

**DEPARTMENT OF ENVIRONMENTAL RESOURCES  
COMMUNITY STANDARDS DIVISION**

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**PERFORMANCE AUDIT  
APRIL 2003**

**OFFICE OF AUDITS AND INVESTIGATIONS  
Prince George's County  
Upper Marlboro, Maryland**

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April 2003

The County Council and County Executive  
of Prince George's County, Maryland

We have conducted a performance audit of the

**DEPARTMENT OF ENVIRONMENTAL RESOURCES  
COMMUNITY STANDARDS DIVISION**

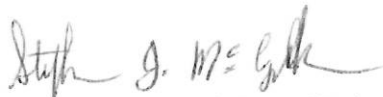
in accordance with the requirements of Article III, Section 313, of the Charter for Prince George's County, Maryland. Our report is submitted herewith. The scope of the audit and our findings, comments, and recommendations are detailed in the report, which begins on the following page.

Successful implementation of some of the recommendations will require action by the Chief Administrative Officer. Implementation of others will require the cooperation of agencies whose activities affect those of the Department of Environmental Resources.

We have discussed the contents of this report with appropriate personnel of the Department of Environmental Resources, and wish to express our sincere gratitude to them for the cooperation and assistance extended to us during the course of this engagement.



David H. Van Dyke, CPA  
County Auditor



Stephen J. McGibbon, CPA  
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DEPARTMENT OF ENVIRONMENTAL RESOURCES  
COMMUNITY STANDARDS DIVISION

SUMMARY OF PERFORMANCE AUDIT

APRIL 2003

The Office of Audits and Investigations performed an audit of the Department of Environmental Resources in accordance with the County Charter. Our review centered around the Community Standards Division (CSD) units that have primary enforcement responsibility in the area of property maintenance. The major findings addressed in our report are:

- The Single Family Enforcement Unit is not meeting its stated standard of surveying each single-family home within its jurisdiction at least 4-times per year, or their informally revised standard of 2-times per year.
- Certain units within the CSD experience long delays in closing cases and case-files are not always properly completed. Extended delays in enforcing the County's property standards may allow some of the County's housing stock to become substandard; worsens neighborhood conditions and livability; serves to encourage criminal activity; and destabilizes home values.
- The information technology system used by the CSD in the tracking and reporting of code violations is cumbersome, and does not lend to the effectiveness and the efficiency of the property standards enforcement process.
- The Quality Assurance Section does not have established guidelines for dealing with fraudulent certifications.
- A central set of records is not maintained to determine the level of training the County's QAS inspectors receive on an annual basis.
- The deadline established by which the third-party inspectors should submit their inspection reports, is not being enforced by the agency.

We wish to thank the Department of Environmental Resources for its assistance and cooperation. We are available to provide any further clarification relating to the recommendations contained in this report, or professional assistance in any other area where the agency may have concerns or questions.

## **CHAPTER 1**

### **CODE ENFORCEMENT ACTIVITY**

#### **BACKGROUND**

The Community Standards Division (CSD) is responsible for enforcing a variety of the County's property standards laws including those on clean lot, litter, and weed control. They inspect neighborhoods, apartment projects, and commercial and industrial properties to ensure compliance with the County's property standards. The Division has implemented a geographic area inspection system for the single family housing inspection operation. Under the program, inspectors have assigned areas to monitor, thus giving greater continuity to the enforcement efforts. The Division is comprised of the following seven working Units: Building Inspection; Site Development Inspection; Quality Assurance; Multifamily Enforcement; Single Family Enforcement; Zoning/Commercial Property Maintenance/Use & Occupancy; and Business License.

#### **OBJECTIVES AND SCOPE**

The objectives of this review entailed an examination of (i) how effectively CSD carried out its enforcement responsibility in the area of clean lot, litter, weed control, and other property maintenance standards, (ii) the efficiency with which CSD carries out this responsibility, and (iii) the factors inhibiting satisfactory performance, its effect, and recommended corrective action.

Our review centered around the units that have primary enforcement responsibility in the area of property maintenance. These include the Single Family Enforcement Unit, the

Multifamily Enforcement Unit, and the Zoning/Commercial Property Maintenance/Use & Occupancy Unit. The years examined included fiscal and calendar years 2001 and 2002.

