



Committee: PHP
Committee Review: Completed
Staff: Ludeen McCartney-Green, Legislative Attorney
Purpose: Final action – vote expected
Keywords: #tenantprotection

AGENDA ITEM #2B
July 16, 2024
Action

SUBJECT

Bill 7-24, Landlord-Tenant Relations – Tenant Protection and Notification

Lead Sponsor: Council Vice President Stewart

Cosponsors: Councilmembers Balcombe, Sayles, Katz, Mink, Albornoz, Jawando, Glass, and Council President Friedson

EXPECTED ATTENDEES

Charles Bailey, Chief, Montgomery County Fire & Rescue Services
Gary Cooper, Interim Fire Chief, Montgomery County Fire & Rescue Services
Nathan Bovellet, Manager, Department of Housing and Community Affairs
Rabbiah Sabbakhan, Director of Department of Permitting Services

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- The PHP Committee recommended by 2-0 enactment of Bill 7-24, with amendments.
- The Council may discuss additional amendments proposed by Councilmember Mink.
- A final roll call vote on the bill is expected.

DESCRIPTION/ISSUE

- Bill 7-24 would:
 - (1) require a residential lease to include certain information related to renter's insurance, automatic sprinkler system, and emergency safety plan;
 - (2) require the 24-hour availability of a building representative during certain emergency situations;
 - (3) require notification of essential service disruptions in a rental building;
 - (4) require an emergency safety plan and approval of the plan by the [[Department of Housing and Community Affairs]] Department of Permitting Services; and
 - (5) generally amend the law regarding landlord-tenant relations in the County.

SUMMARY OF KEY DISCUSSION POINTS

- The PHP Committee held a worksession on June 27 and recommend enactment of Bill 7-24 with amendments to:
 - assign the Department of Permitting Services (DPS) as the approving authority of the emergency safety plan instead of Department of Housing and Community Development (DHCA);
 - require a safety plan to be renewed every 3 years;

- establish due process by allowing a landlord to resubmit a plan, if denied;
- require an emergency safety plan be available for emergency personnel;
- clarify an approved emergency safety plan must be included in a lease agreement;
- require a tenant to acknowledge whether renter’s insurance is required under the lease agreement;
- require a landlord of an apartment complex to include office hours in the lease;
- promptly notify tenants about any elevator service disruption;
- if feasible, a landlord may notify a tenant using electronic means; and
- various stylistic and grammatical changes.

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Community Action Partnership	© 32
Susan Albertine (League of Women Voters of Montgomery County)	© 34
Mike English	© 36

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MEMORANDUM

July 11, 2024

TO: County Council

FROM: Ludeen McCartney-Green, Legislative Attorney

SUBJECT: Bill 7-24, Landlord-Tenant Relations – Tenant Protection and Notification

PURPOSE: Action – Council vote expected

Planning, Housing, and Parks Committee recommendation (2-0): enact the Bill 7-24 with amendments.

Bill 7-24, Landlord-Tenant Relations – Tenant Protection and Notification sponsored by Lead Sponsor Council Vice President Stewart and Co-sponsors Councilmembers Balcombe, Sayles, Katz, Mink, Alborno, Jawando, Glass and Council President Friedson was introduced on March 5, 2024. A public hearing was held on April 23, 2024. The Bill was reviewed and discussed by the Planning, Housing, and Parks (PHP) Committee on June 27, 2024.

Bill 7-24 would:

- (1) require a residential lease to include certain information related to insurance, automatic sprinkler system, and emergency safety plan;
- (2) require the 24-hour availability of a building representative during certain emergency situations;
- (3) require notification of disruption of essential services in a rental building;
- (4) require an emergency safety plan and approval of the plan by the ~~[[Department of Housing and Community Affairs]]~~ Department of Permitting Services; and
- (5) generally amend the law regarding landlord-tenant relations in the County.

ISSUES FOR THE COUNCIL'S DISCUSSION

Councilmember Mink may propose an amendment regarding the fire-related service calls. Additional information and charts provided by Montgomery County Fire & Rescue are included for review and discussion, see © 27.

The intent of the amendment is to give the County more tools to encourage and compel landlords to take steps that would reduce both actual fire-related calls for service and false alarms at multi-family properties. Amendment is on page © 25.

BACKGROUND

The purpose of this Bill is to enhance communication related to safety of rental housing and expand protections for tenants during emergency situations.

The County has seen an increase with apartment complexes that faced emergency situations (building fires, power outages, evacuations, or condemnations) and building management has lack preventative plans to address these types of emergencies. A tragic building fire occurred at an apartment building in Silver Spring that resulted in a death¹, a housing community in North Bethesda experienced a power outage that displaced many residents², and other similar situations arose with serious electrical issues³ and buildings without automatic fire sprinklers.⁴

A concern raised among tenants affected by an emergency was the lack of transparency and poor communication between management and tenants. The need to address and improve communication during emergencies is crucial to safeguarding the community's health, safety, and well-being, especially regarding fire safety.

BILL SPECIFICS

1. *Expands the contents required in a lease agreement.*

Bill 7-24 would expand existing requirements for a lease agreement under Chapter 29, to include the following:

- a statement that informs the tenant **an insurance policy purchased by the landlord does not provide coverage for a tenant's personal belongings** and the statement must indicate whether the tenant is required to obtain renter's insurance;
- specify whether the **building has an automatic sprinkler system**; and
- for multifamily apartment buildings, an **emergency safety plan approved by DHCA**.

2. *Notifications required by the landlord.*

¹ Aratani, Lori. [Fire at Silver Spring apartment building kills 1 and displaces 400](#). Published February 23, 2023; Source of the Spring. [Remembering the Arrive Silver Spring Apartment Fire: 1 Year Later](#). Accessed on 27 February 2024.

² Dimargo, Carissa. [Up to 1,000 People Evacuated From Bethesda Apartment Building After Fire, Power Outage](#). Published August 25, 2022. Accessed on 27 February 2024.

³ Domingo Ida. [Bethesda high-rise apartment 'condemned,' residents evacuated after electrical issues](#). Published January 8, 2024. Accessed on 27 February 2024.

⁴ Cooper, Kyle. [After 5 deadly fires in Montgomery Co., 'all-hands-on-deck' effort to check on all apartment buildings without sprinklers](#). Published March 10, 2023. Accessed on February 27, 2024.

A landlord is required to post in a conspicuous place or provide a notice to each tenant that includes the contact information for a building representative reachable 24 hours a day, 7 days a week. The same applies for single-family rentals.

Further, if there is a building-wide outage, maintenance, or repair of essential services, such as electricity, water, heat, or power generator, the landlord is required to notify all tenants at least 7 days before the interruption of services, or within 24 hours for an unscheduled interruption.

The notice must contain the date of service interruption, estimated time of repair, and information regarding how the landlord will communicate with the tenants once the issue is resolved.

