

To: Montgomery County Council

RE: Bill 51-20 requiring Landlords to install window guards per request

FROM: N. Leslie Olson

Bill 51-20 was introduced on 12/8/2020 and sponsored by Councilmember Hucker. Based on falls through windows by young children in buildings deemed to be in poor condition with poor window construction, Bill 51-20 is proposing that all landlords with rentals in multi-family buildings be required to install window guards. The requirement becomes effective if there is a child under the age of 10, or if the tenant simply requests the installation. There may not even be a child, but the burden to landlord remains and cannot be foreseen.

I urge the council to vote no on this bill and coordinate with DHCA on addressing properties that truly have a deficiency. Landlords can then address the deficiency, or install window guards. Between DHCA and HOC, there is ample opportunity to review the rental housing stock by using guidelines already in place. Requiring all landlords in multi-family buildings to address a request for window guard installation is not appropriate. Some other difficulties with this bill are as follows:

1. The needs a tenant requires in a unit they are looking at to rent should be addressed by the tenant prior to leasing, and if window guards are needed, that should be a discussion at that time between tenant and landlord, to see if that request can be accommodated.
2. An open ended opportunity to request window guard installation provides a tactic that can be used by the tenant to further burden the landlord. It does not address the term left on a lease. After the required installation, the tenant might have had no intention to renew and choose to move.
3. It is assumed that a landlord will pass the window guard cost upon subsequent tenants, or in future increases by maximizing that increase when there might not have been one. Now the county has higher rents for no other reason than council has not selectively addressed problem buildings, instead opting to apply a requirement requiring an out of pocket expense onto all landlords. The concern for affordable housing has not been considered and there has actually been no improvement made to faulty window construction, the stated reason for prior falls from windows involving children. Improvements to windows is a capital improvement and a benefit; adding window guards is not.
4. Per the lease, it is tenant's responsibility to notify landlord of any changes in occupancy. (This is also true if the tenant has a rental voucher). It should not be landlord's responsibility to solicit that information in order to comply with bill 51-20.
5. The bill also does not clearly discuss referenced exclusions based on fire safety. A guard in a bedroom window might require the ability for one to escape in a fire emergency, and the cost for such a guard is considerable. Again, not addressing faulty window construction up front continues the very scenario this bill has hoped to end.

Again I urge the council to vote no on this bill and direct its energies to seeing that buildings with known window deficiencies are addressed, as determined by inspection procedures already in place.