## FINDINGS AND RECOMMENDATIONS

### Inadequate Inspection Coverage

The Single Family Enforcement Unit is not meeting its stated standard of surveying each single-family home within its jurisdiction at least 4-times per year, or their informally revised standard of 2-times per year.

Subtitle 13, Division 1, Subdivision 2, Section 104.3, of the Prince George's County Code, requires that "inspections of dwellings, dwelling units, rooming houses, rooming units, and premises shall be made on a systematic basis". These inspections are in addition to the Unit responding to official complaints made by citizens.

Additionally, in the Department of Environmental Resources, Community Standards Division's Transition Report, the mission for the Single Family Enforcement Unit states that its inspectors "are charged with reviewing each property in their assigned area quarterly. Inspections are conducted from the public way and only deal with exterior issues regarding the dwelling and property that can be observed from that location."

During subsequent interviews with Division staff, we were informed that this quarterly standard for single-family inspections, has now been reduced to at least 2 inspections per year.

In conducting their inspections, inspectors drive to their assigned areas and perform a visual inspection of each dwelling unit to determine if exterior conditions of the house and property are in compliance with the County Code requirements. The violations most often observed include tall grass/weeds, accumulation of trash/debris,

abandoned/wrecked/unlicensed/dismantled vehicles, flaking or peeling paint, and other general exterior home maintenance issues.

The Single Family Enforcement Unit has divided the County into distinct geographical areas called Housing Conservation Areas (HCA). There are approximately 325 HCAs, with field inspectors being assigned an average of 25 HCAs each. We selected a judgmental sample of 35 HCAs and attempted to determine the number of times a field survey was done in those HCAs for calendar years 2002 and 2001. We reviewed the Master HCA file and Field Inspection file for each HCA. Together these files should provide information on all units and property owners in the HCA, maps, and a listing and/or a summary sheet of dates of field survey inspections performed.

Our review of these 35 files revealed that the unit is not meeting the lower standard of two inspections per year. For calendar year 2001, we determined that 12, or 34.3%, of the 35 HCAs selected had no inspections, 11, or 31.4%, had one inspection, and 12, or 34.4%, had two inspections for the year. Therefore, in calendar year 2001, 65.7% of the total HCAs in our sample were not inspected in accordance with the unit's minimum standard for annual single family inspections.

In calendar year 2002, the inspection rates declined even further. Of the 35 HCAs examined, 20, or 57.1%, had no inspections, 14, or 40%, had one inspection, and 1, or 2.9%, had two inspections for the year. Therefore, in calendar year 2002, the unit's inspection team failed to satisfy the Division's requirement for inspections in 97.1% of the files we examined.

In addition, the unit prepares and submits monthly reports which provide information on the various activities of the unit for the period. We obtained these reports for fiscal year 2002

and compiled the number of surveys it performed on the dwelling units regulated by the unit. For the fiscal year the unit reported that it performed approximately 120,000 visual surveys. We further determined that the unit was responsible for regulating approximately 145,740 houses during that period. The difference between the two numbers indicates that many houses are not being inspected even once for the year. This supports our earlier determination that the number of inspections/surveys performed was not sufficient to accomplish the agency's revised goal of 2 inspections per year for each dwelling unit.

The Unit is not meeting its standard of 2 inspections annually, for single family housing, due to a combination of reasons. These include management's emphasis on prioritizing the investigation of complaints which average approximately 338 per month; the inefficient technology being used to manage cases and their corresponding files [see discussion under Ineffective Information Technology Support]; inadequate training for users of the available technology; and management's difficulty in supervising and monitoring their inspection staff – due in part to a loss of supervisory personnel. Additionally, turnover among inspection staff aggravated the problem. At the time of our audit, the Division was experiencing a vacancy rate of approximately 13%.

If this situation persists, the unit could find itself being more reactive than proactive – responding primarily to complaints, instead of proactively going out in the neighborhoods and ensuring that properties are being maintained in accordance with County standards as established in the County Code. Poorly maintained properties lead to a devaluing of property values in the neighborhood, and may bring about hazardous health and safety conditions.