3. Require a representative for air conditioning temperature control.

Under existing law (Section 26-7), a landlord is required to provide a tenant an emergency phone number for a building representative who can adjust the thermostat if the heat in the winter season is below a certain degree; however, the same requirement does not apply for cooling systems (air conditioning) in the summer.

Bill 7-24 would expand the law to require a landlord provide an emergency phone number of a representative, with 24-hour access, to adjust a tenant's thermostat, if the cooling system is broken or fails to maintain a temperature below 80°F during June 1 and September 30.

4. Each multifamily building must develop and maintain an emergency safety plan.

The landlord of a multifamily dwelling must prepare and maintain an emergency safety plan that, at minimum include:

- (1) an evacuation map;
- (2) the location of fire extinguishers;
- (3) the type of fire alarm system installed;
- (4) a point of contact or the type of communication that will be used by the landlord during and after the emergency;
- (5) details regarding alternate housing when a tenant is displaced due to the building emergency; and
- (6) any other standards prescribed by the Director established by executive regulations.

The Department of Housing Community Affairs (DHCA), in coordination with Department of Permitting Services (Division of Fire Prevention and Code Compliance), and the County's Office of Emergency Management and Homeland Security, and any other relevant departments, must develop and provide a landlord with guidance and best practices for establishing an emergency safety plan.

SUMMARY OF PUBLIC HEARING

On April 23, the Council held a public hearing and 13 speakers testified in support of the bill. The written testimony provided included the following:

Emilee Towey, on behalf of Montgomery County Renters Alliance, testified that “Bill 7-24 increases apartment community safety and quality of life through more effective and reliable landlord-tenant notification and safety planning.” In addition, the testimony requested a friendly amendment to require the landlord share information with residents about criminal activity that occurs in the neighborhood. (© 24).

Brian Anleu of Apartment and Office Building Association of Metropolitan Washington (AOBA) testified in support, but offered a few amendments for the Council’s consideration, which included: 1) DPS should review and approve emergency safety plans; 2) safety plans should clarify that a landlord is not required to relocate displaced tenants; and 3) establish a centralized Office of Fire Safety to coordinate amongst several relevant departments. See testimony at © 26.

James Perry, and individual, supports the bill and recommends additional amendments related to fire safety information should be bilingual; property manager should be aware of disabled tenants that have difficulty evacuating during an emergency; require notification about unscheduled outages of hot water and HVAC; and the policy coverage included in renters’ insurance. (© 28).

Advocates in support include Jews United for Justice (© 30), Community Action Partnership (© 32), League of Women Voters of Montgomery County, MD © 34 (requested an amendment to include advance tenant notification for “elevator” outage or repairs), and Mike English (© 36).

SUMMARY OF IMPACT STATEMENTS

Economic Impact Statement

The Office of Legislative Oversight (OLO) anticipates enacting Bill 7-24 would have an insignificant impact on economic conditions in the County in terms of the Council’s priority indicators.

Climate Assessment

OLO anticipates Bill 7-24 could have a positive impact on the County’s community climate resilience as it is proposing changes intended to improve outcomes of emergency situations and ensure proper cooling of buildings during summer months.

The report addresses that, “emergency planning and preparation can improve overall community climate resilience by mitigating hazards posed by natural disasters and improving recovery after a disaster.” See page © 17.

In addition, “[E]xtreme heat exposure can also threaten community climate resilience. According to U.S. Census Bureau data released in 2023, almost 1 in 4 people in the United States have low resilience to extreme heat exposure and Black, Indigenous, and People of Color are disproportionately affected by heat-related deaths and illnesses compared to White people.

Further, low-income households, especially cost-burdened households, are more susceptible to extreme heat exposure as they are more likely to (1) have difficulty affording energy

bills and (2) live in less energy-efficient buildings that are more expensive to cool. As extreme heat days continue to increase due to climate change, monitoring air conditioning and ensuring a building is cooled enough in the summer to be safe for habitation improves community resilience and can prevent heat-related illnesses and deaths.” See page © 17.

Racial Equity Social Justice Impact

OLO anticipates Bill 7-24 will have a positive impact on racial equity and social justice (RESJ) in the County. Black and Latinx community members will disproportionately benefit from expanded protections for tenants that could help improve outcomes during emergency situations.

OLO analyzed Census data regarding demographics in the rental community and surmised the following: “...that Black and Latinx people are overrepresented among renter households. While Black and Latinx households respectively account for 18 percent and 15 percent of all households in the County, they account for 30 percent and 19 percent of renter households. White people, and to a lesser extent Asian people, are underrepresented among renter households, while Native American and Pacific Islander people are proportionately represented.” See page © 14.

Further, the report summarizes the impact on racial inequities by identifying that while, “Bill 7-24 does not address factors that would directly improve the quality of housing among BIPOC community members. However, the proposed protections for tenants – including emergency air conditioning control and emergency safety plans for multifamily buildings – could help mitigate the consequences of emergencies that residents living in substandard housing are more vulnerable to.” See page © 14.

Fiscal Impact Statement

OMB projects expenditures could increase by \$140,100 in both FY25 and FY26 to bring on a full-term position to implement the bill. However, revenues could increase by \$23,500 in FY25 and increase to \$33,000 by FY30 because of fines due to non-compliance by a landlord. See page © 19 for further analysis.

SUMMARY OF PHP COMMITTEE WORKSESSION

The Committee held a worksession on June 27 to discuss the Bill and the various amendments. After a thorough discussion, the following amendments were **adopted without objection by the two Councilmembers present (Friedson and Fani-González, Jawando was absent)**:

- 1. Amendments to the emergency safety plan and changing the placement of the provisions from Chapter 29 (Landlord-Tenant) to Chapter 22 (Fire Safety Code).**

To strengthen the requirements and review process by the Executive branch staff, council staff, in consultation with DPS, recommends the following amendments for the Committee’s review:

- make Department of Permitting Services (DPS) the approving authority of the emergency plan instead of DHCA. DPS already approves certain fire plans under the law (Code Sec. 22-74);
- clarify an approved emergency plan must be included in a lease;
- require a plan renewed every 3 years;
- if a plan is denied, a landlord may resubmit for consideration;
- an emergency plan must be available for all necessary emergency personnel; and
- stylistic and grammatical changes.

Adopted by the Committee without objection. (2-0)

2. Amendment to the clarify the renter’s insurance disclosure provision.

The Committee adopted an amendment to clarify that a landlord may specify that a lease agreement may require a tenant obtain renter’s insurance. This clarification would remove the ambiguity that insurance is mandated by County, state law, or any other authority.

In addition, the Committee accepted Councilmember Katz’s amendment to require acknowledgement by the tenant regarding the renter’s insurance provision. **(Adopted 2-0).**

3. Essential service interruption notice. Clarify at least 24 hours notification is required when there’s an unscheduled service interruption and there is no immediate emergency. If there is an emergency, the notice requirement would not apply. **The Committee adopted the amendment without objection (2-0).**

The suggested amendment reads: “in the absence of an emergency, at least [within] 24 hours [of] before an unscheduled service interruption [, if feasible] and;

4. Communication by electronic means. As introduced, the Bill requires communication by electronic means as a way for the landlord to convey emergency situations to a tenant. The Committee adopted (2-0) the amendment to modify the provision to include: “if feasible.”

