

Department of Legislative Services  
Maryland General Assembly  
2023 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 303 (Delegate Wells)  
Environment and Transportation

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**Baltimore City - Air Conditioning in Residential Rental Units**

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This bill requires landlords of residential rental units in Baltimore City to provide air conditioning, between June 1 through the end of September each year, if at least one resident within a unit is age 3 or younger or age 65 years or older. If the cooling system in the unit is not under the tenant’s control, the landlord must maintain the temperature in the unit at no greater than 80 degrees Fahrenheit, as specified. If the cooling system in the unit is under the tenant’s control, the landlord must provide and maintain in good working order an air conditioning system in the unit that is capable of maintaining the temperature in the unit at no greater than 80 degrees Fahrenheit, as specified.

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**Fiscal Summary**

**State Effect:** The bill does not materially affect State finances or operations.

**Local Effect:** It is assumed that the bill does not materially affect Baltimore City operations or finances, as discussed below.

**Small Business Effect:** Meaningful.

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**Analysis**

**Current Law:** Statutory provisions provide tenants with a mechanism for encouraging the repair of serious and dangerous defects/conditions that exist within or as part of any residential dwelling unit, or upon common property, as specified. The defects are those in which a substantial and serious threat of danger to the life, health, and safety of the occupants is present. Statutory provisions provide a remedy and impose an obligation upon landlords to repair and eliminate the serious and dangerous conditions and defects.

However, statute does not provide a remedy for the landlord's failure to repair and eliminate minor defects or, in those locations governed by such codes, housing code violations of a nondangerous nature. There is a rebuttable presumption that the following conditions, when they do not present a serious and substantial threat to the life, health, and safety of the occupants, are not covered by the aforementioned statutory provisions:

- any defect which merely reduces the aesthetic value of the leased premises, such as the lack of fresh paint, rugs, carpets, paneling, or other decorative amenities;
- small cracks in the walls, floors, or ceilings;
- the absence of linoleum or tile upon the floors, provided that they are otherwise safe and structurally sound; or
- *the absence of air conditioning.*

**Local Fiscal Effect:** Despite requests from the Department of Legislative Services for information on any potential fiscal or operational impact of the bill on Baltimore City, a response was not received. For purposes of this analysis, it is assumed that the bill does not materially affect Baltimore City operations or finances.

**Small Business Effect:** Expenditures may increase for small business landlords that are required to provide air conditioning to their rental units located in Baltimore City.

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### Additional Information

**Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** SB 757 (Senator Carter) - Judicial Proceedings.

**Information Source(s):** Office of the Attorney General (Consumer Protection Division); Department of Legislative Services

**Fiscal Note History:** First Reader - March 6, 2023  
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Analysis by: Donovan A. Ham

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510