

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 339 (Delegate Lehman, *et al.*)
Environment and Transportation

Real Property - Residential Rental Apartments - Air-Conditioning Requirements

This bill requires a landlord of residential rental units in apartment buildings to provide air conditioning, from June 1 through September 30 each year, as specified. Landlords are to provide air conditioning in each residential rental unit (1) beginning June 1, 2025, for newly constructed units and (2) beginning October 1, 2025, for existing units that undergo a heating, ventilating, and air-conditioning (HVAC) system upgrade or maintenance that meets a specified threshold. The bill applies prospectively only and does not have any effect on or application to any building construction or renovation for which the building permit is issued before the bill's effective date. **The bill takes effect June 1, 2025.**

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: Local government expenditures may increase, potentially significantly, as discussed below. Revenues are not affected. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Meaningful.

Analysis

Bill Summary: The air-conditioning system required under the bill must be capable of maintaining the following temperatures: (1) within the 90% acceptability threshold of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) Standard 55 (Thermal Environmental Conditions for Human Occupancy), measured three feet above the floor level in each habitable space in the unit; and (2) if a day's

24-hour temperature average is expected to exceed 92.3 degrees Fahrenheit, at a temperature within the 80% acceptability threshold of ASHRAE Standard 55, measured three feet above the floor level in each habitable space in the unit. If the air-conditioning system is not under the control of the tenant, the landlord must maintain the specified temperatures. However, if the tenant controls the air-conditioning system, the landlord is responsible for ensuring the system is in good working order and capable of maintaining the aforementioned temperature standards.

The bill's requirements do not apply to residential rental units located in property listed on the National Register of Historic Places.

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 on the floors, provided that they are otherwise safe and structurally sound; or
- *the absence of air conditioning.*

Local Expenditures: Local expenditures in any jurisdictions that own/operate residential rental units in apartment buildings increase, potentially significantly, to the extent that costs are incurred for newly constructed units or planned renovations (as specified) that, absent the bill, would not have included air conditioning.

Small Business Effect: Expenditures may increase, potentially significantly, for small business landlords that are required to provide air conditioning to their rental units under the provisions of the bill.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 1295 of 2024.

Designated Cross File: None.

Information Source(s): Calvert and Prince George's counties; Maryland Association of Counties; Office of the Attorney General (Consumer Protection Division); Judiciary (Administrative Office of the Courts); Department of Housing and Community Development; Department of Legislative Services

Fiscal Note History: First Reader - January 31, 2025
rh/jkb

Analysis by: Donovan A. Ham

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