Clerk’s Note: Corrected a typographical error by changing “(c)” to “(d)” in line 78.

AN ACT to:
   (1) require landlords to provide certain notices to tenants;
   (2) require landlords to schedule the replacement of indoor mercury service regulators; and
   (3) generally amend the law regarding landlord obligations and landlord-tenant relations.

By amending
  Montgomery County Code
  Chapter 29, Landlord-Tenant Relations
  Sections 29-29 and 29-30

By adding
  Montgomery County Code
  Chapter 29, Landlord-Tenant Relations
  Section 29-35C
The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. [[Section]] Sections 29-29 and 29-30 are amended, and Section 29-35C is added, as follows:

29-29. Obligations of tenants.

Each tenant must, in addition to all other applicable legal requirements:

* * *

(g) not knowingly or willingly touch, damage, remove or alter any indoor mercury service regulator on the premises of any rental property.


(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:

* * *

(10) [[facilitate the removal replacement of any indoor mercury service regulator under]] comply with Section 29-35C.

* * *

29-35C. [[Removal]] Replacement of indoor mercury service regulators.

(a) Definition. For purposes of this section, an indoor mercury service regulator means equipment that:

(1) is installed and owned by a gas utility company to regulate the supply of natural gas to a structure;

(2) contains mercury; and

(3) is located inside a structure.

(b) Applicability.
Except as provided in paragraph (2), this section applies to a landlord of a multifamily dwelling in a structure built before 1968.

This section does not apply to a landlord of a dwelling unit in a common ownership community.

[[Determination]] Required landlord efforts. A landlord must [[verify whether an indoor mercury service regulator is on the premises of any rental property leased by the landlord]] make reasonable efforts to:

1. take a photograph of any meter that could be an indoor gas service regulator located on any rental property leased by the landlord;
2. provide a copy of the photograph to the gas utility company; and
3. cooperate with the gas utility company to schedule the replacement of any indoor mercury service regulator.

[[Initial notice. If an indoor mercury service regulator is on the premises of the rental housing, the landlord must notify the Department, and must notify each tenant in writing on a form prescribed by the Director. At a minimum, the landlord must notify the tenant that:

1. an indoor mercury service regulator exists on the premises of the rental housing;
2. the landlord has requested, or immediately will request, the removal of the regulator by the gas utility company;
3. the landlord will notify the tenant once the regulator is removed; and

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(4) the tenant may contact the landlord, the gas utility company, or the Office of Landlord-Tenant Affairs with questions, concerns, or complaints.]]

[(d) Scheduling removal of the regulator. The landlord must, with due diligence and in good faith, contact the gas utility company to schedule the immediate removal of each indoor mercury service regulator on the premises of the rental housing.]]

[(e) Follow-up requirements.

(1) Within 30 days after providing notice under subsection (c), the landlord must update the tenant in writing of the status of the removal of the indoor mercury service regulator.

(2) If the regulator has not been removed within 30 days after providing the notice under subsection (c), the landlord must re-contact the gas service company to arrange for the immediate removal of the regulator.]]

[(f)] (d) [Final notice] Notification.

(1) The landlord must notify the tenant in writing [once] within 30 days after the gas utility company informs the landlord that the indoor mercury service regulator is [removed] replaced.

(2) The landlord must provide a copy of the notice to the Department.

[(g)] (e) Enforcement.

(1) The Department must enforce this section under Section 29-8.

(2) A violation of this section is a Class A violation.

[(h)] (f) Database. The Department must maintain data, in a searchable form available to the public, regarding[:

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(1) premises subject to an initial notice under subsection (c);
(2) premises subject to a final notice under subsection (f); and
(3) enforcement actions under subsection (g)] notifications received
by the Department under subsection (d).

Sec. 2. Expedited Effective Date. The Council declares that this legislation is
necessary for the immediate protection of the public interest. This Act takes effect on
the date on which it becomes law.

Sec. 3. Transition. A landlord must comply with the requirements of Section
1, 29-35C(c) of this Act within 90 days after the effective date of the Act.
Approved:

Tom Hucker, President, County Council 7/1/2021

Approved:

Marc Elrich, County Executive 7/9/21

This is a correct copy of Council action.

Selena Mendy Singleton, Esq., Clerk of the Council 7/12/2021