



HB0153 – Real Property - Residential Rental Apartments - Air-Conditioning Requirements

Hearing before the House Economic Matters Committee

On February 5, 2026

Position: Favorable With Amendment

Maryland Legal Aid submits its written testimony on HB0153 at the request of the bill sponsor Delegate Mary Lehman.

Maryland Legal Aid 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. Maryland Legal Aid advocates for the right of low-income renters to live in safe housing. We support HB0153 with amendments.

HB0153 provides a targeted policy to tackle the increasingly dangerous heat hazards in apartment buildings that lack air conditioning. Its focus is on the future of multi-family rental housing across the state. HB0153 requires air conditioning only in apartment buildings of four or more units that are newly constructed or have been renovated. Renovation is defined in the bill as requiring “replacement or substantial upgrade” of electrical or heating systems. The bill sets forth the following measures:

- *Temperature standard:* For properties covered by this bill, HB0153 requires provision of air conditioning capable of maintaining a temperature of 80°F or lower in each habitable space of the dwelling unit (e.g., not kitchens, bathrooms).
- *Seasonal requirement:* The provision of air conditioning would be required only seasonally, during the period of June 1 to September 30.
- *Exclusions:* The requirements of HB0153 exclude single-family rental properties, properties registered in the National Register of Historic Places, and certain properties owned by the Housing Authority of Baltimore City (HABC).

Maryland Legal Aid supports the intended impact of HB0153 but seeks amendments to remove the exemption of HABC properties.

Heat hazards are highest in market-rate multi-family housing.

A 2022 study demonstrated that “[m]arket-rate multifamily rental housing had, on average, the greatest overall heat risk, followed by subsidized multifamily rental housing, owner-occupied multifamily housing, and single-family housing.”¹ That study further showed that

- Access to central air conditioning “appeared to be the largest driver of disparities in heat risk among the housing types.”
- The average likelihood of not having central AC was 44.9% for single-family housing, 50.5% for subsidized multifamily rental housing, 52.4% for owner-occupied multifamily housing, and 73.7% for market-rate multifamily rental housing.
- Average land surface temperatures were 110.1 degrees for owner-occupied multifamily parcels, 111.4 for subsidized multifamily rental housing, 111.6 for single-family parcels, and 112.1 for market-rate multifamily rental parcels.²

Air conditioning is necessary to mitigate heat hazards.

Without the aid of air conditioning, urban rental housing stock is inadequate and unsafe. Unmitigated extreme heat endangers older adults, young children, and people with health conditions ranging from asthma to cardiovascular disease.³ 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.”⁴

¹ National Low Income Housing Coalition, “Study Finds Households in Multifamily Rental Housing Face Greatest Heat Risk,” Aug 08, 2022, <https://nlihc.org/resource/study-finds-households-multifamily-rental-housing-face-greatest-heat-risk>; C. J. Gabbe et al., “Housing and Urban Heat: Assessing Risk Disparities,” Housing Policy Debate (2022), <https://doi.org/10.1080/10511482.2022.2093938>.

² *Id.*

³ 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/>.

⁴ 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>.

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

The bill should be amended so that properties currently equipped with air conditioning must meet the 80°F standard.

As filed, HB 153 is focused on the prospective benefit of requiring new constructed or rehabbed properties to provide air conditioning that meets the 80°F standard. The bill does not address apartment buildings which, as they exist today, include air conditioning systems yet do not meet the 80°F standard. Maryland Legal Aid represents tenants in one such building. Although the building is only 15 years old and was equipped with central air conditioning at the time of construction, the largely senior and disabled tenants have not had sufficient summertime cooling for several years. Maryland Legal Aid sued the owner, seeking repairs and rent reduction under the Tenant Safety Act. According to the court, because neither the local jurisdiction nor the state have set a temperature standard for air conditioning, the tenants failed to demonstrate that the lack of cooling posed a threat to health and safety.

HB 153 establishes the temperature standard that the court referenced. However, as drafted, the bill does not apply to our client’s building. Amendments are needed to ensure that HB 153 has its intended impact in both the present and future.

The bill should be additionally amended to remove exemption of Baltimore City’s public housing stock.

Many of Maryland Legal Aid’s clients are residents of properties owned by the Housing Authority of Baltimore City (HABC). They deserve protection from the health risks posed by heat hazards. At § 8-122(a)(2)(ii)-(iii), HB0153 excludes some HABC properties, and therefore its tenants, from meeting the air conditioning requirement. This exclusion applies to housing which comprise “part of a [HABC] development built between 1940 and 1950,” or “rowhouse public housing unit[s] acquired and rehabilitated by [HABC] between 1960 and 1997.” The

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.”).

broad language of these provisions leaves open the possibility that even HABC’s wholly redeveloped properties in the future could be exempt from the 80°F standard.

