



Bill No: HB 1295—Real Property - Residential Rental Apartments - Air-Conditioning Requirements

Committee: Environment and Transportation

Date: 3/5/2024

Position: Favorable with Amendments

The Apartment and Office Building Association of Metropolitan Washington (AOBA) represents members that own or manage more than 23 million square feet of commercial office space and 133,000 apartment rental units in Montgomery and Prince George's Counties.

House Bill 1295 requires a housing provider to provide air conditioning to rental units beginning June 1 for newly constructed residential rental units and beginning October 1, 2024, for residential rental units that undergo a renovation that includes replacing electrical or heating systems. Each year, from June 1 to September 30, the housing provider must provide air conditioning in units that A/C unit is not under the control of the resident—the temperature must be no greater than 75 degrees at 3 feet above the floor level in each habitable space in the unit. For AC systems under the resident's control, the housing provider must ensure the system is in good working order and is capable of maintaining a temperature in the unit no greater than 75 degrees at 3 feet above the floor level.

As a respected industry association, AOBA supports the spirit of this legislation. A standard, uniform state bill is generally good public policy. However, for AOBA member companies operating in multiple jurisdictions, this bill will make it difficult to do business in the region as Montgomery and Prince George's Counties have ordinances that address this matter. AOBA, therefore, recommends the following amendments to align this bill with existing mandates.

1. Amend language to provide that temperature must be no greater than 80 degrees Fahrenheit or at least 20 degrees less than the outside temperature.

- This amendment will model existing statutes in Montgomery and Prince George's Counties and Washington, DC statute.¹
 - Buildings without a central system are typically older and have electrical constraints. A 12,000 BTU A/C window unit costs approximately \$389 and will cool about 550sf (not the entire apartment). For instance, adding air conditioning units to every room in a building to meet the bills requirement with limited electrical capacity could overload the system, leading to frequent power outages. It can thus be challenging to meet this requirement in part due to electrical infrastructure limitations, which would require costly upgrades to comply with the language in the bill.
2. Remove language on Page 2, Lines 1-5 and include language to ensure air conditioning is in good working order, i.e., "to provide and maintain central air conditioning or individual air conditioning units in good working condition to protect the health and safety of tenants."
- AOBA members ensure their systems are maintained and operable when in use and recommend adding a standard provision for housing providers to supply and properly maintain air conditioning units.
 - It is also important to note that replacement of electrical systems is an expensive process. It could cost close to \$1M to add dedicated outlets to support the additional load for a property without the available electricity, which includes labor and materials. If not accounted for, these costs could significantly increase the financial burden on housing providers, potentially leading to higher rental prices for tenants.

For these reasons, AOBA requests a favorable with amendments report on HB 1295. For further information contact Ryan Washington, AOBA Manager of Government Affairs, at 202-770-7713 or rwashington@aoba-metro.org .

¹ **DC Property Maintenance Code § 608.1 General.** The owner or operator of a housing business, who provides air conditioning as a service either through individual air conditioning units or a central air conditioning system, shall maintain each such air conditioning unit or system in safe and good working condition so that it is capable of providing, during a period starting no later than May 15 and ending no earlier than September 15, an inside temperature, in the rooms it is intended to serve, equal to the greater of: (a) 78 °F (26 °C); or (b) at least 15 °F (9 °C) less than the outside temperature.