Subject: Bill 24-19, Landlord-Tenant Relations – Obligations of Landlord – Air Conditioning

Purpose: To introduce agenda item – no vote expected

Analyst: Christine M.H. Wellons, Legislative Attorney

Committee: Attorney

Keywords: #MoCoRentalAC
Search Terms: air conditioning, AC unit, air conditioning in rental housing, obligations of landlords, landlord-tenant relations

EXPECTED ATTENDEES

None.

DESCRIPTION/ISSUE

Bill 24-19 would require a landlord to provide and maintain air conditioning service for rental housing located in the County during certain months and establish standards for air conditioning service provided by a landlord.

This report contains:
Detailed Staff Report
Bill 24-19
Legislative Request Report

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MEMORANDUM

July 11, 2019

TO: County Council
FROM: Christine M.H. Wellons, Legislative Attorney
SUBJECT: Bill 24-19, Landlord-Tenant Relations – Obligations of Landlord – Air Conditioning
PURPOSE: Introduction – no Council votes required

Bill 24-19, Landlord-Tenant Relations – Obligations of Landlord – Air Conditioning, sponsored by Lead Sponsor Councilmember Hucker and co-sponsored by Co-Sponsor Councilmember Jawando is scheduled to be introduced on July 16. A public hearing is tentatively scheduled for September 9 at 1:30 p.m.¹

Bill 24-19 would require a landlord to provide and maintain air conditioning service for rental housing located in the County during certain months and establish standards for air conditioning service provided by a landlord.

Background

The County Code does not currently require a landlord to supply and maintain air-conditioning in rental housing.

Bill 24-19 would amend County Code Chapter 29, Landlord-Tenant Relations, to require a landlord to provide and maintain air conditioning service in a safe and good working condition so that it provides an inside temperature of eighty degrees Fahrenheit (80°F.) or less between May 1 and September 30.

This packet contains:
Bill 24-19
Legislative Request Report

¹MoCoRentalAC
Search Terms: air conditioning, AC unit, air conditioning in rental housing, obligations of landlords, landlord-tenant relations
AN ACT to:
(1) require a landlord to provide and maintain air conditioning service for rental housing located in the County during certain months;
(2) establish standards for air conditioning service provided by a landlord; and
(3) generally amend the law governing rental housing in the County.

By amending
Montgomery County Code
Chapter 29. Landlord-Tenant Relations
Section 29-30

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Section 29-30 is amended as follows:


(a) Each landlord must reasonably provide for the maintenance of the health, safety, and welfare of all tenants and all individuals properly on the premises of rental housing. As part of this general obligation, each landlord must:

(1) Comply with all applicable provisions of any federal, state, or county law or regulation governing the maintenance, construction, use, or appearance of the dwelling unit and common areas.

(2) Keep all areas of the building, grounds, facilities, and appurtenances in a clean, sanitary, and safe condition.

(3) Make all repairs and arrangements necessary to put and keep the dwelling unit and the appurtenances in as good a condition as they were, or should by law or agreement have been, when the tenancy began. However, a lease for a single-family dwelling unit may provide that a tenant must pay, up to a maximum annual amount set by executive regulation, for the costs of maintenance of the dwelling unit, but not for replacement of or repairs to structural elements of the building, major appliances, or electrical, plumbing, heating, or air conditioning systems unless replacement or repair of these items is required because of actions of the tenant or any person for whom the tenant is legally responsible.

(4) Maintain all electrical, plumbing, and other facilities and conveniences supplied by the landlord in good working order.

(5) Supply and maintain appropriate receptacles to remove trash, and pay for its frequent removal. However, the landlord of a single-family dwelling unit must pay for the frequent removal of trash,
but need not provide or maintain appropriate receptacles. A lease for a single-family dwelling unit may require a tenant to pay for trash collection service if that service is provided directly by a private trash hauler and the dwelling unit is not located in a County collection district.

(6) Supply water and hot water as reasonably required by the tenant and adequate heat as required by Chapter 26. In a dwelling unit located in a common ownership community, the landlord must provide water, hot water and adequate heat to the extent that the landlord is responsible for providing these services. This subsection does not impair any provision in a lease that obligates a tenant to pay for gas, heating oil, electricity, water, or sewer service that the tenant uses.

(7) For each unit in a building constructed before July 1, 1978, and for which units are not individually metered, provide the tenant with all information required under the Public Utilities Article of the Maryland Code and applicable COMAR provisions governing:
   (A) electric and gas submeters; and
   (B) energy allocation systems.

(8) Display in the lobby, vestibule, rental office, or other prominent public place on the premises, a sign in a form approved by the Director that includes information in English, Spanish, French, Chinese, Korean, Vietnamese, and other languages as determined necessary by the Director, about:
   (A) filing a complaint under this Chapter; and
   (B) the retaliatory practices prohibited under this Chapter.
(9) Supply and maintain air conditioning service either through individual air conditioning units or a central air conditioning system in a safe and good working condition so that it provides an inside temperature of eighty degrees Fahrenheit (80°F) or less between May 1 and September 30. This subsection does not impair any provision in a lease that obligates a tenant to pay for gas or electricity that the tenant uses.

(b) If the duty imposed by subsection (a)(1) is incompatible with, or greater than, a duty imposed by any other part of this Section, subsection (a)(1) governs.

(c) Subsections (a)(2) and (a)(5) do not apply to a dwelling unit located in a condominium or cooperative housing structure.
LEGISLATIVE REQUEST REPORT

Bill 24-19
Landlord-Tenant Relations – Obligations of Landlord – Air Conditioning

DESCRIPTION: Bill 24-19, Landlord-Tenant Relations – Obligations of Landlord – Air Conditioning would amend Section 29-30 of the Code to require a landlord to provide and maintain a certain level of air conditioning service between May 1 and September 1.

PROBLEM: The County Code does not currently require a landlord to supply or maintain air conditioning service.

GOALS AND OBJECTIVES: To require a landlord to supply and maintain air conditioning service for rental housing located in the County.

COORDINATION: Department of Housing and Community Affairs

FISCAL IMPACT: OMB

ECONOMIC IMPACT: Finance

EVALUATION: To be done.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Christine M.H. Wellons, Legislative Attorney

APPLICATION WITHIN MUNICIPALITIES: N/A

PENALTIES: Under Code Section 29-8, a violation of Chapter 29 is a Class A violation.