Amend lines 76-79, as follows: The landlord must: (1) post the notice in an accessible, conspicuous, and convenient location in the building; and (2) if feasible, send electronically to all tenants either by: (A) email; (B) text message; or (C) online tenant portal.

5. The Committee adopted (2-0) Councilmember’s Stewart’s amendments.

- Amendment #1 – an apartment complex must include the leasing office hours of operation in each lease agreement.

Amending Section 29-27, as follows:

Each lease for rental housing located in the County must:

(a)(a) include for an apartment complex the operating hours of a leasing office. If the hours change during the lease year, the lease should explain how the landlord will notify tenants of the new hours.

- Amendment #2 – The Committee adopted this amendment by 2-0 vote. The purpose of the amendment is to protect tenants' rights by ensuring they are informed of elevator service interruptions. Timely notification allows tenants to plan accordingly, especially those who may have mobility issues or other special needs requiring elevator access.

Amending Section 29-31, as follows:

- (d) Notification of building-wide outages, maintenance, and repairs. A landlord must provide notice to all tenants, if an apartment complex has any scheduled or unscheduled building-wide outage, maintenance, repair, or disruption of essential services related to the following:
- (1) electricity;
 - (2) water;
 - (3) heat; [[or]]
 - (4) power generator[[]] ; or
 - (5) elevator.

Additional PHP Committee Discussion

Councilmember Stewart provided the Committee with an overview of the complexities regarding a suggested amendment that would require a property owner of a rental property where 2 or more serious crimes occur on or near the building to disclose the nature of the crime to the tenants. Due to several legal, policy, and implementation factors – the amendment was not proposed for a vote.

Councilmember Mink had a general discussion about a potential amendment that would require a property owner with 10 or more fire alarm service calls to complete an addendum to the emergency safety plan. The intent is to give the County more tools to encourage and compel landlords to take steps that would reduce both actual fire-related calls for service and false alarms at multi-family properties. Councilmember Mink did not introduce the amendment, but instead, plans to work with department heads to gather more information and data regarding fire alarm calls for service.

Next Steps: The Committee voted 2-0 (Councilmember Friedson and Fani-González) to recommend Bill 7-24 for enactment.

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Community Action Partnership	32
Susan Albertine (League of Women Voters of Montgomery County)	34
Mike English	36

Bill No. 7-24
Concerning: Landlord-Tenant Relations –
Tenant Protection and Notification
Revised: 7/11/2024 Draft No. 6
Introduced: March 5, 2024
Expires: December 7, 2026
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council Vice President Stewart
Cosponsors: Councilmembers Balcombe, Sayles, Katz, Mink, Albornoz, Jawando, Glass, and
Friedson

AN ACT to:

- (1) require a residential lease to include certain information related to insurance, automatic sprinkler system, and emergency safety plan;
- (2) require the 24-hour availability of a building representative during certain emergency situations;
- (3) require notification of essential service disruptions in a rental building;
- (4) require an emergency safety plan and approval of the plan by the ~~[[Department of Housing and Community Affairs]]~~ Department of Permitting Services; and
- (5) generally amend the law regarding landlord-tenant relations in the County.

By amending

Montgomery County Code
Chapter 22, Fire Safety Code
Section 22-74

Chapter 26, Housing and Building Maintenance Standards
Section 26-7

Montgomery County Code
Chapter 29, Landlord-Tenant Relations
Sections 29-27, 29-30, and 29-31

~~[[By adding~~

~~Montgomery County Code
Chapter 29, Landlord-Tenant Relations
Section 29-35F]]~~

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

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

28 obtain renter’s insurance under the terms of the lease agreement. The statement
29 must be acknowledged by each tenant with a signature or initials.

30 (y) Provide information about whether the building is fully protected by an
31 automatic sprinkler system.

32 (z) Contain an emergency safety plan for a multifamily building approved
33 by the Department of Permitting Services under Section [[29-35]] 22-74.

34 * * *

35 **29-30. Obligations of landlords.**

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

40 * * *

41 (13) Prepare and maintain an emergency safety plan in compliance
42 with Section [[29-35F]] 22-74.

43 **29-31. Landlord notice requirements.**

44 (a) Each landlord of an apartment complex in the County must:

- 45 (1) post a durable notice in an accessible, conspicuous and convenient
- 46 place in each building to which the notice applies; or
- 47 (2) distribute the notice directly to all tenants.

48 The notice must contain the name or title and telephone number of at least
49 one responsible representative of the building management who may be
50 reached [at all times in an emergency] 24 hours a day, 7 days a week.

51 (b) A landlord renting any dwelling unit that is not located in an apartment
52 complex must give the lessee the name, title and telephone number of at
53 least one responsible representative of the landlord who may be reached
54 [at all times in an emergency] 24 hours a day, 7 days a week.

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(d) Notification of building-wide outages, maintenance, and repairs. A landlord must provide notice to all tenants, if an apartment complex has any scheduled or unscheduled building-wide outage, maintenance, repair, or disruption of essential services related to the following:

- (1) electricity;
- (2) water;
- (3) heat; ~~or~~
- (4) power generator~~];~~; or
- (5) elevator.

(e) Contents of the notice.

- (1) A notice required under subsection (d) must be sent at least 7 days before a scheduled service interruption; or
- (2) in the absence of an emergency, at least ~~within~~ 24 hours ~~of~~ before an unscheduled service interruption~~, if feasible~~; and
- (3) contain the following:
 - (A) the date of proposed scheduled work or service interruption;
 - (B) the estimated time of repair; and
 - (C) information regarding the communication method that will be used to provide updates about service interruption until the issue is resolved.

(f) Posting and electronic delivery of notice. The landlord must:

- (1) post the notice in an accessible, conspicuous, and convenient location in the building; and
- (2) if feasible, send electronically to all tenants either by:
 - (A) email;
 - (B) text message; or

82 (C) online tenant portal.

83 **[[29-35F.]] 22-74. Fire safety instructions.**

84 * * *

85 **(c) Emergency safety plan for multifamily rental building – required.**

86 (1) Definitions. For purposes of this Section:

87 Department means the Department of Permitting Services.

88 Director means the Director of the Department or the Director’s
89 designee.

90 Emergency safety plan means a plan approved by the Department
91 in accordance with this Section.

92 (2) Emergency safety plan - requirements.

93 (A) Each landlord of a multifamily dwelling must submit a
94 proposed emergency safety plan on a form prescribed by the
95 Director for review and approval by the Department.

96 (B) Lease requirement. After the Department approves an
97 emergency safety plan, the landlord must include the plan
98 in each lease agreement as required under Section 29-27 and
99 must operate in accordance with the approved plan.

100 (C) Frequency of plan. An emergency safety plan expires every
101 three years. A landlord is required to update its plan and
102 obtain a new approval from the Department to remain in
103 compliance with this Section.

