: County Executive
Regulation No. 1-25
COMCOR No. 29.22.02

Authority: Montgomery County Code, Section 29-22(b)(2)
Supersedes: Executive Regulation 5-17AM
Council Review: Method (2) under Code Section 2A-15
Register Vol. 1, No. 25

Effective Date: _____
Comment Deadline: 3/2/25

Summary: This regulation sets forth an amended methodology to designate a multifamily rental property as troubled, at-risk, or compliant under Section 29-22(b)(2) of the Montgomery County Code, based on the severity and quantity of violations of Chapter 26 and all other applicable laws. This amendment addresses necessary changes to the original Executive Regulation 5-17AM. It outlines the methodology that DHCA will utilize to evaluate multifamily rental property inspection results that are used to determine troubled, at-risk, or compliant status. It additionally amends the timeframe related to when multifamily rental properties will be notified of their inspection results and their associated designations. Lastly, it details the steps that troubled and at-risk multifamily rental properties must undertake to potentially change their troubled and at-risk designations.

Staff contact: Nathan E. Bovelleville, Chief
DHCA, Community Development Division
240-777-3713

Address: Information and copies of this regulation are available from the:
Department of Housing and Community Affairs (DHCA)
1401 Rockville Pike, Fourth Floor
Rockville, MD 20852

Effective Date**COMCOR 29.22.02 Troubled Properties****29.22.02.01 Purpose.**

The minimum maintenance standards that multifamily rental, as defined below, must meet are set forth in Chapter 26 of the Montgomery County Code. When the Department conducts an inspection of a multifamily rental property for compliance with Chapter 26 and all other applicable laws, any violations of the Chapter 26 standards and other applicable laws are noted by the Department without distinction as to the severity of the violation, except those violations cited under Section 26-13 and Section 26-15 of the Code. However, for the purposes of meeting the requirements of Section 29-22(b)(2), the Department categorizes and ranks Code violations identified during Department-scheduled inspections in the order of severity, as outlined in this regulation to determine whether the multifamily rental property is to be designated as a troubled property, an at-risk property or a compliant property as defined in Section 29-22(b)(2).

This regulation sets forth a methodology to designate a multifamily rental property as a troubled property, an at-risk property, or a compliant property under Section 29-22(b)(2) of the Montgomery County Code based on the severity and quantity of Chapter 26 violations, violations of other applicable laws, and other criteria as outlined in 29.22.02.04 of these regulations.

29.22.02.02 Definitions

Unless defined below, all terms herein have the same meanings as those in Chapter 29 of the Code.

- (a) *At-risk property* means a multifamily rental property that, because of the severity and number of violations under Chapter 26 or any other applicable laws, is at risk of becoming troubled but does not meet the threshold for being designated as a troubled property. To be designated as an at-risk property, the multifamily rental property's SV or TV Score exceeds the thresholds established by the Department under Section 29.22.02.04.
- (b) *Compliant property* means a multifamily rental property whose TV and SV Scores are both below the thresholds established by the Department under Section 29.22.01.04.

Effective Date

- (c) *Corrective action plan* means a written multifamily rental property maintenance plan prepared by the landlord of a troubled property, that describes in detail the specific actions that the landlord will take within a specified schedule to both identify and correct existing housing code violations in a timely manner and prevent future housing code violations to the greatest extent possible.
- (d) *Department-scheduled inspection* means an inspection scheduled by the Department as required under Section 29-22 of the Code.
- (e) *Multifamily rental property* means any apartment complex/building or other multifamily building, including duplexes that are offered for rent as personal living quarters whose owner is required to obtain a Class 1 rental housing license under Section 29-16 of the Code.
- (f) *Quarterly tenant work request logs* are records of all open, pending, and completed tenant or other work requests kept by landlords to track work requests, including the date or time that the work request was submitted, the specific nature of the work request, and for completed work, the time that the work was completed, and details of what work was done to satisfy the request.
- (g) *Requested inspection* means an inspection requested by a landlord whose multifamily rental property has received a troubled or at-risk designation for the purpose of obtaining a change to the property's designation when the landlord believes that violations identified during a Department-scheduled inspection have been corrected.
- (h) *Severity of Violations Score* or *SV Score* is a criterion used to assess the violations found in rental housing, calculated using the methods set forth in 29.22.02.04.
- (i) *Total Number of Violations* or *TV Score* is a criterion used to assess the violations found in a multifamily rental property, calculated using the methods set forth in 29.22.02.04.
- (j) *Troubled property* means a multifamily rental property whose TV and SV scores both exceed the thresholds established by the Department under Section 29.22.01.04 or where at least 20 percent of the property's units contain extensive and visible mold growth or have an infestation of insects, rodents or other vermin.

