



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

HB0303 – Baltimore City – Air Conditioning in Residential Rental Units

Hearing before the House Environment and Transportation Committee

March 10, 2023

Position: Favorable

Maryland Legal Aid (MLA) submits its written and oral testimony on HB0303 at the request of Delegate Jen Terrasa.

MLA 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. MLA advocates for the right of low-income renters to live in safe housing. We urge the Committee’s favorable report on HB0303, which would require the provision of air conditioning systems in properties rented to vulnerable populations.

HB0303 provides a targeted policy to tackle an increasingly dangerous aspect of rental housing in Baltimore City.

- HB0303 requires air conditioning only in residential rental units in which at least one resident is a child aged 3 or under or an adult aged 65 or older.
- The bill requires a cooling system of any kind, without definition, and could be satisfied by a range of appliances such as: central air conditioners, window air conditioners, portable air conditioners, ductless mini-split air conditioners, or even heat pumps.
- The provision of air conditioning would be required only seasonally, during the period of June 1 to September 31, and during that period, the requisite cooling system must achieve a room temperature of 80°F or less in each habitable space in the rental unit. (According to Baltimore City’s Property Maintenance Code, at § 202.2.4: “Habitable space” means space in a structure for living, sleeping, or eating. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces. Kitchens with less than 56 sq. ft. (5.2 sq. m.) of floor area are not considered habitable spaces.)

While Montgomery County passed a local ordinance ([Bill 24-19](#)) in 2020 that is substantially similar in language to HB0303, Baltimore City laws do not currently include air conditioning as one of the essential elements of habitable housing.

Air conditioning is necessary to combat extreme heat zones.

Without the aid of air conditioning, urban rental housing stock is inadequate and unsafe as unmitigated extreme heat endangers older adults, young children, and people with health conditions

ranging from asthma to cardiovascular disease.¹ Extreme heat predominantly impacts urban residents. 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.”² Approximately 30% of Baltimore City’s occupied rental housing was built before 1940.³

Baltimore City exemplifies how urban heat zones disparately impact low-income residents and residents of color.⁴ 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.⁵ Urban heat zones are also concentrated in formerly redlined sections of U.S. cities, including Baltimore.⁶

Extreme heat heavily impacts Baltimore’s renter households.

In Baltimore City’s extreme heat zones, homeownership tends to be low, and the impact largely hits renter households. For instance:

- In the City’s Franklin Square neighborhood, only 21% of residential properties are owner-occupied.⁷ This area is “hotter than about two-thirds of the other neighborhoods in Baltimore — about 6 degrees hotter than the city’s coolest neighborhood.”⁸

¹ 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/>.

² 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>.

³ U.S. Census Bureau, S2504 Physical Housing Characteristics for Occupied Housing Units, 2021 American Community Survey, <https://data.census.gov/table?q=Baltimore+City,+housing&tid=ACSST1Y2021.S2504>.

⁴ 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>.

⁵ *Supra* note 2.

⁶ 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.”).

⁷ Baltimore Neighborhood Indicators Alliance, Southwest Baltimore, Vital Signs 2020, <https://bniajfi.org/community/Southwest%20Baltimore>.

⁸ *Supra* note 5.

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- In the City’s McElderry Park neighborhood, only 22% of residential properties are owner-occupied.⁹ On the 500 block of North Milton Avenue, 13 of the 21 (62%) homes are occupied by a non-owner (presumably a renter), according to the City’s housing registry. On one particular mid-morning in August 2019, thermal imaging of this block in McElderry Park showed that temperatures ranged from 84°F on a tree-shaded stoop to 117°F at the window of an unshaded home to 163°F on the sidewalk abutting that home.¹⁰

HB0303 would help to mitigate the dangerous impacts of extreme heat in our renting communities. Failure to address this environmental hazard undoubtedly would expose Baltimore City renters to continued risk of physical and other harms and would perpetuate economic and racial disparities. For these reasons, **Maryland Legal Aid urges the Committee’s favorable report on HB0303.** If you have any questions, please contact:

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⁹ Baltimore Neighborhood Indicators Alliance, Madison/East End, Vital Signs 2020, https://bniajfi.org/community/Madison_East%20End/.

¹⁰ *Supra* note 2.