104 (D) Scope and contents of the plan. The landlord of a
105 multifamily dwelling [[must prepare and maintain an]]
106 emergency safety plan must [[that]], at a minimum include:

107 [[1]] i. an evacuation map;

108 [[2]] ii. the location of fire extinguishers;

135 (B) An alternative safety measures may be approved and
 136 implemented if the Director determines that such measures
 137 may provide equivalent or acceptable safety for a
 138 multifamily building.

139 (6) Emergency plan guidance for landlords. The Department, in
 140 coordination with Department of [[Permitting Services (Division
 141 of Fire Prevention and Code Compliance)]] Housing and
 142 Community Affairs, and the County's Office of Emergency
 143 Management and Homeland Security, and any other relevant
 144 departments, must develop and make publicly available for
 145 landlords, best practices for establishing an emergency safety plan.

146 [[d]] (7) Regulations. The Executive must adopt Method (2)
 147 regulations to implement the requirements of this Section. The
 148 regulations must include procedures for a landlord to submit and
 149 for the Director to consider, review, and reconsider [[approve]] a
 150 proposed emergency safety plan by a landlord.

151 **Sec. 2. Transition.** The requirements for an emergency safety plan under subsection
 152 (z) of Section 29-27, paragraph (13) of Section 29-30, and [[Section 29-35F]] Section
 153 22-74, added under Section 1 of this Act, must not be enforced, or take effect until
 154 Method (2) regulations under [[Section 29-35F]] Section 22-74 are approved by the
 155 County Council.

Economic Impact Statement

Montgomery County, Maryland

Bill 7-24

Landlord-Tenant Relations – Tenant Protection and Notification

SUMMARY

The Office of Legislative Oversight (OLO) anticipates enacting Bill 7-24 would have an insignificant impact on economic conditions in the County in terms of the Council's priority indicators.

BACKGROUND AND PURPOSE OF BILL 7-24

Landlord-tenant relations are governed by County and state laws as well as lease agreements that outline each party's rights and responsibilities.¹ Local jurisdictions can pass laws to provide tenants with additional protections and specify additional requirements for landlords.²

According to the introduction staff report for Bill 7-24, tenants in the County have raised concerns about the lack of transparency and poor communication between management and tenants during emergency situations in their buildings.³

The purpose of Bill 7-24 is to enhance communications and expand protections for tenants during emergency situations. If enacted, the Bill would:

- Expand the contents required in a lease agreement, such as insurance information, the existence of automatic sprinkler systems, and an emergency safety plan;
- Require 24/7 availability of a building representative during certain emergency situations and for air conditioning temperature control;
- Require notification at least seven days prior to a planned interruption of essential services or within 24 hours of an unscheduled interruption of essential services in a rental building; and
- Require multifamily buildings to develop an emergency safety plan that is approved by the Department of Housing and Community Affairs (DHCA).⁴

Bill 7-24, Landlord–Tenant Relations – Tenant Protection and Notification was introduced by the Council on March 5, 2024.

¹ Landlord - Tenant Handbook.

² "Housing - Local Laws."

³ Introduction Staff Report for Bill 7-24.

⁴ Ibid.

INFORMATION SOURCES, METHODOLOGIES, AND ASSUMPTIONS

Per Section 2-81B of the Montgomery County Code, the purpose of this Economic Impact Statement is to assess the impacts of Bill 7-24 on County-based private organizations and residents in terms of the Council’s priority economic indicators and whether the Bill would likely result in a net positive or negative impact on overall economic conditions in the County.⁵

While the Bill may create operating costs for certain landlords, OLO expects these to be largely insignificant for the following reasons. First, the requirements specified in the Bill are consistent with recommended practices within the industry for basic safety and emergency preparedness for landlords and property managers.⁶ It is likely many landlords and property managers have already implemented these requirements. Second, measures taken to improve resilience from natural disasters can reduce costs to both property owners and tenants.⁷ Third, OLO interprets the following requirement in the Bill as not placing responsibility on landlords to relocate displaced tenants: “The landlord of a multifamily dwelling must prepare and maintain an emergency safety plan that, at minimum include ... details regarding alternate housing when a tenant is displaced due to the building emergency.”

For these reasons, OLO anticipates that the Bill would have insignificant impacts on private organizations, residents, and overall economic conditions in the County in terms of the indicators prioritized by the Council.

VARIABLES

Not applicable

IMPACTS

WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪ ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS

Not applicable

DISCUSSION ITEMS

Not applicable

⁵ Montgomery County Code, Sec. 2-81B.

⁶ See, for example, Singh, “Emergency Preparedness for Landlords”; “How Landlords Can Prepare for Natural Disasters”; Martín et al., “Disasters and the Rental Housing Community.”

⁷ For more on the economic benefits of resilience, see Tierney, “Businesses and Disasters”; Dormady et al., “The Cost-Effectiveness of Economic Resilience.”

WORKS CITED

Dormady, Noah C., Adam Rose, Alfredo Roa-Henriquez, and C. Blain Morin. "[The Cost-Effectiveness of Economic Resilience](#)." *International Journal of Production Economics* 244 (February 1, 2022): 108371.

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Singh, Jimmy. "[Emergency Preparedness for Landlords: A Step-by-Step Guide](#)." Steadily, December 1, 2023.

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CAVEATS

Two caveats to the economic analysis performed here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not 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.

CONTRIBUTIONS

Stephen Roblin (OLO) prepared this report.

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

BILL 7-24: LANDLORD-TENANT RELATIONS – TENANT PROTECTION AND NOTIFICATION

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 7-24 will have a positive impact on racial equity and social justice (RESJ) in the County. Black and Latinx community members will disproportionately benefit from expanded protections for tenants that could help improve outcomes during emergency situations.

PURPOSE OF RESJ IMPACT STATEMENTS

The purpose of RESJ impact statements (RESJIS) is to evaluate the anticipated impact of legislation on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs, leadership, and power of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.¹ Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social inequities that have caused racial and social disparities.²

PURPOSE OF BILL 7-24

Landlord-tenant relations are governed by county and state laws as well as lease agreements that outline each party's rights and responsibilities.³ Local jurisdictions can pass laws to provide tenants with additional protections and specify additional requirements for landlords.⁴

According to the introduction staff report for Bill 7-24, tenants in the County have raised concerns about the lack of transparency and poor communication between management and tenants during emergency situations in their buildings.⁵

The purpose of Bill 7-24 is to enhance communications and expand protections for tenants during emergency situations. If enacted, the Bill would:⁶

- Expand the contents required in a lease agreement, such as insurance-related disclosures, the existence of an automatic sprinkler system, and a building's emergency safety plan;
- Require landlords to post the contact information of a building representative that is reachable 24/7;
- Require 24/7 availability of a building representative for emergency air conditioning temperature control;
- Require landlords to notify tenants at least seven days prior to a planned interruption of essential services or within 24 hours of an unscheduled interruption of essential services in a rental building; and
- Require multifamily buildings to develop an emergency safety plan approved by the Department of Housing and Community Affairs (DHCA).

