AN ACT to:
(1) require the installation and maintenance of window guards in certain rental housing;
(2) require certain notifications to tenants;
(3) add lease requirements in certain circumstances;
(4) provide for the enforcement of window guard requirements; and
(5) generally amend laws regarding landlord-tenant relations.

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

By adding
Montgomery County Code
Chapter 29, Landlord-Tenant Relations
Section 29-35D

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Section 29-30 is amended, and Section 29-35D is added, as follows:


(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:

* * *

(11) [[install and maintain window guards if required under]] comply with Section 29-35D.

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29-35D. Window guards.

(a) Applicability.

(1) This section applies to any multifamily dwelling unit.

(2) This section does not apply:

(A) to a ground-floor or basement window;

(B) to a window containing an air-conditioning unit, if the unit is bolted to the window opening and not surrounded by an open space exceeding 4 inches;

(C) to a window that is not designed to open; or

[[(B)] (D) to the extent that a window guard would cause a violation of a fire safety requirement, or an egress requirement, under Chapter 26, Chapter 8, or Chapter 22.

(b) Window guards required.

(1) For purposes of this section, a window guard means a physical barrier or limiting device attached to a window to prevent occupants from falling out of the window.
(2) The landlord of a multifamily dwelling must install and maintain a window guard in each window of a habitable room if:

(A) a child of age 10 or younger occupies the dwelling unit; or

(B) a tenant of the dwelling unit requests in writing the installation of window guards.

(3) A window guard installed under paragraph (2) must meet minimum safety standards prescribed by the Director.

(4) The [[Department]] Executive may adopt method (2) regulations to implement the requirements of this section. The regulations may include procedures for the Director to approve a landlord’s request for a variance, to use a safe alternative to a window guard in a particular window, if a window guard meeting the requirements of paragraph (3) is infeasible in the window.

(5) The Director [[should]] must conduct outreach and educate landlords and tenants of multifamily dwelling units about the requirements of this section, including through:

(A) the Department’s website;

(B) sample notification and lease language; and

(C) the Landlord-Tenant Handbook.

(c) **Responsibility of tenants and other persons.** A person must not:

(1) obstruct or interfere with the installation of a window guard required under this section; or

(2) remove or disable a window guard required under this section.

(d) **Notification to tenants; lease requirements.**

(1) **Notice required.** The landlord of a multifamily dwelling unit must, at the time of a lease signing, a lease renewal, or a
notification of a rent increase, notify the tenant of the unit about the requirements under this section.

(2) Notification requirements at the time of a rent increase or a lease renewal. At the time of a notification of a rent increase or of a lease renewal, the notification under paragraph (1) must:

(A) be in writing; and

(B) be provided to the tenant in the form and manner prescribed by the Director; and

(C) include, at a minimum, a checklist, to be signed and dated by the tenant, that indicates:

(i) whether a child of age 10 or younger occupies or will occupy the dwelling unit;

(ii) if no child of age 10 or younger occupies or will occupy the dwelling unit, whether the tenant requests a window guard; and

(iii) whether an existing window guard requires repair or maintenance.

(3) Follow-up notifications. If a landlord does not receive a signed notification from the tenant within 30 days after providing the notification to the tenant under paragraph (2), and does not otherwise have actual knowledge of the need or desire for window guards, then the landlord must provide a second notification to the tenant under paragraph (2).

(4) Leasing requirements. The landlord:

(A) must include in the lease, or an addendum to the lease, the requirements of this section; and
(B) must not charge the tenant for the installation or maintenance of a window guard under this section.

(5) The lease or addendum under paragraph (4) must include a statement, signed and dated by the tenant, that indicates:

(A) whether a child of age 10 or younger occupies or will occupy the dwelling; and

(B) if no child of age 10 or younger occupies or will occupy the dwelling unit, whether the tenant requests a window guard.

[(e) Penalties. A violation of this section is a Class A violation under Section 29-8.]

Sec. 2. Effective Date. The effective date of this act is January 1, 2022.
Approved:

Tom Hucker, President, County Council

Date

Approved:

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Selena Mendy Singleton, Esq., Clerk of the Council

Date