Effective Date

- (k) *Unsafe conditions* mean a failure by the landlord or tenant to maintain all or a portion of a multifamily rental property in a safe and sanitary condition. Unsafe conditions include, but are not limited to, fire safety hazards, physical hazards, environmental hazards, pest infestations, and security issues.

29.22.02.03 Classifying Violations by Severity

- (a) *Health and safety violations.* Health and safety violations are Code violations that present an imminent or immediate risk to tenants including, but not limited to:
- (1) those violations listed in Section 29-22(b)(1) of the Code;
 - (2) violations that cause the Department to condemn a unit or property as unfit for human habitation under Section 26-13 of the Code;
 - (3) missing, disabled, or non-functioning smoke detectors;
 - (4) broken entrance doors and/or missing or broken locks;
 - (5) HVAC system not maintaining a temperature of at least 68 degrees in heating months;
 - (6) health and safety-related unsafe conditions; or
 - (7) HVAC system not maintaining a temperature of no more than 80 degrees in cooling months.
- (b) *Higher priority violations.* Higher priority violations are generally those that do not present an imminent or immediate risk to tenants' health or safety, but require more substantial and expensive repairs, including but not limited to:
- (1) damage to interior doors and/or door locks;
 - (2) major wall damage;
 - (3) the limited presence of mold that does not meet the standard set in Section 26-13(a)(3) of the Code;

Effective Date

- (4) overcrowding;
 - (5) infestation not rising to the level established in Section 29-22(b)(1)(a);
 - (6) non-functioning or inadequately functioning major appliance, such as a refrigerator not cooling, or a stove not heating, to the required temperature;
 - (7) other damage to windows not related to egress;
 - (8) missing address indicators; or
 - (9) high priority unsafe conditions.
- (c) *Medium priority violations.* Medium priority violations are generally those related to ongoing maintenance issues including, but not limited to:
- (1) faucet leaks and other non-emergency plumbing repairs;
 - (2) minor wall or tile repairs that may allow water infiltration or access by rodents or insects;
 - (3) carpet or floor damage that may cause trip or other hazards;
 - (4) deteriorated refrigerator gaskets; or
 - (5) HVAC system requiring general maintenance.
- (d) *Lower priority violations.* Lower priority violations are generally those of a superficial or cosmetic nature including, but not limited to:
- (1) interior walls and ceilings requiring general painting, scraping and preparation;
 - (2) lights and light covers in need of repairing or replacing that do not cause electrical or other hazards;
 - (3) window blinds in need of repairing or replacing;
 - (4) superficial carpet or floor damage;
 - (5) broken or damaged toilet seat;

Effective Date

- (6) broken or damaged bathroom towel rack and/or toothbrush holder; or
- (7) bathtub in need of re-glazing and/or repairing grout and caulking.

29.22.02.04 Designating Troubled, At-Risk, and Compliant Properties

- (a) After an inspection of a multifamily rental property and based on the inspection findings, the Department must calculate the SV and TV Scores to be assigned to each multifamily rental property.
- (b) *Severity of Violations ("SV") Score.* The Severity of Violations score must be based on the following point system:
 - (1) five (5) points for each health and safety violation found;
 - (2) three (3) points for each higher priority violation found;
 - (3) two (2) points for each medium priority violation found; and
 - (4) one (1) point for each lower priority violation found.
- (c) The Department will assign the appropriate point value to each violation based on its severity and will add the points together to calculate the total number of points. The Department will then divide this total number of points by the total number of violations found in the multifamily dwelling units inspected to determine an average number representing the average severity per violation identified in the inspection process. This average will then be multiplied by the percentage of inspected units affected by violation, to calculate a final Severity of Violations ("SV") Score that reflects the proportional severity of violations across the inspected units.
- (d) *Total Violations ("TV") Score.* The Department will divide the total number of violations found in the rental housing by the total number of multifamily dwelling units inspected to determine an average number of violations per unit which will be the Total Violations ("TV") Score for that rental housing.
- (e) The Department will, within 30 days after completion of the analysis,;
 - (1) ascertain whether a property will be designated as a troubled property, at-risk property, or compliant property, and the TV Score and SV Score for each multifamily property will be evaluated based on the TV Score and SV Score

