

Resolution No.: 19-851
Introduced: May 18, 2021
Adopted: May 18, 2021

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President at the request of the County Executive

SUBJECT: Approval of Executive Regulation 4-21, Landlord-Tenant Relations, Obligations of Landlord, Air Conditioning

Background

1. On May 4, 2021, the County Council received Executive Regulation 4-21, Landlord-Tenant Relations, Obligations of Landlord, Air Conditioning.
2. This regulation implements the requirements for air conditioning in rental housing that were enacted in Bill 24-19, Landlord-Tenant Relations – Obligation of Landlord – Air Conditioning, which requires air conditioning between June 1 and September 30 that maintains a temperature of no more than 80 degrees Fahrenheit in each habitable space at a distance of 3 feet above floor level.
3. The Council must review the regulation under Method (2) of Section 2A-15 of the County Code. Under Method (2), if the Council does not approve or disapprove a regulation within 60 calendar days after the Council receives the regulation, it automatically takes effect.
4. On May 12, 2021, the Planning, Housing, and Economic Development Committee reviewed the proposed regulation and recommended approval.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

Executive Regulation 4-21, Landlord-Tenant Relations, Obligations of Landlord, Air Conditioning, is approved.

This is a correct copy of Council action.



Selena Mendy Singleton, Esq.
Clerk of the Council



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

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|---|--------------------------------|
| Subject Landlord-Tenant Relations – Obligations of Landlord – Air Conditioning | Number 4-21 |
| Originating Department Housing and Community Affairs | Effective Date May 18, 2021 |

Department of Housing and Community Affairs

Montgomery County Regulation on:

Landlord-Tenant Relations – Obligations of Landlord – Air Conditioning

Issued By: County Executive

Regulation Number: 4-21

Authority: Montgomery County Code, 2014, Section 26-7(f) and Section 29-30(a)(9)

Supersedes: N/A

Council Review: Method Two (2) under Code Section 2A-15

Register: Volume 38, Issue 4

Comment Deadline: April 30, 2021

Effective Date: May 18, 2021

Sunset Date: None

SUMMARY:

This regulation sets forth the requirements to supply and maintain air conditioning units or systems required in rental housing as specified in Sections 26-7(f) and 29-30(a)(9) of the Montgomery County Code.

ADDRESSES:

Information and copies of this regulation are available from the Department of Housing and Community Affairs (DHCA), 1401 Rockville Pike, Fourth Floor, Rockville, MD 20852.

STAFF CONTACT: Daniel McHugh, Manager, Housing Code Enforcement, DHCA, Telephone Number 240-777-3735



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CHAPTER 29. LANDLORD-TENANT RELATIONS- REGULATIONS

Add the following Regulation to COMCOR 29.30

COMCOR 29.30.02 Air Conditioning Service Required

29.30.02.01 Purpose

This Regulation defines and implements the Required Service Standards in Section 26-7(f)(2) of the Montgomery County Code (Code), and Reasonable Maintenance and Repair of air conditioning as required under Section 29-30(a)(9) of the Code, for air conditioning in rental housing.

29.30.02.02 Definitions

- (a) *Reasonable Maintenance and Repair* means the timely repair and/or maintenance related installing, servicing or replacing of air conditioning required under Chapters 26 and 29 of the Code and in conformance with the provisions set forth in Section 29.30.02.03 of this Regulation.
- (b) *Required Service Standard* means, except when air conditioning requires Reasonable Maintenance and Repair, landlords of rental housing must supply and maintain air conditioning in safe and good working condition that is capable of maintaining a temperature of no more than eighty degrees Fahrenheit (80°F.) in each habitable space at a distance of 3 feet above the floor between June 1 and September 30 of each year.
- (c) *Rental housing* is defined under Section 26-7(f)(1) of the Code.

