



Montgomery County

Office of Intergovernmental Relations

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SB 12

DATE: April 2, 2026

SPONSOR: Senator West

ASSIGNED TO: Economic Matters

CONTACT PERSON: Leslie Frey (leslie.frey@montgomerycountymd.gov)

POSITION: SUPPORT WITH AMENDMENTS (Montgomery County Department of Housing and Community Affairs)

Residential Rental Apartments - Air-Conditioning Requirement

Senate Bill 12 requires a landlord to provide air-conditioning to residential rental units in apartment buildings with 10 or more individual dwelling units beginning June 1, 2026, for newly constructed residential rental units and beginning October 1, 2026, for residential rental units that undergo renovation that includes the replacement or substantial upgrade of electrical systems or heating systems. The bill exempts units located on property listed on the National Register of Historic Places and explicitly preempts and supersedes a local law, ordinance, policy, or regulation enacted by a political subdivision or agency that imposes air-conditioning requirements inconsistent with the bill.

Montgomery County Department of Housing and Community Affairs requests that the bill be amended to remove the preemption clause.

Montgomery County has had an air conditioning local law in effect since 2020. Under the Montgomery County law, rental housing includes any structures, including a personal living quarters building and a mobile home park, in which a landlord provides to a tenant for consideration one or more dwelling units. Rental housing, for the purposes of the County's air conditioning requirement, does not include: any transient housing; any housing operated for religious or eleemosynary purposes; a detached single-family home; or a dwelling unit located on a site listed in the National Register of Historic Places. The Montgomery County local law also requires landlords to provide a tenant an emergency phone number to directly contact a representative, with 24-hour access to adjust the thermostat, if the cooling system is incapable of maintaining the required temperature. **Because of the preemption clause included in Senate Bill 12, buildings in Montgomery County with nine or fewer residential rental units would no longer be required to provide air conditioning, and buildings with ten or more residential rental units built on or before June 1, 2026 would never be required to have landlord-provided air conditioning unless or until they undergo renovation that includes the replacement or substantial upgrade of electrical systems or heating systems.**

The Montgomery County Department of Housing and Community Affairs respectfully asks the committee to amend Senate Bill 12 to conform the bill to the posture in which the committee passed the cross filed House Bill 153, which does not include a preemption clause and instead includes an explicit statement that the bill does not preclude a political subdivision from enacting and enforcing air-conditioning requirements for residential rental units that are more stringent than the requirements of the bill. **This amendment is necessary to protect Montgomery County residents who now benefit from the potentially life-saving temperature control measures for rental housing that the County law currently provides.**