



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

HB1295 – Real Property - Residential Rental Apartments - Air-Conditioning Requirements

Hearing before the House Environment and Transportation Committee

March 5, 2024

Position: Favorable

Maryland Legal Aid (MLA) submits its written and oral testimony on HB1295 at the request of the bill sponsor Delegate Mary Lehman.

MLA is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. Our 12 offices serve residents in each of Maryland's 24 jurisdictions and handle a range of civil legal matters, including for Marylanders struggling with housing insecurity. MLA advocates for the right of low-income renters to live in safe housing. We urge the Committee's favorable report on HB1295, which would require the provision of air conditioning systems in a segment of rental properties.

HB1295 provides a targeted policy to tackle an increasingly dangerous aspect of rental: heat hazards.

- HB1295 requires air conditioning only in apartment buildings that have been renovated or newly constructed. The requirements of HB1295 do not apply to small properties nor to properties that have older wiring or older HVAC systems.
- For properties covered by this bill, HB1295 requires a cooling system of any kind, without definition, and could be satisfied by a range of appliances such as: central air conditioners, window air conditioners, portable air conditioners, ductless mini-split air conditioners, or heat pumps.
- The provision of air conditioning would be required only seasonally, during the period of June 1 to September 30, and during that period, the required cooling system must achieve a room temperature of 75°F or less in each habitable space in the rental unit. (According to the International Property Maintenance Code, "habitable space" means space in a structure for living, sleeping, or eating. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces. Kitchens with less than 56 sq. ft. (5.2 sq. m.) of floor area are not considered habitable spaces.)

Montgomery County and Prince George's County each have adopted local requirements on air conditioning for rental properties.¹ Those local laws are like HB1295 in requiring certain properties to provide air condition between June 1 and September 30. Those laws differ from HB1295 in setting 80°F as the maximum room temperature whereas HB1295 sets that number at 75°F.

¹ Montgomery County Code § 26-7; Prince George's County § 13-162.02.

Additionally, the Prince George’s County law applies to all dwellings whereas HB1295 applies only to apartment buildings that are newly reconstructed or renovated.

Air conditioning is necessary to combat extreme heat zones.

Without the aid of air conditioning, urban rental housing stock is inadequate and unsafe as unmitigated extreme heat endangers older adults, young children, and people with health conditions ranging from asthma to cardiovascular disease.² Extreme heat predominantly impacts urban residents. For instance, in Baltimore City, the “[a]verage annual temperatures... have gone up more than 3 degrees over the last century, nearly twice as much as the rest of the country.”³ Approximately 30% of Baltimore City’s occupied rental housing was built before 1940.⁴

Baltimore City exemplifies how urban heat zones disparately impact low-income residents and residents of color.⁵ According to a recent analysis of U.S. census data and air temperature data, Baltimore’s hottest areas tend to be the poorest and can differ by as much as 10 degrees from the coolest.⁶ Urban heat zones are also concentrated in formerly redlined sections of U.S. cities, including Baltimore.⁷

HB1295 would help to mitigate the dangerous impacts of extreme heat in our renting communities. Failure to address this environmental hazard exposes Maryland renters to continued risk of physical and other harms and perpetuates economic and racial disparities. For these reasons, **Maryland Legal Aid urges the Committee’s favorable report on HB1295.** If you have any questions, please contact:

Zafar S. Shah
Assistant Advocacy Director – Tenants’ Right to Counsel Project
Maryland Legal Aid
zshah@mdlaborg.org | (410) 951-7672

² Harvard Chan School of Public Health, “Health-harming extreme heat, driven by climate change, on the rise,” June 24, 2022, <https://www.hsph.harvard.edu/news/hsph-in-the-news/health-harming-extreme-heat-driven-by-climate-change-on-the-rise>; see also *id.*, “The dangers of extreme heat,” July 26, 2022, <https://www.hsph.harvard.edu/news/hsph-in-the-news/the-dangers-of-extreme-heat/>.

³ Ian Round et al., “In urban heat islands, climate crisis hits harder,” Howard Center for Investigative Journalism, Sept. 3, 2019, <https://cnsmaryland.org/interactives/summer-2019/code-red/neighborhood-heat-inequality.html>.

⁴ U.S. Census Bureau, S2504 Physical Housing Characteristics for Occupied Housing Units, 2021 American Community Survey, <https://data.census.gov/table?q=Baltimore+City,+housing&tid=ACSST1Y2021.S2504>.

⁵ Meg Anderson, “As Rising Heat Bakes U.S. Cities, The Poor Often Feel It Most,” National Public Radio, Sept. 3, 2019, <https://www.npr.org/2019/09/03/754044732/as-rising-heat-bakes-u-s-cities-the-poor-often-feel-it-most>.

⁶ *Supra* note 2.

⁷ Meg Anderson, “Racist Housing Practices From The 1930s Linked To Hotter Neighborhoods Today,” National Public Radio, Jan. 14, 2020, <https://www.npr.org/2020/01/14/795961381/racist-housing-practices-from-the-1930s-linked-to-hotter-neighborhoods-today> (“In a study of 108 urban areas nationwide, the formerly redlined neighborhoods of nearly every city studied were hotter than the non-redlined neighborhoods, some by nearly 13 degrees.”).