

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 339

(Delegate Lehman, *et al.*)

Environment and Transportation

Judicial Proceedings

Real Property - Residential Rental Apartments - Air-Conditioning Requirements

This bill requires a landlord of residential rental units in apartment buildings with four or more individual dwelling units to provide air conditioning, from June 1 through September 30 each year, as specified. Landlords are to provide air conditioning in residential rental units (1) beginning June 1, 2025, for newly constructed units and (2) beginning October 1, 2025, for existing units that undergo renovation that includes the replacement or substantial upgrade of electrical systems or heating systems. 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: From June 1 to September 30, landlords must provide air conditioning in residential units, except as otherwise necessary for maintenance and repairs, according to the following requirements:

- for air-conditioning systems not controlled by the tenant, the landlord must maintain a temperature of 80 degrees Fahrenheit or lower, measured three feet above the floor in all habitable spaces; or
- for air-conditioning systems controlled by the tenant, the landlord must ensure the system is in good working order and capable of maintaining a temperature of 80 degrees Fahrenheit or lower, measured three feet above the floor in all habitable spaces.

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 that 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. Additionally, some jurisdictions may experience increase demand for code enforcement related to heating, ventilation, and air conditioning systems subject to the bill.

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): Baltimore City; 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

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