The County Council introduced Bill 7-24, Landlord-Tenant Relations – Tenant Protection and Notification on March 5, 2024.

RESJ Impact Statement

Bill 7-24

In October 2023, OLO published a RESJIS for Expedited Bill 38-23, Tenant Displacement – Right of First Refusal to Buy Rental Housing – Amendments.⁷ Please refer to this RESJIS for more context on segregation and the racial wealth divide. This RESJIS also builds on the Climate Assessment for Bill 7-23 published on March 19, 2024.⁸

HOUSING QUALITY AND RACIAL EQUITY

According to the 2021 American Housing Survey, nearly seven million households throughout the U.S. live in inadequate housing.⁹ As described by the Joint Center for Housing Studies (JCHS) of Harvard University, the U.S. Department of Housing and Urban Development (HUD) defines inadequate housing as follows:¹⁰

“HUD classifies housing units as moderately inadequate if they have three or four significant structural problems such as water leaks, large open cracks in the unit, or holes in the floor. Units are considered severely inadequate if they have at least five significant structural problems, an electrical problem such as exposed electrical wiring, or lack features such as hot and cold running water, a shower, a flush toilet, or electricity.”

Historically, housing segregation and the racial wealth divide – established over centuries by government policies and practices such as exclusionary zoning, the exclusion of Black, Indigenous and Other People of Color (BIPOC) from federal homeownership programs, and racial restrictive covenants –¹¹ concentrated BIPOC into redlined communities that have historically been denied the resources they need to maintain quality housing.¹² Today, this has resulted in BIPOC being most impacted by substandard housing conditions. According to JCHS’s analysis of 2021 American Housing Survey data:¹³

- 6 percent of Black homeowners and 5 percent of Latinx homeowners lived in inadequate housing, compared to 3 percent of White homeowners and 2 percent of Asian homeowners; and
- 10 percent of Black and Latinx renters lived in inadequate housing, compared to 7 percent of White renters and 6 percent of Asian renters.

While substandard housing is often attributed more broadly to households with lower incomes, JCHS found that racial disparities in housing quality persist even when accounting for income. Among households in the bottom third of incomes, 10 percent of Black and Latinx households lived in inadequate housing, compared to 6 percent of White households.¹⁴

Substandard housing conditions undermine the health and well-being of BIPOC in many ways.¹⁵ It also places BIPOC at a higher risk of experiencing building emergencies such as fires. A systematic review of research on residential building fires found that features commonly associated with substandard housing – including older buildings, buildings in a state of disrepair and buildings with unsafe electrical systems – were key building-related risk factors for residential fires and injuries.¹⁶ This likely contributes to higher rates of injury and death from residential fires among BIPOC. Nationally, Black people die from fires at nearly twice the overall rate of all Americans and experience injuries from fires at more than twice the overall rate.¹⁷

ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of Bill 7-24 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who are the primary beneficiaries of this bill?

RESJ Impact Statement

Bill 7-24

- What racial and social inequities could passage of this bill weaken or strengthen?

For the first question, OLO considered the demographics of renters since they would benefit from expanded protections during emergency situations. Census data summarized in Table 1 suggests Black and Latinx people are overrepresented among renter households. While Black and Latinx households respectively account for 18 percent and 15 percent of all households in the County, they account for 30 percent and 19 percent of renter households. White people, and to a lesser extent Asian people, are underrepresented among renter households, while Native American and Pacific Islander people are proportionately represented.

Table 1: Percent of Renter-Occupied Households by Race and Ethnicity, Montgomery County, MD

Race and ethnicity	Renter-Occupied Households	All Households
Asian	12.3	14.6
Black	30.0	18.3
Native American	0.3	0.3
Pacific Islander	0.1	0.1
White	38.9	53.0
Latinx	19.1	14.7

Source: Table S2502, 2022 American Community Survey 5-Year Estimates, Census Bureau.

For the second question, OLO considered how Bill 7-24 could impact racial inequities and disparities in housing quality. Bill 7-24 does not address factors that would directly improve the quality of housing among BIPOC community members. However, the proposed protections for tenants – including emergency air conditioning control and emergency safety plans for multifamily buildings – could help mitigate the consequences of emergencies that residents living in substandard housing are more vulnerable to. As evaluated in the Climate Assessment for Bill 7-24, the actions proposed in the Bill “would likely improve emergency responses and overall community climate resilience.”¹⁸

OLO anticipates Bill 7-24 will have a positive impact on RESJ in the County. Black and Latinx community members will disproportionately benefit from expanded protections for tenants that could help improve outcomes during emergency situations.

RECOMMENDED AMENDMENTS

The Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.¹⁹ OLO anticipates Bill 7-24 will have a positive impact on RESJ in the County. As such, OLO does not offer recommended amendments.

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 impact 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.

RESJ Impact Statement

Bill 7-24

CONTRIBUTIONS

OLO staffer Janmarie Peña, Performance Management and Data Analyst, drafted this RESJ impact statement.

¹ Definition of racial equity and social justice adopted from “Applying a Racial Equity Lens into Federal Nutrition Programs” by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools. <https://www.racialequitytools.org/glossary>

² Ibid.

³ [Landlord - Tenant Handbook](#), Montgomery County, MD Department of Housing and Community Affairs, January 2024.

⁴ ["Housing - Local Laws"](#), The People’s Law Library of Maryland, Accessed March 7, 2024.

⁵ [Introduction Staff Report for Bill 7-24](#), Montgomery County Council, Introduced March 5, 2024.

⁶ Ibid.

⁷ [RESJIS for Bill 38-23E](#), Office of Legislative Oversight, October 13, 2023.

⁸ Kaitlyn Simmons, [Climate Assessment for Bill 7-24](#), Office of Legislative Oversight, March 19, 2024.

⁹ Sophia Wedeen, [“Greater Assistance is Needed to Combat the Persistence of Substandard Housing,”](#) Joint Center for Housing Studies, Harvard University, August 1, 2023.

¹⁰ Ibid.

¹¹ RESJIS for Bill 38-23E citing [The Color of Wealth in the Nation’s Capital](#), Urban Institute, November 1, 2016 and Richard Rothstein, *The Color of Law* (Liveright, 2017).

¹² Margery Austin Turner and Solomon Greene, [Causes and Consequences of Separate and Unequal Neighborhoods](#), Urban Institute.

¹³ Wedeen

¹⁴ Ibid.

¹⁵ [Quality of Housing](#), Healthy People 2030, U.S. Department of Health and Human Services.

¹⁶ Shokouhi, et. al., [“Preventive Measures for Fire-Related Injuries and Their Risk Factors in Residential Buildings: A Systematic Review,”](#) Journal of Injury and Violence Research, January 2019.

¹⁷ [2017-2019 Residential Fire Loss Estimates](#), U.S. Consumer Product Safety Commission, October 2022, pg. 5.