Based on HABC reporting,⁸ the following developments, totaling **4,561** rental units, fall into the 1940-1950 exception:

Development	Year Built	Unit Count	No Central AC
Brooklyn Homes	1942	482	X
Cherry Hill	1946	1281	X
Douglass Homes	1942	387	X
Gilmor Homes	1942	416	X
Latrobe Homes	1942	669	X
McCulloh Homes	1940	556	X
O’Donnell Heights	1942	230	X
Poe Homes	1941	288	X
Westport Homes	1942	200	X

In all, HB0153 excludes around 65% of all existing HABC units.

These exclusions do not appear supported by any public policy goals. HABC has reported that residents in these properties may “purchase and install window air conditioner units within their dwelling units when central air conditioning does not exist.”⁹ This policy belies that HABC seeks to exclude properties that are capable of being air conditioned so long as the costs of window-unit air conditioning and energy inefficiency are borne by low-income, predominantly Black renters.

One of the excluded developments, Poe Homes, is slated in 2026 for demolition and replacement with 578 new mixed-income units, funded by HUD’s Choice Neighborhoods Initiative. Under the broad phrasing of the HABC exceptions in HB0153, the Poe Homes redevelopment would not need to comply with HB0153’s air conditioning requirement, despite reconstruction. That outcome would fly in the face of HB0153’s intent and conflict with HUD’s mandated energy efficiency requirements (including the ASHRAE 90.1-2019 standards) for new construction mid- and high-rise developments. In multiple ways, the HABC exceptions in this bill seem to lack a rationale that justifies the extreme harm they will cause to Baltimore City public housing residents.

⁸ Housing Authority of Baltimore City, “Joint Committee Report,” March 6, 2024, https://dlslibrary.state.md.us/publications/JCR/2023/2023_205-206.pdf.

⁹ *Id.*

HB0153 does not preempt local ordinances.

Montgomery County and Prince George’s County each have adopted local requirements on air conditioning for rental properties.¹⁰ Those local laws are similar to HB0153 in requiring certain rental properties to provide air conditioning between June 1 and September 30. These local laws use the 80°F-threshold temperature. Notably, the Prince George’s County law applies to all dwellings whereas HB0153 applies only to apartment buildings that are newly reconstructed or renovated. This table identifies the substantive similarities and differences between the two local laws and HB0153:

Feature	HB0153	Prince George’s Co. Ordinance	Montgomery Co. Regulation
Applicability	4+ unit buildings	All rental housing where landlord supplies AC	All rental housing
AC Requirement	Required in new/renovated units	Maintenance required if provided	Installation required within 30 days
Temperature Standard	≤80°F at 3 feet above floor	≤80°F at 3 feet above floor	≤80°F at 3 feet above floor
Time Period	June 1 – Sept. 30	June 1 – Sept. 30	June 1 – Sept. 30
Enforcement	None specified	Department, \$500 fines	Department, detailed procedures

Notably, as to preemption, “[a] local law does not ‘conflict’ with a State law... where local legislation simply requires more than State legislation.” *Board of County Commissioners of Washington County v. Perennial Solar, LLC*, 239 Md. App. 380, 400 (2018). The existing county laws on air conditioning require more and without conflict with the requirements of HB0153.

Overall, HB0153 would help to mitigate the dangerous impacts of extreme heat in our renter 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 with amendments” report on HB0153.**

If you have any questions, please contact:

¹⁰ Montgomery County Code § 26-7; Prince George’s County § 13-162.02.

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Amendments proposed by Maryland Legal Aid:

8-122.

(A) (1) THIS SECTION APPLIES ONLY TO RESIDENTIAL RENTAL UNITS IN APARTMENT BUILDINGS WITH FOUR OR MORE INDIVIDUAL DWELLING UNITS.

(2) THIS SECTION DOES NOT APPLY TO A RESIDENTIAL RENTAL UNIT THAT IS:

[(I)] LOCATED ON PROPERTY LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES;

[(II)] PART OF A HOUSING AUTHORITY OF BALTIMORE CITY DEVELOPMENT BUILT BETWEEN 1940 AND 1950, INCLUSIVE; OR

[(III)] A ROWHOUSE PUBLIC HOUSING UNIT] ACQUIRED, [AND] or REHABILITATED BY THE HOUSING AUTHORITY OF BALTIMORE CITY BETWEEN 1960 AND 1997, INCLUSIVE].

(B) A LANDLORD SHALL PROVIDE AIR-CONDITIONING IN EACH RESIDENTIAL UNIT IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION AS FOLLOWS:

(1) BEGINNING JUNE 1, 2026, FOR **RESIDENTIAL RENTAL UNITS IN APARTMENT BUILDINGS EQUIPPED WITH AN AIR CONDITIONING SYSTEM;**

(2) **BEGINNING JUNE 1, 2025, FOR** NEWLY CONSTRUCTED RESIDENTIAL RENTAL UNITS; AND

[(2)] **(3)** BEGINNING OCTOBER 1, 2026, FOR RESIDENTIAL RENTAL UNITS THAT UNDERGO RENOVATION THAT INCLUDES THE REPLACEMENT OR SUBSTANTIAL UPGRADE OF ELECTRICAL SYSTEMS OR HEATING SYSTEMS.