

Introduced by: Councilmember Searcy

CITY OF TAKOMA PARK, MARYLAND

ORDINANCE NO. 2022-36

**ORDINANCE AUTHORIZING MONTGOMERY COUNTY
TO ADMINISTER AND ENFORCE CITY LAWS RELATING TO INSPECTIONS OF
RESIDENTIAL RENTAL FACILITIES**

WHEREAS, by Resolution Number 2003-08, adopted on February 19, 2003, the Council authorized the City Manager to enter into a Memorandum of Agreement (“MOA”) with the Montgomery County Department of Housing and Community Affairs (“DHCA”) under which DHCA performed licensing and complaint inspection of residential rental facilities within the City for the purpose of determining whether the residential rental facilities comply with the requirements of the City’s property maintenance code and other laws applicable to rental housing; and

WHEREAS, by Ordinance Number 2003-04A, adopted on March 24, 2003, the Council authorized DHCA to administer and enforce City laws relating to rental housing licensing and property maintenance code inspections, until the expiration or termination of said MOA or until Montgomery County’s authority was revoked by an ordinance adopted by the Council; and

WHEREAS, by Resolution Number 2009-57, adopted on September 28, 2009, the Council authorized the City Manager to renew the MOA with DHCA and authorized the City Manager to renew the same for up to three additional three-year periods; and

WHEREAS, by Resolution Number 2022-32, the Council recognized the City’s need for affordable and quality inspections of residential rental facilities and the Council authorized the City Manager to enter into a renewed agreement with DHCA for those purposes; and

WHEREAS, Section 5-205(e)(3) of the Local Government Article empowers the City to enter into agreements with other municipalities for the provision of municipal services; and

WHEREAS, pursuant to Takoma Park City Charter § 401(b)(24), the City is authorized to make agreements with governmental entities, including counties, for the joint performance or for cooperation in the performance of governmental functions; and

WHEREAS, Montgomery County Code Section 2-96(1) empowers municipal corporations to, by ordinance, request and authorize the County to administer or enforce any municipal law; and

WHEREAS, the Council wishes to authorize Montgomery County to administer and enforce City laws relating to the licensure and property maintenance code inspections of

residential rental facilities within the City's corporate boundaries, including issuing, adjudicating, and enforcing municipal infraction citations and orders for violations of the City's laws.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND:

SECTION 1.

A. The City of Takoma Park requests and authorizes Montgomery County to administer and enforce the requirements of City laws relating to the inspection of rental housing (both licensing inspections and inspections based on complaints) for the purpose of determining whether the rental housing complies with the requirements of the City's property maintenance code and other applicable City laws. Montgomery County is specifically requested and authorized as necessary for the enforcement of the City laws relating to rental housing facilities, to issue, adjudicate, and enforce municipal infraction citations and any abatement orders issued for violations of such City laws. Montgomery County is further authorized, as necessary, to enforce the City laws relating to rental housing, to obtain search warrants authorizing entry into rental housing facilities, rental units, or premises for purposes of carrying out any of the functions of the Agreement for Rental Housing License and Property Maintenance Inspections between the City and DHCA.

B. The enforcement authority of Montgomery County, under Section 1.A, above, shall apply to the following City laws as they apply to rental housing facilities and to any amendments and other ordinances and regulations relating to rental housing adopted by the City Council during the term of the Agreement:

Takoma Park Code, Title 6 – Housing

1. Chapter 6.04 – General Provisions and Definitions
2. Chapter 6.08 – Rental Housing Licenses, Section 6.08.070 – Inspections
3. Chapter 6.12 – Property Maintenance Code
4. Chapter 6.16 – Landlord-Tenant Relations, Section 6.16.050 – Obligations of Landlords
5. Chapter 6.16 – Landlord – Tenant Relations, Section 6.16.140 – Defective Tenancy
6. Chapter 6.16 – Landlord – Tenant Relations, Section 6.16.155 – Window Guards
7. Chapter 6.36 – Unsafe Buildings; Public Nuisance Abatement

SECTION 2. Montgomery County's authority to administer and enforce City laws relating to rental housing, to issue and enforce municipal infraction citations and abatement and other orders for violations of City laws related thereto, and to obtain search warrants authorizing entry into rental housing facilities, rental units, or premises, as set forth in Section 1 of this Ordinance, shall be concurrent with the City's authority to perform these functions and to administer and enforce City laws relating to rental housing and inspections of the same.

SECTION 3. Montgomery County's authority under this Ordinance shall remain in effect until the termination or expiration of the Agreement for Rental Housing License and Property

Maintenance Inspections between the City and DHCA or until Montgomery County's authority is revoked by an ordinance adopted by the Council.

Adopted this 27th day of July, 2022, by roll-call vote as follows:

AYE: Stewart, Kovar, Dyballa, Kostiuk, Seamens, Smith, Searcy
NAY: None
ABSENT: None
ABSTAIN: None