¹⁸ Simmons

¹⁹ Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council

Climate Assessment

Office of Legislative Oversight

Bill 7-24: Landlord-Tenant Relations – Tenant Protection and Notification

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 7-24 could have a positive impact on the County's community climate resilience as it is proposing changes intended to improve outcomes of emergency situations and ensure proper cooling of buildings during summer months.

BACKGROUND AND PURPOSE OF BILL 7-24

Landlord-tenant relationships are governed by County and state laws as well as lease agreements which outline each party's rights and responsibilities.¹ Local jurisdictions can pass laws to provide tenants with additional protections and specify requirements for landlords.²

According to the introduction staff report for Bill 7-24, tenants in the County have raised concerns about the lack of transparency and poor communication between management and tenants during emergency situations in their building.³

The intended purpose of the Bill is to enhance communications and expand protections for tenants during emergency situations. The Bill would:

- Expand the contents required in a lease agreement, such as insurance information, the existence of automatic sprinkler systems, and an emergency safety plan;
- Require 24/7 availability of a building representative during certain emergency situations and for air conditioning temperature control;
- Require notification at least seven days prior to a planned interruption of essential services or within 24 hours of an unscheduled interruption of essential services in a rental building; and
- Require an emergency safety plan and approval of the plan by the Department of Housing and Community Affairs (DHCA).⁴

Bill 7-24 – Landlord – Tenant Relations – Tenant Protection and Notification was introduced by the County Council on March 5, 2024.

ANTICIPATED IMPACTS

Emergency planning and preparation can improve overall community climate resilience by mitigating hazards posed by natural disasters and improving recovery after a disaster.⁵ Improving communication tools and specifying representatives for emergencies can also help the community know who to contact for information during an emergency and how to best respond to an emergency.⁶ The development of an emergency plan, along with improving communication during emergencies, increases the capacity of a community to respond and recover more quickly.⁷

Extreme heat exposure can also threaten community climate resilience. According to U.S. Census Bureau data released in 2023, almost 1 in 4 people in the United States have low resilience to extreme heat exposure and Black, Indigenous, and People of Color are disproportionately affected by heat-related deaths and illnesses compared to White people.⁸ Further, low-income households, especially cost-burdened households, are more susceptible to extreme heat exposure as they are more likely to (1) have difficulty affording energy bills and (2) live in less energy-efficient buildings that are more expensive to cool.⁹ As extreme heat days continue to increase due to climate change, monitoring air conditioning and ensuring a building is cooled enough in the summer to be safe for habitation improves community resilience and can prevent heat-related illnesses and deaths.¹⁰

Bill 7-24 proposes changes to improve communication between tenants and landlords during an emergency, such as requiring 24/7 availability of a building representative in case of an emergency and the development of an emergency safety plan for the building. Bill 7-24 would also require landlords to provide an emergency contact who is available 24/7 that can adjust a tenant's thermostat if the cooling system fails to maintain a temperature below 80 degrees Fahrenheit between June 1 through September 30. These actions would likely improve emergency responses and overall community climate resilience.

OLO anticipates Bill 7-24 could have a positive impact on the County's overall community climate resilience.

RECOMMENDED AMENDMENTS

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.¹¹ OLO does not offer recommendations or amendments as Bill 7-24 is likely to have a positive impact on the County's overall community climate resilience.

CAVEATS

OLO notes two caveats to this climate assessment. First, predicting the impacts of legislation upon climate change is a challenging analytical endeavor due to data limitations, uncertainty, and the broad, global nature of climate change. Second, the analysis performed here is intended to inform the legislative process, not 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.

PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of legislation on the County's contribution to addressing climate change. These climate assessments will provide the Council with a more thorough understanding of the potential climate impacts and implications of proposed legislation, at the County level. The scope of the Climate Assessments is limited to the County's contribution to addressing climate change, specifically upon the County's contribution to greenhouse gas emissions and how actions suggested by legislation could help improve the County's overall community climate resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed County bills may impact GHG emissions and community resilience.

CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

¹ [Landlord - Tenant Handbook](#), Montgomery County, MD Department of Housing and Community Affairs, January 2024.

² ["Housing - Local Laws"](#), The People's Law Library of Maryland, Accessed March 7, 2024.

³ [Introduction Staff Report for Bill 7-24](#), Montgomery County Council, Introduced March 5, 2024.

⁴ [Introduction Staff Report for Bill 7-24](#), Montgomery County Council, Introduced March 5, 2024.

⁵ ["Planning for a Resilient Community"](#), Federal Emergency Management Agency, November 2017.

⁶ ["Applying a community resilience framework to examine household emergency planning and exposure-reducing behavior among residents of Louisiana's industrial corridor"](#), Reams, M.A., et. al, Journal of Emergency Management, July 4, 2014.

⁷ ["Community Resilience Planning Guide for Buildings and Infrastructure Systems: Volume I"](#), National Institute of Standards and Technology, May 2016.

⁸ ["Almost a Quarter of U.S. Population Vulnerable to Rising Heat"](#), U.S. Census Bureau, July 11, 2023.; ["Racial Disparities in Climate Change-Related Health Effects in the United States"](#), Berberian, A. G., et. al., Current Environmental Health Reports, May 28, 2022.

⁹ ["Heat Islands and Equity"](#), U.S. Environmental Protection Agency, Accessed 3/18/2024.; ["Equity in Resilience: Addressing the unequal health impacts of extreme heat"](#), Center for Climate and Energy Solutions, September 13, 2021.

¹⁰ ["Continued Rises in Extreme Heat and Implications for Health Disparities"](#), KFF, August 24, 2023.

¹¹ Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022



Fiscal Impact Statement

Office of Management and Budget

Executive Regulation 7-24

Landlord-Tenant Relations - Tenant Protection and Notification

Regulation Summary

Bill 7-24 makes a number of changes to the law related to tenant protections and notification as outlined below: requires residential leases to include certain information related to insurance, automatic sprinkler systems, and emergency safety plans; requires landlords to provide to tenants 24-hour availability of a building representative during certain emergency situations; requires landlords to notify tenants of disruption of essential services in a rental building; and requires landlords to submit an emergency safety plan to the Department of Housing and Community Affairs for approval. Bill 7-24 expands the contents required in a lease agreement to include a statement that informs the tenant that an insurance policy purchased by the landlord does not provide coverage for a tenant's personal belongings and the statement must indicate whether the tenant is required to obtain renter's insurance; specifies whether the building has an automatic sprinkler system; and for multifamily apartment buildings, an emergency safety plan approved by the Department of Housing and Community Affairs (DHCA).

Fiscal Impact Summary

Expenditures could increase by \$140,100 in both FY25 and FY26 to bring on a term position to implement the bill. Revenues could increase by \$23,500 in FY25, increasing to \$33,000 by FY30 related to fines.