29.30.02.03 Reasonable Repair and Maintenance

- (a) A landlord’s requirement to provide Reasonable Maintenance and Repair of air conditioning in rental housing is met if the landlord complies with the following:
 - (1) Regular servicing of air conditioning for rental housing must be accomplished, to the extent feasible, between the months of October and May of each year to ensure that a rental housing’s air conditioning meets the Required Service Standard during June 1 through September 30.
 - (2) If a rental housing’s air conditioning must be serviced or replaced between June 1 and September 30, the landlord must, except in the case of an emergency, notify all of the tenants in advance of such service or replacement and provide an estimate of the time during which the air conditioning will not meet the Required Service Standard. In the event of an emergency, if the air conditioning will not meet the Required Service Standard for more than a 24-hour period, the landlord must provide the tenants with an estimate of the time during which the air conditioning will not meet the Required Service Standard. Any servicing or replacing air conditioning not meeting the Required Service Standard during June 1 through September 30 must be completed within 5 calendar days of the air conditioning not meeting the Required Service Standard unless the landlord requests, and receives, an extension of time from the Director as provided in subsection (c), below.



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- (b) If, after the Department inspects rental housing in response to a complaint or during a regularly scheduled inspection, it is determined that the rental housing’s air conditioning does not meet the Required Service Standard, the landlord must immediately commence repair or replacement of the air conditioning, with such repair or replacement being completed no later than 5 calendar days from the date of the Department issuing a Notice of Violation.
- (c) A landlord, within the 5 calendar day time frame under subsections (a) and (b), may request an extension of time from the Director when circumstances beyond the landlord’s control prevent the (i) repair of air conditioning or (ii) replacement of air conditioning that becomes inoperable or economically infeasible to continue to operate being completed to meet the Required Service Standard. To request an extension of time, the landlord must submit to the Department a written request for an extension and:
 - (1) Documentation providing that the repairs will be completed to bring the air conditioning to meet the Required Service Standard within 15 calendar days of the landlord’s request, including a copy of a signed invoice or contract with a third-party licensed HVAC contractor or engineer outlining the scope of the repairs, and/or a copy of one or more paid invoices to third-party vendors for parts ordered to make the repairs, accompanied by a letter specifying that the repairs will be completed to bring the air conditioning to meet the Required Service Standard within 15 calendar days of the request.
 - (2) Documentation providing that the installation of new air conditioning units or the installation of a new central air conditioning system will be completed to bring the air conditioning to meet the Required Service Standard within 21 calendar days of the landlord’s request, including a copy of a third party licensed HVAC contractor or engineer that the air conditioning units or the central air conditioning system cannot be repaired, or it is not economically feasible to do so, along with a copy of one or more paid invoices to third party vendors for the replacement of the air conditioning units or the central air conditioning system, accompanied by a letter specifying that the air conditioning units or the central air conditioning system, will be installed and meet the Required Service Standard within 21 calendar days of the request.
- (d) When determining whether to grant an extension of time, the Director may consider whether or not one or more tenants grants the landlord, and the landlord’s contractors, necessary access into the rental units to correct the air conditioning so that it meets the Required Service Standard. Notice of entry into the rental units must be provided in the manner required under the lease. If the Director finds that one or more tenants fails to provide necessary access, the timeframes in subsection (c) for correcting air conditioning so that it meets the Required Service Standard may be extended until such access is granted.

29.30.02.04 Supplying Air Conditioning to Rental Housing With No Air Conditioning

- (a) In rental housing that does not have air conditioning, a landlord’s requirement to supply air conditioning in rental housing is met if the landlord installs new air conditioning units or a new central air conditioning system that will meet the Required Service Standard within 30 calendar days from the effective date of this Regulation.
- (b) If during the Department’s inspection of rental housing in response to a complaint, or during the Department’s regularly scheduled inspection of the rental housing, it is determined that the rental housing does not have air conditioning, the landlord must immediately secure any necessary permits and commence installation of new air



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conditioning units or a new central air conditioning system that will meet the Required Service Standard within 30 days from the date of the Department issuing a Notice of Violation.

(c) A landlord may apply for an extension of time of up to 6 months to comply with the installation of new air conditioning provided the request is made in writing to the Department within 5 calendar days of the Department issuing a Notice of Violation and the Director finds that:

- (1) The landlord must make electrical upgrades to the rental housing to meet the Required Service Standard; and
- (2) Making the repairs would cause financial hardship to the landlord.

Marc Elrich, County Executive

Date: 5/4/2021

Approved as to Form and Legality:

Office of the County Attorney

Date: 3-3-21