



Committee: PHED
Committee Review: At a future date
Staff: Christine Wellons, Legislative Attorney
Purpose: To introduce agenda item – no vote expected
Keywords: #WindowSafety, #ASaferView4Kids

AGENDA ITEM #11C
December 8, 2020
Introduction

SUBJECT

Bill 51-20, Landlord-Tenant Relations – Window Guards
Lead Sponsor: Council President Hucker

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A; Bill introduction

DESCRIPTION/ISSUE

Bill 51-20, Landlord-Tenant Relations – Window Guards would:

- (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.

SUMMARY OF KEY DISCUSSION POINTS

- N/A

This report contains:

Staff Report

Bill 51-20

Legislative Request Report

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MEMORANDUM

December 3, 2020

TO: County Council

FROM: Christine Wellons, Legislative Attorney

SUBJECT: Bill 51-20, Landlord-Tenant Relations – Window Guards

PURPOSE: Introduction – no Council votes required

Bill 51-20, Landlord-Tenant Relations – Window Guards, sponsored by Lead Sponsor Council President Hucker, is scheduled to be introduced on December 8, 2020.¹ A public hearing is tentatively scheduled for January 12, 2021 at 1:30 p.m.

Bill 51-20 would:

- (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.

BACKGROUND

Tragically, multiple children in the County have died from falling out of apartment windows in recent years. The purpose of Bill 51-20 is to prevent future tragedies of this nature by requiring the installation of window guards in certain multiple dwellings. New York City has a similar law requiring window guards to protect children.

SPECIFICS OF THE BILL

Bill 51-20 would require a landlord of a multifamily dwelling to install and maintain a window guard in each window of a habitable room if: (1) a child of age 10 or younger occupies the dwelling; or (2) a tenant of the dwelling requests in writing the installation of window guards.

The Department of Housing and Community Affairs (DHCA) would be required to set minimum safety standards for the window guards. In addition, DHCA would enforce the window guard requirements.

¹#WindowSafety, #ASaferView4Kids

Under the bill, a landlord would be required to include the window guard requirements within a lease or an addendum to the lease. The landlord would not be permitted to charge a tenant for the installation or maintenance of window guards.

This packet contains:

Bill 51-20

Legislative Request Report

Circle #

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Bill No. 51-20
Concerning: Landlord-Tenant Relations
- Window Guards
Revised: 12/03/2020 Draft No. 3
Introduced: December 8, 2020
Expires: June 8, 2022
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President Hucker

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

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

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

- 28 (3) A window guard installed under paragraph (2) must meet
 29 minimum safety standards prescribed by the Director.
- 30 (4) The Department may adopt method (2) regulations to implement
 31 the requirements of this section.
- 32 (5) The Director should educate landlords and tenants of multifamily
 33 dwelling units about the requirements of this section.
- 34 (c) Responsibility of tenants and other persons. A person must not:
- 35 (1) obstruct or interfere with the installation of a window guard
 36 required under this section; or
- 37 (2) remove or disable a window guard required under this section.
- 38 (d) Notification to tenants; lease requirements.
- 39 (1) The landlord of a multifamily dwelling unit must notify the
 40 tenant of the unit about the requirements under this section.
- 41 (2) The notification under paragraph (1) must be in writing and must
 42 be provided to the tenant in the form and manner prescribed by
 43 the Director.
- 44 (3) The landlord:
- 45 (A) must include in the lease, or an addendum to the lease, the
 46 requirements of this section; and
- 47 (B) must not charge the tenant for the installation or
 48 maintenance of a window guard under this section.
- 49 (e) Penalties. A violation of this section is a Class A violation under
 50 Section 29-8.

LEGISLATIVE REQUEST REPORT

Bill 51-20

Landlord-Tenant Relations – Window Guards

DESCRIPTION: Bill 51-20 would:

- (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.

PROBLEM: Lack of adequate safety of windows in certain multifamily dwelling units

GOALS AND OBJECTIVES: Require the installation of window guards to protect children

COORDINATION: DHCA, DPS

FISCAL IMPACT: OMB

ECONOMIC IMPACT: OLO

EVALUATION: To be done.

EXPERIENCE ELSEWHERE: New York City

SOURCE OF INFORMATION: Christine Wellons, Legislative Attorney

APPLICATION WITHIN MUNICIPALITIES: Variable

PENALTIES: Sections 26-15 and 26-16

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