Fiscal Year	2025	2026	2027	2028	2029	2030	Total
Personnel Costs	\$133,280	\$133,280	\$0	\$0	\$0	\$0	\$266,560
Operating Expenses	\$6,800	\$6,800	\$0	\$0	\$0	\$0	\$13,600
Total Expenditures	\$140,080	\$140,080	\$0	\$0	\$0	\$0	\$280,160
Revenues	\$23,500	\$25,145	\$26,905	\$28,790	\$30,800	\$32,960	\$168,100
Total Impact	(\$116,580)	(\$114,935)	\$26,905	\$28,790	\$30,800	\$32,960	(\$112,060)
FTE	1.00	1.00	0.00	0.00	0.00	0.00	

Fiscal Impact Analysis

There are approximately 30,000 rental properties in Montgomery County. Every year approximately 100-150 new rental properties are added to the rental market. To ensure compliance with Bill 7-24 leasing requirements, the Office of Landlord Tenant Affairs (OLTA) would have to review approximately 100-150 leases annually and take appropriate action when leases are deficient; update the Montgomery County recommended lease; update 311 knowledge-based articles; draft sample addendums for landlords to include in non-Montgomery County leases encompassing the requirements of Bill 7-24; and conduct outreach with tenants and landlords including sending landlord newsletters to inform and guide landlords of their new obligations, attending meetings, and more.

DHCA's Office of Landlord and Tenant Affairs will require a two-year term, full-time investigator to meet the mandates of Bill 7-24. The estimated expenditure associated with an investigator position (G25) totals \$140,080, including annualized personnel costs of \$133,280 and operating expenses of \$6,800.

The revenue estimate will be limited to issuing and collecting Class A citations. Based



on the 7% average annual growth rate of multifamily buildings in Montgomery County over the past five years, coupled with an estimated 7% steady rate of citations, a total of approximately \$168,100 will be collected over the next six fiscal years.

Staff Impact	Bill 7-24 tasks the DHCA with creating Method 2 Regulations and requires DHCA in coordination with the Department of Permitting Services (Division of Fire Prevention and Code Compliance), the Office of Emergency Management and Homeland Security, and any other relevant departments, to develop and provide landlords with guidance and best practices for establishing an emergency safety plan. Lastly, the department would also need to create protocols and standard operating procedures to implement the regulations and developing informational materials for tenants and landlords.
Actuarial Analysis	The regulation is not expected to impact retiree pension or group insurance costs.
Information Technology Impact	The regulation is not expected to impact the County Information Technology (IT) or Enterprise Resource Planning (ERP) systems.
Other Information	
<i>Later actions that may impact revenue or expenditures if future spending is projected</i>	The regulation does not authorize future spending.
<i>Ranges of revenue or expenditures that are uncertain or difficult to project</i>	Expenditures could increase once Method 2 Regulations are drafted and developed, as additional IT services and staffing could be required. In addition, revenue may increase minimally as tenant-filed OLTA complaints may result in the issuance of landlord non-compliance citations.
Contributors	Scott Bruton, Department of Housing and Community Affairs Nathan Bovelle, Department of Housing and Community Affairs Pofen Salem, Department of Housing and Community Affairs Nicolle Katrivanos, Department of Housing and Community Affairs Anita Aryeetey, Office of Management and Budget.



**AMENDMENT
BY
COUNCILMEMBER MINK**

Bill 7-24, Landlord-Tenant Relations – Tenant Protection and Notification

Beginning on page 8, insert on line 151, amending Section 22-74, as follows:

1 **22-74. Fire safety instructions.**

2 (c) Emergency safety plan for multifamily rental buildings – required.

3 * * *

4 (8) Increase calls for service – plan addendum required. If the
5 Director receives a notification by Montgomery County Fire and
6 Rescue Services (MCFRS) of a multifamily property that has 10
7 or more calls for service for a fire-related emergency within 12
8 months, the Director may require the property owner to submit
9 an addendum to the emergency safety plan under paragraph (2).

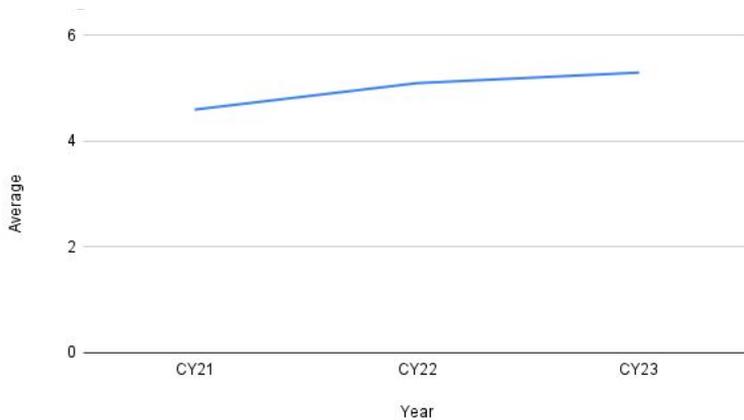
10 (9) The plan addendum, under paragraph (8), must be submitted by
11 the property owner and provide a step-by-step implementation
12 process to reduce fire-related calls for service. The Director may,
13 in consultation with MCFRS, require certain action steps
14 included in the plan addendum.

15 (10) Time for submission. The property owner must submit the plan
16 addendum within 60 days, after notification by the Director
17 under paragraph (8). The Director must review the amended plan
18 within 30 days of receipt by the property owner and decide
19 whether to approve or disapprove of the plan. An amended plan
20 approved by the Director must be implemented by the property
21 owner within 90 days after receipt of approval.

- 22 (11) Reconsideration of plan addendum. If the plan addendum is not
23 approved, the Director must provide an explanation of why the
24 plan was not approved and include alternative measures for the
25 property owner.
- 26 (12) A plan addendum may include, at minimum:
- 27 (A) efforts to hire security guards or additional building
28 personnel;
- 29 (B) repair or replace faulty alarms systems;
- 30 (C) facilitate opportunities for the County to provide outreach
31 and educational resources to residents regarding fire
32 safety;
- 33 (D) contract with a vendor to provide outreach and educational
34 resources to residents regarding fire safety and prevention
35 of false alarms; or
- 36 (E) other fire alarm reduction strategies as determined by the
37 Director, in consultation, with MCFRS.

FRS Quick Look: Non-Medical Calls for Service In High Rises & Mid Rises

average call volume across all buildings by year



Question: What number of fire department responses in a year is good indicator for establishing that a building needs further inquiry and/or support?

