

LEASE COMPLIANCE AND ENFORCEMENT GUIDELINES

PURPOSE STATEMENT

To ensure the quality of facilities leased by the State of Maryland so employees will have an appropriate environment in which to provide services to the citizens of Maryland.

INTRODUCTION

The lease agreement and Department of General Services Specifications and Performance Standards describe in detail the services and requirements of both the Lessor and Lessee. These documents control the actions the Department of General Services, Office of Real Estate is able to take to enforce the lease terms and conditions covering any leased facility. Terms and conditions agreed upon during lease negotiations can modify some standard specifications. Therefore, it is very important that the Agency Contact charged with the responsibility of interfacing with the Lessor of any leased facility be familiar with the lease and specifications.

The lease and specifications delineate, at a minimum, the following requirements:

Environmental Controls -	temperature and humidity level
Hours of Operation -	time periods, environmental controls must be functioning and leased facility opened to employees
Cleaning Services -	quality and frequency of cleaning services that are to be provided by Lessor
Americans with Disabilities Act -	compliance with federal guidelines for accessibility of leased facilities by all individuals
Repairs -	types and responsibility to make needed repairs

GENERAL GUIDELINES FOR PROBLEM AND COMPLAINT RESOLUTION

Problems and complaints will arise in leased facilities. For example, if the heating system is going to malfunction, it probably will be at the beginning of the heating season. If the cooling system is going to malfunction, it will probably be at the beginning of the cooling season. Contractors hired by Lessors to perform cleaning services may not be performing to the required standards. Despite everyone's best efforts - things can and probably will happen at some point in time. Consequently, the Office of Real Estate has developed the following general guidelines to be followed in the event problems occur:

I. Determine the type of problem

Emergency - a problem so severe that the safety and well being of State employees is affected and the agency is unable to carry out its mission. These may include environmental issues such as strong and irritating odors, floods, weather related conditions, restroom facility malfunctions, structural defects, long term power outages.

- Priority** - a problem that may not disrupt the mission of the agency but requires prompt attention such as ice and snow removal, short term loss of heat and/or cooling, short term power outages, minor roof leaks, pest infestation.
- Routine** - preventive or scheduled maintenance items such as poor cleaning services, loose carpet, minor plumbing leaks, lighting, temperature.

II. Guidelines for **EMERGENCY** Problems

In the event of an emergency situation, the Procedure for Release of State Employees Under Emergency Conditions (Rev. 1999) established jointly by the Department of General Services and the Department of Budget and Management should be followed.

The Agency Contact must immediately contact the Office of Real Estate Lease Compliance and Enforcement Unit (telephone numbers listed below) which will work with the Agency Contact and appropriate Agency Head to determine if closure is absolutely necessary. This policy and procedure can be found on the Department of General Services web page under the real estate section: <http://www.dgs.maryland.gov/RealEstate/index.html>.

III. Guidelines for **PRIORITY** Problems

The Agency Contact should first contact the Office of Real Estate Lease Compliance and Enforcement Unit by e-mail leasecompliance@dgs.state.md.us. The compliance item sent via e-mail will be entered into the Lease Compliance data base for assignment and follow up. The e-mail should include the nature of the complaint, date of occurrence, location, contact information and any other pertinent information available.

- ▶ Upon notification, Lease Compliance and Enforcement will review the lease file for previous complaints of the same or similar nature;
- ▶ Inspection of facility, if required,
- ▶ Contact Lessor to determine what corrective actions have been taken;
- ▶ Alert the Lessor of its responsibilities under the terms of the lease;
- ▶ Obtain a corrective action plan and tentative time line from Lessor;
- ▶ Notify the agency contact of findings and Lessor's corrective action plan;
- ▶ e-mail to Lessor confirming plan and time line – Agency Contact will be copied;
- ▶ Lease Compliance and Enforcement follow up with Lessor until matter corrected, and
- ▶ E-mail to Lessor and Agency Contact to acknowledge satisfactory resolution.

IV. Guidelines for **ROUTINE** Problems

- ▶ The Agency Contact should contact the Lessor directly. The first contact typically will be by telephone to notify the Lessor of the problem or complaint. It is good policy for the Agency Contact to record a memo to the lease file of the date, time and nature of Lessor's response to the complaint. For example, "Lessor indicated lights in room xxx will be replaced within 3 days."

► In the event the Lessor does not respond as previously indicated, the Agency Contact should call again and follow up with an e-mail or memo to the Lessor. The written notice should state the nature of the problem and when the first request to correct was made.

► In the event the Lessor fails to respond to the second request, the Agency Contact should follow the same procedures outlined under Priority Guidelines.

SUMMARY

It is not possible to address every possible lease enforcement situation which could occur. However, if these guidelines are followed and the proper documentation maintained, lease compliance and enforcement issues can typically be resolved quickly. The Office of Real Estate has dedicated one staff member to maintain files and follow up on all lease compliance and enforcement matters brought to its attention. We strongly believe day-to-day routine complaints can be efficiently handled by the Agency Contact by following the above guidelines. The Office of Real Estate has the authority to take strong remedies against non responsive Lessors. However, past history affirms that compliance and enforcement issues that escalate to the Office of Real Estate for action and resolution take longer to resolve when there is no supporting agency documentation, such as file memos and/or correspondence to the Lessor.

The Office of Real Estate hopes these guidelines are helpful and assist you in your role as leased Agency Contact. Please be assured that we stand ready to answer any of your questions and to assist you in any way possible.

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