

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

BILL 51-20: LANDLORD-TENANT RELATIONS-WINDOW GUARDS

SUMMARY

The Office of Legislative Oversight (OLO) expects Bill 51-20 to have a favorable impact on racial equity and social justice in the County.

BACKGROUND

The main goal of Bill 51-20 is to increase the child safety standards of rental properties in the County. In the past two years, three children have fallen from residential windows located on the second story of the property or higher in Montgomery County; one of the children died.¹ According to the Cincinnati Children's Hospital, every year in the United States between 15 and 20 children under the age of 11 die from window falls annually and about 15,000 suffer injuries.² Additionally, window falls typically occurred in low-income neighborhoods with "deteriorating housing, unsatisfactory window construction and no air conditioning."³

Bill 51-20 will increase landlord responsibilities and rental property safety standards in the County.⁴ If enacted, the bill would:

- Require the installation and maintenance of window guards in certain rental housing;
- Require certain notifications to tenants;
- Add lease requirements in certain circumstances;
- Provide for the enforcement of window guard requirements; and
- Generally amend laws regarding landlord-tenant relations.

DEMOGRAPHIC DATA

A review of the demographic data suggests that Black, Latinx, and Indigenous (Native American) residents will disproportionately benefit from Bill 51-20 compared to White and Asian residents. For example, a review of 2019 data from the American Community Survey demonstrates higher rental rates among Black, Latinx, and Indigenous households where 50% of Latinx and Indigenous residents and 58% of Black residents lived in rented housing compared to 25% of White and Asian residents.⁵

ANTICIPATED RESJ IMPACTS

OLO predicts that the implementation of Bill 51-20 would favorably impact racial equity and social justice within the County because Black, Latinx and Indigenous residents are over-represented among the renters who would benefit from the enhanced safety standards required under this bill as compared to residents in owner-occupied housing.

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METHODOLOGIES, ASSUMPTIONS, AND UNCERTAINTIES

This RESJ impact statement and OLO's analysis rely on several sources of information, including the American Community Survey,⁶ Bill 51-20 and the Economic Impact Statement for Bill 51-20⁷.

RECOMMENDED AMENDMENTS

The County's Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequalities are warranted in developing RESJ impact statements.⁸ As identified by the New York City law that requires building owners to install window guards,⁹ this RESJ impact statement offers one recommended amendment for Bill 51-20:¹⁰

- Require landlords to send an annual notice to tenants, asking if children age ten or younger live in the apartment or if window guards are requested for any reason, regardless of whether there are children in residence.

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

¹ Montgomery County Council, Bill 51-20, Landlord-Tenant Relations- Fire Safety- Removal of mercury Service Regulators, Introduced December 8, 2020, Montgomery County, Maryland.

² Cincinnati Children's, Window Fall Prevention, 2015. <https://www.cincinnatichildrens.org/health/w/window-falls>

³ Ibid

⁴ Bill 51-20

⁵ American Community Survey (ACS), Selected Housing Characteristics, The United States Census Bureau, 2019. https://data.census.gov/cedsci/table?g=0400000US24_0500000US24031&tid=ACSDP5Y2019.DP04

⁶ Ibid

⁷ Stephen Roblin, Economic Impact Statement, Bill-51-20, December 2020. OLO, Montgomery County, Maryland.

⁸ Montgomery County Council, Bill No. 27-19 Racial Equity and Social Justice, Effective on March 2, 2020, Montgomery County, Maryland.

⁹ NYC Administrative Code, Article 11, Protective Devices and Fire Protection, Code 27-2043.1, New York, New York <https://www1.nyc.gov/assets/doh/downloads/pdf/win/win-savelives-bro.pdf>

¹⁰ EPA Factsheet