We recommend that:

1. **The Director of Environmental Resources determine the number of inspections that are needed annually to ensure that County homes are maintained in a manner consistent with the County Code. Upon making that determination the results should then be formalized in written procedures to guide the inspection activity process.**
2. **We also recommend that an inspection plan be developed before the beginning of the inspection year that provides time deadlines and geographic areas for which inspections should be conducted. The timetable of this plan should provide inspection coverage for all houses regulated by the County at the annual frequency determined in Recommendation 1. The plan should facilitate management's monitoring of the progress of inspections ensuring that all houses regulated will receive the required coverage by the end of the year.**
3. **We further recommend that the Director of Environmental Resources ensure that the Community Standards Division is provided the necessary tools – including technology, training, and staff – to fulfill its mission in the area of enforcement of the County's property standards.**

#### Delayed Enforcement of Housing and Property Standards And Weak Quality Controls

Certain units with the Community Standards Division, experience long delays in closing cases and case-files are not always properly completed.

For the County's code enforcement efforts to be effective, it is important that compliance is brought about in a timely manner to prevent a detrimental effect on the neighboring properties and the community in general. Further, case-files should be properly maintained in order that timely reviews and follow-up steps can be facilitated.

In conducting our examination of the Division's complaints handling process, we selected a sample from fiscal year 2001 and fiscal year 2002 activity for the Single Family Enforcement Unit, the Multifamily Enforcement Unit, and the Zoning/Commercial Property Maintenance/Use & Occupancy Unit. Our sample included 25 items from each unit for each fiscal year. We present our findings only on the Single Family Enforcement Unit as these are representative of our findings in the other two units examined.

In the Single Family Enforcement Unit, our examination of the 50 items in our sample for the two-year period revealed that approximately 10 cases, or 20%, took approximately 4 to 10 months to close. (We also attempted to age violations for a fiscal year on the entire population – not just a sample – but were unable to do so<sup>1</sup>.) There were also many gaps in the activity log of several case-files, making it difficult to determine the status of the complaint investigation – whether ongoing or inactive. In some cases there was no evidence of supervisory comments or inquiry on the missing information or the status of the case.

The Unit staff explained that the delay in closing cases is often as a result of the length of time it takes to get a court hearing and a court-ordered compliance. When a complaint is investigated and confirmed, the Unit sends out a notice to the property owner giving him/her 30 days to come into compliance with the County Code. If the owner is still not in compliance at the end of that period, another notice is mailed out giving the owner another 15 days to correct the problem. If owner is still non-compliant at the end of the last 15 day period, then a final notice, warning of legal action, is sent out giving the owner another 10 days. The owner can get additional time if he/she takes steps to correct the problem, even if it is not fully corrected. At the end of this 10 day period, if the owner is still found to be non-compliant, then the case is sent to the Office of Law for processing. By this time at least 2 months have passed – usually more if additional time is granted – before the case even gets to the Office of Law. The case then takes an additional 90 days for processing and awaiting a hearing date. If the court rules in favor of the County, the courts may still grant additional time to the owner to correct the problem. If

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<sup>1</sup> We attempted to obtain a list of all cases for a fiscal year where violation notices were issued to determine their current status. The Unit was unable to produce such records due to record-keeping and technology challenges. The technology challenges are discussed in the Ineffective Information Technology Support section of this report. Our intent was to determine the percentage of compliance achieved at different stages of the enforcement process, ex. after initial notice; after 2<sup>nd</sup> re-inspection; after a judicial order; after forced compliance, and to determine how long the cases remained open.

owner fails to comply with the court's deadline, a court-order may be issued, allowing the County to go on the premises and bring property into compliance. To effect a court-ordered clean up, DER partners with other County agencies to accomplish this. A primary partner is the Department of Public Works and Transportation (DPW&T). The availability of the DPW&T staff will add to the length of time it takes for the case to get resolved. The average wait for a clean-up request to be acted upon by DPW&T is 95 calendar days<sup>2</sup>.

Extended delays in enforcing the County's property standards may have the following effects: allows some of the County's housing stock to become substandard; worsens neighborhood conditions and livability; serves to encourage criminal activity; and destabilizes home values.

Additionally, files that are improperly completed do not allow for a thorough or efficient supervisory review process, and cannot be easily transferred to other inspectors as the need may arise. Monitoring the progress of these cases will be negatively affected as it may impede a supervisor's ability to ensure that cases are being handled in a procedurally correct manner. Further, such files may cause required follow-up steps (ex. re-inspections) to be missed because of the unclear status of the cases.

