

<b>Subject:</b> Bill 24-19, Landlord-Tenant Relations – Obligations of Landlord – Air Conditioning	
<b>Purpose:</b> To introduce agenda item – no vote expected	
<b>Analyst:</b> Christine M.H. Wellons, Legislative Attorney <i>CWellons</i>	<b>Committee:</b>
<b>Keywords:</b> #MoCoRentalAC Search Terms: air conditioning, AC unit, air conditioning in rental housing, obligations of landlords, landlord-tenant relations	

**EXPECTED ATTENDEES**

None.

**DESCRIPTION/ISSUE**

Bill 24-19 would require a landlord to provide and maintain air conditioning service for rental housing located in the County during certain months and establish standards for air conditioning service provided by a landlord.

**This report contains:**

Detailed Staff Report

Bill 24-19

Legislative Request Report

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**MEMORANDUM**

July 11, 2019

TO: County Council

FROM: Christine M.H. Wellons, Legislative Attorney

SUBJECT: Bill 24-19, Landlord-Tenant Relations – Obligations of Landlord – Air Conditioning

PURPOSE: Introduction – no Council votes required

Bill 24-19, Landlord-Tenant Relations – Obligations of Landlord – Air Conditioning, sponsored by Lead Sponsor Councilmember Hucker and co-sponsored by Co-Sponsor Councilmember Jawando is scheduled to be introduced on July 16. A public hearing is tentatively scheduled for September 9 at 1:30 p.m.<sup>1</sup>

Bill 24-19 would require a landlord to provide and maintain air conditioning service for rental housing located in the County during certain months and establish standards for air conditioning service provided by a landlord.

**Background**

The County Code does not currently require a landlord to supply and maintain air-conditioning in rental housing.

Bill 24-19 would amend County Code Chapter 29, Landlord-Tenant Relations, to require a landlord to provide and maintain air conditioning service in a safe and good working condition so that it provides an inside temperature of eighty degrees Fahrenheit (80° F.) or less between May 1 and September 30.

This packet contains:	<u>Circle #</u>
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<sup>1</sup> #MoCoRentalAC

Search Terms: air conditioning, AC unit, air conditioning in rental housing, obligations of landlords, landlord-tenant relations

Bill No. 24-19  
Concerning: Landlord-Tenant Relations –  
Obligations of Landlord – Air  
Conditioning  
Revised: 7/5/2019 Draft No. 2  
Introduced: July 16, 2019  
Expires: January 16, 2021  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Councilmember Hucker  
Co-Sponsor: Councilmember Jawando

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**AN ACT** to:

- (1) require a landlord to provide and maintain air conditioning service for rental housing located in the County during certain months;
- (2) establish standards for air conditioning service provided by a landlord; and
- (3) generally amend the law governing rental housing in the County.

By amending

Montgomery County Code  
Chapter 29. Landlord-Tenant Relations  
Section 29-30

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Section 29-30 is amended as follows:**

2   **29-30. Obligations of landlords.**

3           (a) Each landlord must reasonably provide for the maintenance of the health,  
4           safety, and welfare of all tenants and all individuals properly on the  
5           premises of rental housing. As part of this general obligation, each  
6           landlord must:

7           (1) Comply with all applicable provisions of any federal, state, or  
8           county law or regulation governing the maintenance, construction,  
9           use, or appearance of the dwelling unit and common areas.

10          (2) Keep all areas of the building, grounds, facilities, and  
11          appurtenances in a clean, sanitary, and safe condition.

12          (3) Make all repairs and arrangements necessary to put and keep the  
13          dwelling unit and the appurtenances in as good a condition as they  
14          were, or should by law or agreement have been, when the tenancy  
15          began. However, a lease for a single-family dwelling unit may  
16          provide that a tenant must pay, up to a maximum annual amount  
17          set by executive regulation, for the costs of maintenance of the  
18          dwelling unit, but not for replacement of or repairs to structural  
19          elements of the building, major appliances, or electrical, plumbing,  
20          heating, or air conditioning systems unless replacement or repair  
21          of these items is required because of actions of the tenant or any  
22          person for whom the tenant is legally responsible.

23          (4) Maintain all electrical, plumbing, and other facilities and  
24          conveniences supplied by the landlord in good working order.

25          (5) Supply and maintain appropriate receptacles to remove trash, and  
26          pay for its frequent removal. However, the landlord of a single-  
27          family dwelling unit must pay for the frequent removal of trash,

28 but need not provide or maintain appropriate receptacles. A lease  
29 for a single-family dwelling unit may require a tenant to pay for  
30 trash collection service if that service is provided directly by a  
31 private trash hauler and the dwelling unit is not located in a County  
32 collection district.

33 (6) Supply water and hot water as reasonably required by the tenant  
34 and adequate heat as required by Chapter 26. In a dwelling unit  
35 located in a common ownership community, the landlord must  
36 provide water, hot water and adequate heat to the extent that the  
37 landlord is responsible for providing these services. This  
38 subsection does not impair any provision in a lease that obligates  
39 a tenant to pay for gas, heating oil, electricity, water, or sewer  
40 service that the tenant uses.

41 (7) For each unit in a building constructed before July 1, 1978, and for  
42 which units are not individually metered, provide the tenant with  
43 all information required under the Public Utilities Article of the  
44 Maryland Code and applicable COMAR provisions governing:

45 (A) electric and gas submeters; and

46 (B) energy allocation systems.

47 (8) Display in the lobby, vestibule, rental office, or other prominent  
48 public place on the premises, a sign in a form approved by the  
49 Director that includes information in English, Spanish, French,  
50 Chinese, Korean, Vietnamese, and other languages as determined  
51 necessary by the Director, about:

52 (A) filing a complaint under this Chapter; and

53 (B) the retaliatory practices prohibited under this Chapter.

- 54           (9) Supply and maintain air conditioning service either through  
55           individual air conditioning units or a central air conditioning  
56           system in a safe and good working condition so that it provides an  
57           inside temperature of eighty degrees Fahrenheit (80° F.) or less  
58           between May 1 and September 30. This subsection does not  
59           impair any provision in a lease that obligates a tenant to pay for  
60           gas or electricity that the tenant uses.
- 61           (b) If the duty imposed by subsection (a)(1) is incompatible with, or greater  
62           than, a duty imposed by any other part of this Section, subsection (a)(1)  
63           governs.
- 64           (c) Subsections (a)(2) and (a)(5) do not apply to a dwelling unit located in a  
65           condominium or cooperative housing structure.

## LEGISLATIVE REQUEST REPORT

Bill 24-19

### *Landlord-Tenant Relations – Obligations of Landlord – Air Conditioning*

**DESCRIPTION:** Bill 24-19, Landlord-Tenant Relations – Obligations of Landlord – Air Conditioning would amend Section 29-30 of the Code to require a landlord to provide and maintain a certain level of air conditioning service between May 1 and September 1.

**PROBLEM:** The County Code does not currently require a landlord to supply or maintain air conditioning service.

**GOALS AND OBJECTIVES:** To require a landlord to supply and maintain air conditioning service for rental housing located in the County.

**COORDINATION:** Department of Housing and Community Affairs

**FISCAL IMPACT:** OMB

**ECONOMIC IMPACT:** Finance

**EVALUATION:** To be done.

**EXPERIENCE ELSEWHERE:** To be researched.

**SOURCE OF INFORMATION:** Christine M.H. Wellons, Legislative Attorney

**APPLICATION WITHIN MUNICIPALITIES:** N/A

**PENALTIES:** Under Code Section 29-8, a violation of Chapter 29 is a Class A violation.