Effective Date

thresholds established by the Department. The TV and SV score thresholds are set at 2.0 and 1.5, respectively;

- (2) if a multifamily rental property exceeds both the TV score and SV score thresholds, the property will be classified as a troubled property. Additionally, a multifamily rental property will be automatically designated as a troubled property if, as a result of an inspection, the Department determines that 20 percent or more of the property's units have mold or an infestation of insects, rodents, or other vermin. Troubled properties are subject to annual inspections, the submission of a corrective action plan, and the submission of quarterly tenant work request logs;
- (3) if a multifamily rental property exceeds only one of the designated thresholds with either its TV Score or its SV Score, the property will be classified as an at-risk property. At-risk properties may be subject to more frequent inspections by the Department to monitor their conditions and encourage landlords to avoid being designated as a troubled property during future inspections;
- (4) if neither the TV nor the SV score of the multifamily rental property is above the designated threshold, the property will be designated as a compliant property;
- (5) if a multifamily rental property is designated as a troubled property or an at-risk property, the notice to the landlord will include supporting documentation to support or explain that designation. The written notice will also include:
 - A. the date established by the Department of the upcoming Department-scheduled inspection;
 - B. for troubled multifamily rental properties, the requirement for, and description of, a corrective action plan which must be submitted to and approved by the Department;
 - C. for troubled multifamily rental properties, the requirements of Section 29-22(e), including the requirement to submit quarterly maintenance logs to the Department, effective as of the date of the written notice;

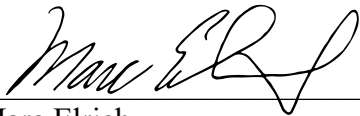
Effective Date

- D. the requirements under paragraphs (7) and (8) for the landlord to submit a request to have the multifamily rental property inspected sooner than the next Department-scheduled inspection; and
 - E. the remedies available under Section 29-25 and Section 26-16 of the Code if the landlord fails to comply with the requirements of all applicable laws.
- (6) The Department will inspect every troubled property at least once within the succeeding 12-month period, as measured from the date all previously identified violations from the most recent inspection of the rental housing complex have been corrected and the case file for that property is closed. So long as the multifamily rental property remains a troubled property, the Department will inspect the multifamily rental property at least once within each succeeding 12-month period until the original Department-scheduled inspection for the fiscal year yields a result where the rental housing is no longer designated as a troubled property. Rental housing that is designated as at-risk may continue to be inspected on a more frequent basis.
- (7) A multifamily rental property that has been designated as a troubled property may have that designation removed after the Director determines that the landlord has corrected all of the violations identified during the initial inspection, the landlord successfully completed the corrective action plan for the rental housing, that two quarters of quarterly tenant work request logs indicate the landlord's proper maintenance of property and that a subsequent inspection by the Department occurs and yields results that do not qualify the property as being troubled. The landlord may request an inspection sooner than the next Department-scheduled inspection only after the Department has verified that the landlord has corrected all the violations identified during the initial inspection and after the Department has received and approved the corrective action plan, as well as two quarters of quarterly tenant work requests. For the troubled designation to be removed, the TV and SV Scores resulting from the requested inspection or the next Department-scheduled inspection must not be above the designated threshold.
- (8) A multifamily rental property that has been designated as an at-risk property may have that designation removed after the Director determines that all violations

Effective Date


identified during the initial inspection have been corrected and that a subsequent inspection occurs, yielding results that do not qualify the property as being designated as at-risk. The landlord may request an inspection sooner than the next Department-scheduled inspection only after the Department has verified that the landlord has corrected all violations identified during the initial inspection. For the at-risk designation to be removed, the TV and SV Scores of the requested inspection or the next Department-scheduled inspection must not be above the designated threshold.

- (9) The Department will schedule and perform requested inspections as soon as feasible, taking into account the Department's responsibility to conduct emergency inspections, previously scheduled inspections, the size of the property, and other Departmental inspection needs.
- (10) In order for a troubled or at-risk property not to be subjected to Rent Stabilization rent increase restrictions, the property must achieve a designation as a compliant property after a requested inspection or the next Department-scheduled inspection.
- (11) Landlords that apply for requested inspections will be charged fees in accordance with COMCOR 29.20.02.03.



Marc Elrich
County Executive

Approved as to form and legality:



Office of the County Attorney/Date
12/19/25
Walter E. Wilson