We recommend that:

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<sup>2</sup> We sampled 20 forced clean-up cases completed in 2002. In that sample there was an average lapse of approximately 95 calendar days before DPW&T could schedule clean-up. The fewest number of days was 24 and the longest was 272 days from request date to the date of clean-up. DPW&T staff informed us that they only have one crew available to perform clean-lot removal work. This crew, however, is reassigned during the fall and winter months to leaf pick-up and snow removal activities. Staff estimates that they have at least a 3-month backlog of clean-lot cases.

4. **The Director of Environmental Resources – barring any legal impediment – reduce or eliminate the first 15 day re-inspection requirement and eliminate the second 10 day re-inspection requirement so that cases may be forwarded to the Office of Law within a more reasonable timeframe. (In our Appendix A, we have presented the practices of other jurisdictions for consideration.)**
5. **We recommend that the Director of Environmental Resources develop written standards and standardized forms for the cataloguing of inspectors activity on open cases. These written standards should also document the level of review expected from supervisors on each case file, and require them to sign and date case files after their progress review, indicating if cases are being handled and documented properly. The process of documenting work being done on a case should be automated to facilitate a more efficient review process and to allow for an easier transfer of a case file to another inspector as the need arises.**

#### Ineffective Information Technology Support

The information technology system used by the Division in the tracking and reporting of code violations is cumbersome, and does not lend to the effectiveness and the efficiency of the property standards enforcement process.

The Division uses the Computerized Home Inspection Program (CHIPS)2 database system to store information pertaining to housing code violations and to generate certain letters to property owners based on the violation code entered. The CHIPS2 was originally developed using Visual Basic (VB) 2, but was never documented.

Based on discussions with the head of the Community Standards Division, the system does not generate meaningful statistical information that can be used for immediate or strategic decision-making. Additionally, there is usually a backlog in entering information into the system, caused in part by a lack of personal computers. The Division's head said they only have 4 personal computers supporting approximately 40 users.

During the course of our audit, we gained access to the CHIPS2 application and were able to view the screens and reports comprising the application. We discussed each screen and function with the Code Enforcement Officer and support staff. We observed that there appeared to be little correlation between what information is needed by management and staff to perform their normal functions, and the information actually generated by the system. The inspectors do not rely on the reports generated because the system is usually not current. Management does not rely on the system because its reporting capabilities are not aligned with their needs, and also because the information is not current. Furthermore, the letters the system generates for property owners are often confusing because they contain codes and comments that frequently do not address the actual findings of the inspectors. Staff cannot produce ad hoc queries to meet the needs of the inspectors or of management. The system as it currently stands does not provide information on the current number of violations outstanding, the geographic areas in which violations are outstanding, an aging of the violations outstanding, and other useful information. From our review of the system and discussion with staff, it appears that the system captures a significant amount of data but users are not able to extract the data in a manner that supports any gain in either effectiveness or efficiency.

The failure of this system to adequately support the code enforcement effort contributes to the quality control shortfalls discussed earlier in our report, and brings about an overall loss of confidence in the system.

The Office of Audits & Investigations met with the Office of Information Technology & Communications (OITC) to determine the level of support that they were providing for this system, and to determine the application documentation they developed for said system. They informed us that they have undertaken a three-phased project pertaining to this application, the

first two phases of which are already complete. In the first phase, the CHIPS2 application was migrated from VB2 to VB6. This brings the application up to the most current version of the VB technology and it can therefore be fully supported under the vendor contracts managed by OITC. The second phase involved fully documenting the CHIPS2 application. In the third phase, OITC will revise the capabilities of CHIPS to make the program more practical to the users, working directly with staff to develop the users' system requirements.

It is important that this application provides full capability to both management and staff in order to improve the code enforcement effort. A partially functioning system impedes the ability of the organization to move cases through the process more expeditiously, hinders the efforts of supervisors in monitoring the timely and proper handling of cases, and reduces overall quality control in the code enforcement function.

We recommend that:

- 6. The Director of Environmental Resources ensure that staff conduct a thorough analysis of their system needs so that the software end product allows for greater usability and provides information that is useful for strategic decision makers.**

In our review of selected DER computerized systems, we learned that the Department has in development an application named "Customer Service Automated Ticketing System". It will be placed at the customer permit desk so customers can access permit status information. [It should be noted that this activity falls within the purview of the Permits & Review Division, not the Community Standards Division. It is included in this report only as a derivative finding discovered during our procedures on the Community Standards Division.]

