

MULTIFAMILY RENTAL PROPERTY WINDOW GUARDS

Department of Housing and Community Affairs (DHCA)

December 28, 2021

EFFECTIVE JANUARY 1, 2022

The new window guard law outlined in Section 29-35D of the Montgomery County Code and in [Executive Regulation 11-21](#), applies to all **rental apartments and condos** in Montgomery County, except for properties located in the following municipalities unless they adopt the County's or another window guard law...

City of Gaithersburg

City of Rockville

City of Takoma Park

Towns of Laytonsville

Garrett Park

Towns of Barnesville

Chevy Chase Village

WINDOW GUARD/STOPS REQUIREMENTS

Window guards or stops must be installed in every **habitable** room of rental apartments and condos located above the ground floor level that are occupied by **children under age 11** or **upon any tenant's request**, to limit window openings to no more than 4 inches.

Habitable rooms are any finished space in a dwelling used for living, cooking, sleeping, or eating. Bathrooms, pantries, closets, and hallways are not habitable rooms.

Window Guard/Stop Specifications

The device must ...

- ✓ be made of rigid metal
- ✓ be permanently installed securely into a structurally sound window frame with metal screws
- ✓ window guards must have a minimum weight resistance of at least 150lbs.
- ✓ prevent any opening greater than 4 inches

EXEMPTIONS

Window guards or stops are not required for...

- Townhomes or Single Family Detached Homes
- Windows used to access a fire escape ladder
- Ground floor level rental units
- Windows that do not open
- Windows that have a permanently bolted air-conditioning unit when there is no opening greater than 4 inches

Executive Regulation 11-21

Window Guard Landlord Obligations

1. Landlords must **install and maintain** window guards or window stops in every habitable room at no additional cost TO THE TENANT, to protect children under age 11 or when otherwise requested at any time by any tenant.
2. Landlords must **notify all tenants** about the new law by **February 1, 2022**, in a signed notice to the tenant of their rights as described in the sample “[window guard lease addendum](#)”. A tenant window guard notice is **required at least once annually**, at the initial lease signing, at lease renewal, in the written notice of rent increase, or every February 1st.
3. Landlords must issue **an additional** window guard notice if the tenant fails to sign and submit the window guard lease addendum within 30 days (March 2, 2022).
4. Landlords must **keep a current inventory** of the types of devices used, the number installed in each unit, and the location of each device.
5. Landlords may submit a request to the DHCA Director for a **window guard variance** when compliance with the law is structurally infeasible.

Executive Regulation 11-21

Window Guard Tenant Responsibilities

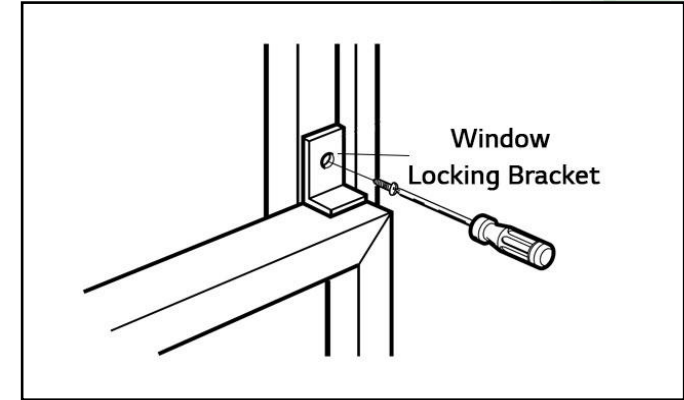
- **ALL tenants must complete, sign, and date** the window guard lease addendum within 30 days of receipt.
- Tenants may **request the removal** of window guards or stops in writing if the unit is no longer occupied by children under age 11.

Examples of Protective Devices

Metal Block for Sliding Window



L-shaped Metal Bracket for Single Hung or Double Hung Window



Metal Horizontal Bars



Vertical Metal Bars

Code Enforcement

Housing Code inspectors will investigate all window guard complaints for properties located in DHCA's jurisdiction.

If a Notice of Violation is issued for a window guard violation, the landlord will be given 30 days to comply with the law. Landlords must document legitimate supply chain or health related delays to be provided additional time to install window guards.

Window guards will also be inspected during routine multifamily rental property inspections.

FREQUENTLY ASKED QUESTIONS AND ANSWERS

- 1) **Are window guards a violation of fire safety?** No, window guards in a rental apartment or condo above the ground floor are not considered a fire code violation for properties in DHCA's jurisdiction. The window guard law was developed in cooperation with the fire department and other fire code technical experts.
- 2) **Are tenants allowed to tamper with or remove window guards?** No, tenants should not tamper with, damage, or remove child safety window protection devices, except in an event of an emergency.
- 3) **Can DHCA address a landlord's questions about window guard legal liability?** No, DHCA recommends that landlords consult their attorney for legal liability advice.
- 4) **Do landlords have to give all tenants a window guard lease addendum at least once every year?** Yes, and DHCA recommends that landlords keep a current window guard lease addendum in their rental lease records.
- 5) **If I am renting my single family detached home or townhouse, do I need to comply with the window guard law?** No, the window guard law only applies to multifamily rental housing.
- 6) **I still have more unanswered question who do I contact?** Please call MC 311 or 240-777-0311 thanks.

Helpful DHCA Resources

www.montgomerycountymd.gov/dhca

[Window Guards in
Multifamily Buildings
Web Page](#)

[Housing and Building
Code Enforcement
Handbook](#)