



Bill: **HB339 - Real Property - Residential Rental Apartments - Air-Conditioning Requirements**

Committee: **Environment and Transportation**

Date: **February 4, 2025**

Position: **Unfavorable**

The Apartment and Office Building Association (AOBA) of Metropolitan Washington is a non-profit trade association representing the owners and managers of more than 23 million square feet of commercial office space and 133,000 apartment rental units in Montgomery and Prince George’s counties. AOBA submits the following testimony in opposition to House Bill 339.

HB339 requires apartment building owners to provide air conditioning for new units and units undergoing HVAC system upgrades by June 1, 2025, and October 1, 2025, respectively. The bill uses the acceptable operative temperature thresholds set by the American Society of Heating, Refrigerating and Air-conditioning Engineers (ASHRAE) Standard 55 to set cooling temperatures. AOBA members are opposed to using ASHRAE standards to set cooling temperatures.

ASHRA 55 outlines the acceptable indoor conditions for human comfort based on factors such as temperature, humidity, air speed and clothing. The standards are primarily used by building engineers to design, build and maintain HVAC systems. The acceptable operative temperature thresholds referenced in the bill are for naturally conditioned spaces *not* mechanically air-conditioned spaces. ASHRAE 55 specifically states that the 90% acceptability limits are included for “informational purposes only”¹. Appendix J goes on to explain that the operative temperature thresholds *should not* be used to model indoor temperatures when the outdoor temperature exceeds 92.3 degrees Fahrenheit as proposed on page 2, lines 19-22 of the bill.

There are several other inconsistencies between ASHRAE 55 and HB339. For instance, the bill’s definition of an “alteration” includes maintenance activities, which directly conflicts with ASHRAE standards. ASHRAE’s comprehensive framework, which is composed of 3700 terms and definitions, explicitly excludes maintenance from the definition of “alteration.” This discrepancy between the bill’s language and ASHRAE’s framework would create significant confusion during implementation and enforcement.

¹ ASHRAE Standard 55-2023, page 18 (Attached to this testimony).

For these reasons, AOBA urges an unfavorable report on House Bill 339. Please contact Brian Anleu at banleu@aoba-metro.org with any questions or concerns.

Table 5-11 Limits on Temperature Drifts and Ramps

Time Period, h	0.25	0.5	1	2	4
Maximum Operative Temperature t_o Change Allowed, °C (°F)	1.1 (2.0)	1.7 (3.0)	2.2 (4.0)	2.8 (5.0)	3.3 (6.0)

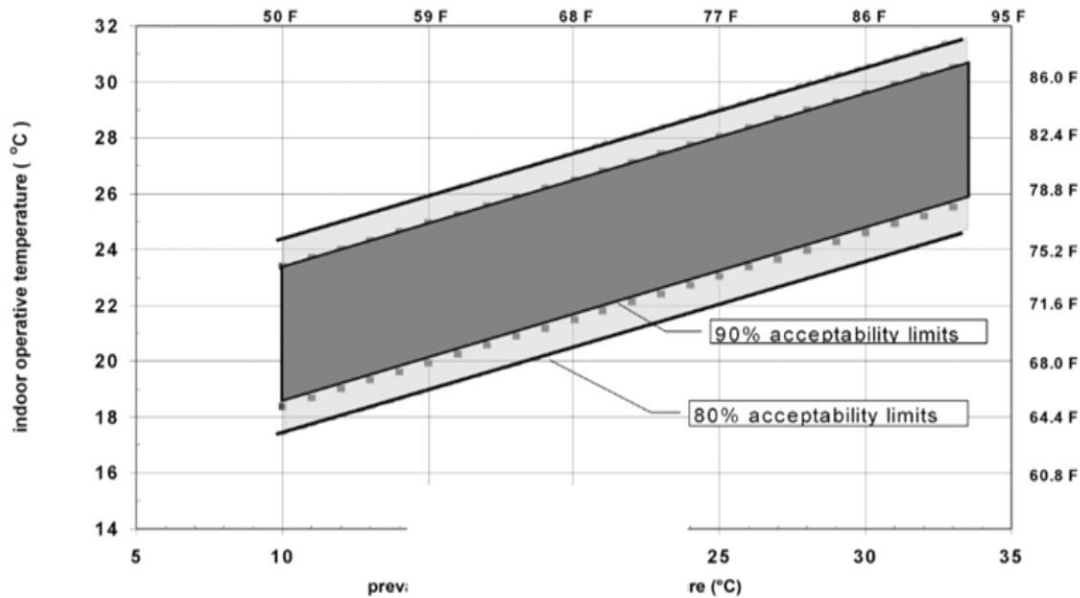


Figure 5-9 Acceptable operative temperature ranges for naturally conditioned spaces.

5.4 Determining Acceptable Thermal Conditions in Occupant-Controlled Naturally Conditioned Spaces (Adaptive Model)

5.4.1 Applicability. This method defines acceptable thermal environments only for occupant-controlled naturally conditioned spaces that meet all of the following criteria:

- a. There is no mechanical cooling system (e.g., refrigerated air conditioning, radiant cooling, or desiccant cooling) or heating system in operation.
- b. Representative occupants have metabolic rates ranging from 1.0 to 1.5 met.
- c. Representative occupants are free to adapt their clothing to the indoor and/or outdoor thermal conditions within a range at least as wide as 0.5 to 1.0 clo.
- d. The prevailing mean outdoor temperature is greater than 10°C (50°F) and less than 33.5°C (92.3°F).

5.4.2 Methodology. The allowable indoor operative temperatures t_o shall be determined from Figure 5-9 using the 80% acceptability limits or the equations in Section 5.4.2.2.

Informative Note: The 90% acceptability limits are included for information only. See Informative Informative Appendix J for further guidance.

5.4.2.1 The prevailing mean outdoor air temperature $t_{pma(out)}$ shall be determined in accordance with all of the following.

5.4.2.1.1 It shall be based on no fewer than seven and no more than 30 sequential days prior to the day in question.

5.4.2.1.2 It shall be a simple arithmetic mean of all of the mean daily outdoor air temperatures $t_{mda(out)}$ of all the sequential days in Section 5.4.2.1.1.

Exception to 5.4.2.1.2: Weighting methods are permitted, provided that the weighting curve continually decreases toward the more distant days such that the weight applied to a day is between 0.6 and 0.9 of