We requested a copy of the system requirements and design specifications to determine if the system was following the normal system development life cycle (SDLC) standards and



generally accepted business practices. We also conducted a site visit to obtain a demonstration of the application.

Upon reviewing the systems requirements documentation, we were satisfied that the document appears well structured, detailed, and complies with the system requirements element of the SDLC process. The demonstration of the prototype application ran smoothly and appears to address the provisions discussed in the requirements documentation. The only component not available during the demonstration was the voice messaging element of the application. The basic need at this point, as it relates to this application, is for management approval of the prototype design effort, and formal buy-in by the executive level of DER.

We also met with OITC concerning this project and they informed us that they are not formally involved with this project and that the project is being carried out by DER using their own internal resources.

If this project becomes operational, it is expected that it would improve the efficiency of processing customers at the permits desk, thereby reducing wait times. This improves customer satisfaction, and reduces the opportunity for customer conflicts among themselves and with DER staff. The remaining cost to bring this product on-line is minimal – estimated at less than \$5,000.

We recommend that:

- 7. The Information Technology Office of the Department of Environmental Resources present the prototype application to the department's executive level management and obtain their formal buy-in to the project before proceeding beyond the developmental stage. Subject to such approval, the Information Technology Office should continue to develop the project in accordance with generally accepted standards, and bring this application into production.**

## **CHAPTER 2**

### **QUALITY ASSURANCE SECTION**

#### **BACKGROUND**

The Quality Assurance Section (QAS) resides within the Community Standards Division of the Department of Environmental Resources (DER). This section provides oversight for all commercial projects placed under the County's third party inspection program. It also provides commercial electrical inspections for commercial projects that do not fall under the third party inspection program, County buildings, and school projects. Further, the QAS provides support to other sections in the Community Standards Division related to Code compliance issues. The majority of this support is related to Use and Occupancy Permit issuance.

The County's third-party inspection program, also known as the Commercial Inspection Procedure (CIP), is described in a DER publication – Building Bulletin #92 (the Bulletin). The Bulletin sets forth that all commercial buildings for which a permit is obtained to construct a new building or an addition to an existing commercial structure shall be deemed to fall under this procedure. The program requires an owner to hire third party inspectors to evaluate construction activity and determine its compliance with the County Code and County approved construction documents. These third party inspectors are usually professional engineers. The Bulletin specifically prohibits construction contractors from hiring the third party inspectors – only the owners may hire them. As the construction project progresses, the QAS staff monitors these projects to ensure that the third party inspectors are functioning in a manner consistent with the CIP program, provides a liaison to the building industry, and conducts a final inspection for use and occupancy. The Bulletin was developed using guidance provided by the Building Officials



and Code Administrators International (BOCA) model codes. BOCA, founded in 1915, is a professional association which represents the full spectrum of code enforcement disciplines and construction industry interests, and is comprised of more than 16,000 members.

A full-fledged County CIP program began in 1995, in the Permits and Review Division (PRD). Subsequently, the Quality Assurance Section of the Community Standards Division was formed and began participating in the CIP program. The QAS becomes involved in the process only after PRD executes a signed agreement with the owner of the commercial project, and issues the necessary permits related to the project. Approximately 70 projects were completed under the CIP program in 2001.

#### OBJECTIVES, SCOPE, AND METHODS

The objectives of this review were to determine (i) how effectively QAS monitors the activity of third-party inspectors, (ii) if the Section ensures that inspectors' reports are submitted within the prescribed timeframe, (iii) if effective disciplinary measures are in place for non-compliant third-party inspectors, and (iv) factors hindering satisfactory performance, the effect or potential effect of continued unsatisfactory performance, and recommend corrective action.

Our review focused on the activity of the Quality Assurance Section for fiscal years 2001 and 2002.

In conducting our review, we interviewed key personnel within DER; observed staff performing their duties; and performed detailed tests including:

- Examining third party agreements for required information;
- Examining project files to ascertain how well job was monitored during its various phases;
- Reviewing of inspectors' reports to ensure their timely filing;

- Examining instances of third party inspectors' violations, and the disciplinary measures taken against violators;
- Determining the type and frequency of training the County's inspectors receive.

