Bill No. 24-19
Concerning: Landlord-Tenant Relations – Obligations of Landlord – Air Conditioning
Revised: 2/25/2020 Draft No. 6
Introduced: July 16, 2019
Enacted: February 25, 2020
Executive: March 2, 2020
Effective: June 1, 2020
Sunset Date: None
Ch. 4, Laws of Mont. Co. 2020

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Hucker
Co-Sponsors: Councilmembers Jawando and Albornoz, Council President Navarro, and Councilmember Riemer

AN ACT to:
(1) require a landlord to provide and maintain air conditioning service for rental housing located in the County during certain months;
(2) establish standards for air conditioning service provided by a landlord: [[and]]
(3) establish certain exceptions from the air conditioning requirement; and
[[(3)]][4] generally amend the law governing rental housing in the County.

By amending
Montgomery County Code
Chapter 26. Housing and Building Maintenance Standards
Section 26-7

Chapter 29. Landlord-Tenant Relations
Section 29-30

| Boldface | Heading or defined term. |
| Underlining | Added to existing law by original bill. |
| [Single boldface brackets] | Deleted from existing law by original bill. |
| Double underlining | Added by amendment. |
| [[Double boldface brackets]] | Deleted from existing law or the bill by amendment. |
| * * * | Existing law unaffected by bill. |

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. [[Section]] Sections 26-7 and 29-30 [[is]] are amended as follows:

26-7. Light, ventilation and heating, temperature control.

The owner of each dwelling or dwelling unit must assure compliance with the following standards during human habitation:

* * * *

(f) Temperature control – air conditioning in rental housing.

(1) For purposes of this subsection, rental housing has the meaning stated in Section 29-1, except that rental housing does not include:

(A) a detached single-family home; or

(B) a dwelling unit located on a site listed in the National Register of Historic Places.

(2) Except as provided in paragraph (3), between June 1 and September 30:

(A) Each owner of rental housing where cooling is not under the control of the tenant must maintain a temperature of no more than 80 degrees Fahrenheit (80° F.) in each habitable space at a distance of 3 feet above floor level; and

(B) Each owner of rental housing where the cooling is under the control of the tenant must provide an air conditioning system capable of maintaining a temperature of no more than 80 degrees Fahrenheit (80° F.) in each habitable space at a distance of 3 feet above floor level.

[[(3) A tenant may elect to have no air conditioning service installed and provided if:]]
(A) the air conditioning, if installed, would be provided by one or more individual air conditioning units controlled by the tenant; and

(B) an addendum to the lease:
   (i) specifies any additional amount of rent that would be required if air conditioning were provided;
   (ii) acknowledges that the tenant has been offered, but has elected not to have air conditioning; and
   (iii) acknowledges that the tenant has been informed of the tenant’s right to file a complaint with the Director of the Department of Housing and Community Affairs under Section 29-36.]

(3) A landlord may apply for, and the Director may grant, an extension of up to six months to comply with the requirements of this Section if the Director finds that:
   (A) the landlord must make electrical upgrades to the rental housing to comply with the requirements; and
   (B) making the upgrades would cause financial hardship to the landlord.

(4) This subsection must not be construed to permit any violation of a fire safety requirement under Section 26-8(a).

* * *


(a) Each landlord must reasonably provide for the maintenance of the health, safety, and welfare of all tenants and all individuals properly on the premises of rental housing. As part of this general obligation, each landlord must:
Supply water and hot water as reasonably required by the tenant and adequate heat as required by Chapter 26. In a dwelling unit located in a common ownership community, the landlord must provide water, hot water and adequate heat to the extent that the landlord is responsible for providing these services. This subsection [[does not]] must not be construed to impair any provision in a lease that obligates a tenant to pay for gas, heating oil, electricity, water, or sewer service that the tenant uses.

Except when required for reasonable maintenance and repair, [[Supply]] supply and maintain air conditioning service either through individual air conditioning units or a central air conditioning system in a safe and good working condition so that it [[provides an inside temperature of eighty degrees Fahrenheit (80°F.) or less between May 1 and September 30]] meets the requirements of Section 26-7. This [[subsection does not]] paragraph must not be construed to impair any provision in a lease that obligates a tenant to pay for gas or electricity that the tenant uses. The Executive must adopt Method (2) regulations to implement the requirements of this paragraph, including regulations to define reasonable maintenance and repair.

Sec. 2. Transition. For 12 months following the effective date of this Act, a landlord may request, and the Director may grant, delayed implementation of the requirements of this Act for any real property that is the subject of a pending application for a necessary approval for development before the Planning Board, Board
of Appeals, or Office of Zoning and Administrative Hearings. The period of delayed
implementation for a property may not exceed the sooner of the completion of the
development or 24 months.

Sec. 3. Impairment of Leases. This Act must not be construed to invalidate or
impair a lease in effect on the effective date of the Act.

Sec. 4. Financing. The Executive must, subject to appropriation and applicable
law, explore options to offer low-interest financing to landlords who need to upgrade
their electrical systems to comply with the requirements of this Act.
Approved:

Sidney Katz, President, County Council
Date

Marc Elrich, County Executive
Date

This is a correct copy of Council action.

Selena Mendy Singleton, Clerk of the Council
Date