## FINDINGS AND RECOMMENDATIONS

### Lack of Departmental Guidelines for Fraudulent Certifications

During our discussions with Division staff, and upon reviewing information they provided, we determined that the Quality Assurance Section does not have established guidelines for dealing with fraudulent certifications.

The Department of Environmental Resources', Building Bulletin #92, does require that "established Departmental guidelines for dealing with fraudulent certifications" be utilized.

We requested that staff present to us evidence of established guidelines for dealing with fraudulent certifications, as well as other third-party violations. The Division was unable to produce these guidelines, and informed us that they were in the process of drafting-up disciplinary procedures for various types of violations.

Because of the lack of guidelines, there was no clear procedural approach in place when incidents of fraudulent certifications occurred. As a result, a third-party inspector, who had demonstrated a pattern of unsupportable certifications, continued to participate in the County's third-party party inspection program for an extended period. This inspector's continued participation, led to cases where the County accepted commercial construction projects that failed to satisfy requirements of the County's building code. As documented by QAS staff, this firm had a history of certifying non-compliant commercial structures as compliant with the County's building code. In addition, QAS staff found evidence that this firm knew that the

buildings were non-compliant but failed to disclose the areas of non-compliance they discovered, choosing instead to certify the non-compliant structure. This raises questions about this third-party inspector's technical competence and ethical standards.

When a third-party inspector certifies any particular phase of a commercial project, he/she is saying that the phase of the project is built according to code, thereby satisfying its requirements. Failure to halt the false certifications by these inspectors can lead to a variety of consequences ranging from minor inconveniences to catastrophic events which result in loss of life or serious injury. It reduces the level of safety for citizens and building occupants to a less than appropriate level, and may bring into question, the effectiveness of the quality assurance program.

We recommend that:

- 1. The Director of Environmental Resources implement disciplinary guidelines that address how the Quality Assurance Section should deal with fraudulent certifications and other third-party violations in the Commercial Inspection Procedure program. These guidelines and the associated penalties for violators should be communicated at the Pre-Agreement Conference.**

Furthermore, in instances where fraudulent certifications were identified, Bulletin #92 requires that Departmental guidelines include "the suspension of the acceptance of certifications from the party involved and/or filing of complaints with the appropriate licensing/registration board". Because of the reliance the County places on third-party inspectors, and the implicit element of trust necessary for this arrangement to be successful, it is unacceptable for the County to continue doing business with inspectors who willfully disregard the requirements of the building code.

We further recommend that:

- 2. The Director of Environmental Resources also include in the disciplinary guidelines, provisions for the swift suspension of the third-party inspector that submits fraudulent certifications and a formal complaint with his/her appropriate licensing/registration board.**

Insufficient Documentation

The divisions that preside over the agency's CIP program, do not maintain copies of the executed agreements between third-party inspectors and the owners of the commercial development projects.

Building Bulletin #92, dated July 1, 1995, states the following:

"Any individual or organization engaged to perform inspection services shall be engaged by the owner or his/her representative ...No individual or organization engaged to provide the inspection services identified herein shall be engaged by the construction contractor".

During our review, we selected a sample of 20 CIP projects and attempted to determine if the third-party inspectors associated with each project were hired by the owner(s) of each project, and not by the contractors. The project files did not contain information as to which party hired the third-party inspector. Our discussion with staff also confirmed that this support was not being obtained.

It is important to ascertain that a contractor of a project in the CIP is not the party hiring the inspectors, as these inspectors would then be responsible for certifying the work done by that contractor. Such a relationship potentially presents a conflict of interest, and may create an environment where the likelihood of unsupported or fraudulent certifications will increase.

A third-party inspector may be pressured by the contractor who hired him/her to fraudulently certify a commercial structure in exchange for a monetary benefit. If the third-party inspector believes his/her fraudulent certification will go undetected, then the likelihood of their participation in such a scheme may increase.

We recommend that:

- 3. The Director of Environmental Resources instruct the division that performs the initial steps in the Commercial Inspection Procedure program, to obtain from the project owner, a certified copy of the agreement with the third-party inspection firm.**

During our testing we also discovered an instance where the Architect of Record for a project was changed without the required supporting documentation for that change.

Bulletin #92, requires that changes in key personnel should be approved by the Permits and Review Division. Section 104.7 of this bulletin further states that the owner should provide to the Division a written explanation for such change, documentation showing that the replacement personnel has the necessary qualifications for the service to be performed, and a revised inspection agreement signed by the new party.

The Division staff informed us that they were aware of the change in the Architect of Record and provided us with the communication received pertaining to this change. However, not all the required documentation was obtained, nor was this information maintained in the project file.

We further recommend that:

- 4. The Director of Environmental Resources ensure that all the documentation that relates to a change in key participants in a CIP project be obtained as required by Bulletin # 92, and be retained in the project file.**

While conducting our audit, we attempted to determine the level of training the County's QAS inspectors received on an annual basis, but we were not able to do so. A central set of records pertaining to staff training was not maintained.

Our discussion with QAS staff revealed that staff training is periodically provided and encouraged, but records are not kept on the courses that staff members take each year, nor is their any formal office requirement on continual professional development courses for the staff.

Management informed us that their inspection staff is highly trained and have obtained various types of professional designations which also requires on-going training, however, training records can be better documented.

Systematic training is necessary in ensuring that inspection staff is properly equipped to deal with changes in the building code, obtain refreshers on existing sections of the code, and may assist supervisors in matching assignments with the appropriate staff. It provides more assurance that inspections are effective and hence, more confidence in the safety of commercial structures that came through the CIP.

We recommend that:

- 5. The Director of Environmental Resources require that a more formalized training program be developed for inspectors in the Quality Assurance Section, and that training records be maintained in a central log that readily displays courses sat by inspectors on an annual basis. Consideration should be given to requiring that each inspector obtains a minimum amount of industry-related training hours each year.**

#### Third-Party Reporting Requirements

The deadline established by which the third-party inspectors should submit their inspection reports, is not being enforced by the agency.

In Section 103.2, B. (5) of Building Bulletin #92, it sets forth the reporting requirements of the Structural Engineer of Record and/or the Architects of Record as follows:

“Provide observation and inspection reports to the Permits and Review Division within 10 days of the observation or inspection activity.”

In addition, the Other General Requirements section of the same bulletin, Section 104.5 further states:

“All inspection and testing reports shall be sent within ten days of the inspection or testing activity involved to the owner or his designee, the Permits and Review Division  
...”

Based on our discussion with agency staff, the ten day requirement is not always realistic and therefore not strictly enforced. Agency staff said that their emphasis is instead placed on making visits to the construction site, and ensuring that the work is being done properly and in accordance to code. These site visits provide them more assurance of code compliance, than a third-party report would. The staff may employ the Bulletin's ten day requirement as additional leverage on a tardy third-party inspector.

While we generally agree with the additional effectiveness of site visits, our concern is that if a major incident was to occur on a job site, and proper documentation of the third-party's work is absent from our files, then the situation is ripe for blame to be passed around to the different parties involved, and accountability becomes more difficult. For example, a third-party inspector may say that a County inspector gave verbal assent to a phase of the construction that was later determined to be the cause of a construction incident. This could lead to a negative impact on the confidence placed in the County's quality assurance program. Additionally, a written report allows a County inspector's supervisor, who is not out at the job site, to do an independent review of the work being done at the job site, providing input as necessary.

We therefore recommend that:

6. The Director of Environmental Resources take steps to determine if Building Bulletin #92 ten day reporting requirement provides a realistic timeframe for third-party inspectors to submit their inspection reports. The Director should make adjustments to the Bulletin as necessary, and then enforce the reporting requirement.



## Code Enforcement Appendix A

During the course of our review, the Office of Audits and Investigations interviewed the staff of several counties and municipalities to get a sense of what remedies these other jurisdictions were using in their code enforcement efforts and which of those remedies they considered effective and efficient in satisfying their enforcement objectives. Below we have provided a matrix naming the various jurisdictions and their more significant remedies for single-family code enforcement. Following the matrix is a brief discussion of some of the pros and cons of these methods as described by the interviewees.

Jurisdiction	Quasi-Judicial Board	Civil Citation	Injunctive Relief Method	Other Intermittent Methods
City of San Jose, CA	<u>X</u>	X	X	X
Montgomery County, MD		X	X	X
Chesterfield County, VA		X <sup>‡</sup>	X	X
Palm Beach County, FL	X			X
Lake County, FL	X			X
City of Bowie, MD	X	X		
Prince George's County, MD		X <sup>‡</sup>	X	X

<sup>‡</sup> - This remedy is available to the jurisdiction, but it is not used.



### Quasi-Judicial Board

This term is used in reference to a board or individual who has been granted legal authority to rule on violations cases brought before that body or individual. These responsibilities go beyond a determination of whether sufficient evidence exist for a property owner to be cited for a violation, to an actual abatement-type order to remedy the problem and/or fine.

One of the advantages of using this form of enforcement is that cases can be scheduled more quickly than they would if they were to be taken to court. A disadvantage, however, is that this process may add another layer if either party wants to further contest the ruling by taking the matter to the courts.

### Civil Citation

This is used to refer to a situation where a jurisdiction may issue a notice of violation requesting the violator to come into compliance within a stated number of days. Failure to do so results in a fine imposed upon the violator. Alternatively, some jurisdictions may issue the fine immediately, not giving the violator any grace period. These fines usually increase with each offense, with each day that the violation continues being considered a separate offense.

A benefit of using this method is that some property owners will pay more attention to such a citation, because of the threat of an increasing monetary penalty. All the jurisdictions interviewed said that their goal is to obtain compliance – not to raise revenue. However a mere notice often goes ignored, while this method will get the property owners attention, prompting a more cooperative spirit. Some jurisdictions may cancel fines once the property owner starts addressing the violation.

Chesterfield County, VA. does not use this method of enforcement due to the length of time it may take for a contested citation to get to court – estimated at 5 or 6 months. In Prince

George's County, the reason this is not used is three-fold: (1) a low success rate in getting contested citations enforced in court, (2) a policy decision not to use fines but to pursue compliance by other methods, and (3) the loss of inspection resources that would occur because inspectors would have to spend an excessive amount of time in court.

#### Injunctive Relief Method

This method usually involves a notice to the property owner followed by a period of time in which to comply. When this period is exhausted, the matter is taken before the courts for an abatement order.

An advantage of this method is that once the court rules in favor of the government, that government retains jurisdiction over the property and can perform forced clean-ups for any repeat violations of the same nature. This means that the government can avoid a lengthy warning and court process, and can immediately remedy the problem – assuming it is a repeat violation.

The disadvantage of this method is that it can be a very lengthy process. It often takes the attorneys approximately 90 days to process and obtain a hearing date. This is in addition to the time that it takes the enforcing agency to notify the property owner, and the days allowed for them to come into compliance. Furthermore, the courts may grant additional time to the property owner to come into compliance.

#### Other Intermittent Methods

In this category, we are talking less about remedies and more about other inspection and clean-up methods. The government bodies above, may practice one or more of these methods. These include the following:

- Community Partnerships – Holding periodic community clean up days with government staff, civic groups, non-profit organizations, real estate brokers and lenders; discussing public programs and encouraging citizens to become involved.
- Concentrated Enforcement – A group of designated inspectors will stay in a subdivision for an extended period of time, “walking the beat” daily educating residents on code requirements, and pointing out violations. Inspectors could be in the subdivision for up to 6 months.
- Neighbor to Neighbor Enforcement – Volunteers are trained on code requirements and then serve as inspectors for a nearby neighborhood – not their own. Standard letters were mailed to violators – not using County letterhead. Though the County bore the cost of the letters, it had the wording and appearance of coming from a neighbor. A high compliance rate was reported.

Additionally, some jurisdictions have acquired federal funding for their enforcement efforts through the Community Development Block Grant program. This is usually for an area that is experiencing problems of substandard housing and blight. One jurisdiction also reported that they broke down the jurisdiction along Council district lines, and assigned inspection teams the responsibility of a certain district. This provided increased rapport with the community and increased accountability.

### **Code Enforcement Appendix B**

The following table presents statistical information on the jurisdictions discussed in Appendix A, as reported by staff interviewed. These figures have not been independently corroborated.

Jurisdiction	Dwelling Units Monitored	Population of Jurisdiction	Average Monthly Complaints	Inspection Staff
City of San Jose, CA	Not Available	934,000	616	15
Montgomery County, MD	160,000	900,000	458	19
Chesterfield County, VA	100,000	280,000	300	9
Palm Beach County, FL	Not Available	1,000,000	Not Available	20
Lake County, FL	90,000	225,000	Not Available	8
City of Bowie, MD	1,200	53,000	Not Available	4
Prince George's County, MD	145,740	817,000	338	13