Supporting Point A: Average per year demand across all buildings is: CY21- 4.6 | CY22- 5.1 | CY23- 5.3

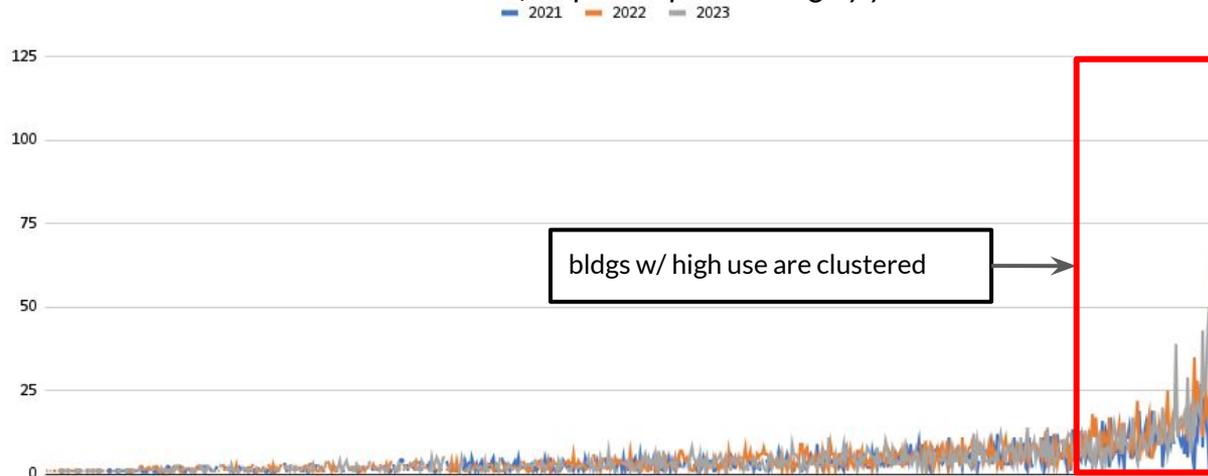
Supporting Point B: the top 25 bldgs account for >25% of total responses

Supporting Point C: *based on CY23 data*

If threshold is ≤ 10 calls/yr 531 bldgs would be below the threshold

If threshold is ≥ 10 call/yr 67 bldgs would exceed the threshold

total # of responses per building by year



Summation

- FRS supports the idea of ≥ 10 calls for service in a year triggering additional inquiry and/or support.
- FRS supports the idea of an multi-agency response to high use building to identify root causes.
- FRS is working w/ DHCA & DPS to extend this work.
- The majority of FRS responses are low acuity responses, most do not require lights and sirens.
- 0.12% of fire alarm calls are fires. (23)



TESTIMONY
Montgomery County Council
In Favor of Bill 7-24 with Amendments - Tenant Protection and Notification

Emilee Towey, Outreach Coordinator, Montgomery County Renters Alliance, Inc.
April 23, 2024 at 1:30PM

Good afternoon Council President Friedson, Vice President Stewart and Council Members. Thank you for giving me the opportunity to speak today. My name is Emilee Towey and today I am speaking on behalf of the Montgomery County Renters Alliance as Matt Losak, our executive director, is unable to be here in person as he recovers from COVID 19.

The Renters Alliance is Maryland's first and only regional nonprofit dedicated exclusively to renter outreach, education, organizing, and advocacy. Since our founding in 2010, the Renters Alliance has been an unwavering advocate for expanding and strengthening renter protections. Bill 7-24 increases apartment community safety and quality of life through more effective and reliable landlord-tenant notification and safety planning. We are in strong support of this bill because it will protect tenants from a lack of information and lack of proper notification concerning fire prevention, renters insurance, and the disruption of essential services in the building. Requiring greater clarity and disclosure of renters' insurance stipulations in leases is a prime example. Too many renters simply do not realize that their renters insurance required by the landlord and included in the lease ONLY protects the landlord.

We would like to thank Vice President Stewart for sponsoring this important bill and recognizing the need for such legislation in Montgomery County. This bill will require landlords to provide tenants with vital information about emergency safety plans approved by DHCA, as well as access to a 24 hour phone number and building representative for emergency temperature control situations.

We have also raised with Vice President Stewart a friendly amendment that would improve the bill's impact: Too often crimes that occur in and around apartment communities occur without proper notice of the circumstances and follow up to the residents, leaving information about crimes subject to rumors and speculation, and in some cases, may leave residents prone to crime. We ask that notices of criminal activity and how it is being addressed also be tracked and communicated to residents. We note that in the past, such information was provided through DHCA's eproperties.

At the Renters Alliance, we often hear from tenants who are frustrated with the lack of notification from management when there are building-wide issues, especially related to maintenance, water, heat, and power disruptions. We listen to tenants who have experienced fires in their building, as we did when we worked with the residents of Arrive Wheaton and Silver Spring, who were confused about the procedures, and dismayed with the absence of accessible information and the preventative measures that were not put in place. Bill 7-24 intends to correct these rental housing shortcomings in order to safeguard the community's health, safety, and well-being.

By requiring leases to include pertinent information about insurance, automatic sprinklers, and safety plans, tenants can be better informed and more prepared for emergencies. With required notification of essential service disruption in the building and access to a 24 hour emergency representative, tenants can avoid unnecessary surprises about their home and feel safe and secure. We strongly urge the PHP Committee and the Council to prioritize tenant safety and vote in favor of this bill. Thank you.



Statement on Council Bill 7-24, Landlord-Tenant Relations – Tenant Protection and Notification

April 23, 2024

The Apartment and Office Building Association of Metropolitan Washington (AOBA) is a non-profit trade association representing more than 133,000 apartment units and over 23 million square feet of office space in Montgomery and Prince George’s County. In Montgomery County, AOBA members own or manage 60,000 of the county’s estimated 83,000 rental units.

AOBA supports efforts to make multifamily buildings safer and has been working with State and County leaders to accomplish this goal. At the state level, AOBA was favorable with amendments on House Bill 823 – Fire Protection and Prevention - Residential Rental Property – Requirements. This enacted bill includes the following requirements for multifamily high-rise buildings that are not protected by automatic sprinkler systems:

- Signage at all main entrances indicating that the building is not protected by an automatic sprinkler system;
- Lease notice that the building is not protected by an automatic sprinkler system;
- Fire safety and building evacuation instructions for new tenants and every two years for existing tenants; and
- Notification devices for tenants that are deaf, blind or hard of hearing paid for by the landlord without being passed on to the tenant.

AOBA also worked with lawmakers on a compromise to HB 823 requiring new smoke detectors in public corridors in accordance with the location and spacing requirements established by the National Fire Protection Association.

Given that HB 823 and CB 7-24 have several overlapping provisions, AOBA supports the lease notice and emergency safety plan requirements in the Council Bill. However, AOBA asks that the Department of Permitting Services (DPS), not the Department of Housing and Community Affairs (DHCA), be responsible for reviewing and approving the emergency safety plans. This is consistent with Chapter 22 of the County Code, which requires DPS to approve fire plans for certain multifamily high-rise buildings. The bill should also be amended to make it explicitly clear that the emergency safety plans may not require a landlord to relocate displaced tenants.

Lastly, as AOBA highlighted in its FY 25 Operating Budget testimony, the County currently has a fragmented approach to fire safety. DPS does fire code enforcement in buildings, but not in individual units. That responsibility is left to the DHCA inspectors that are not fire code experts. Fire safety education and outreach is left to the Fire Department. The Council should take this opportunity to establish a centralized Office of Fire Safety that works across all three departments to coordinate fire code enforcement efforts; perform outreach to tenants and landlords; and train all stakeholders on the testing, inspecting, and maintenance of fire alarms and suppression systems.

For more information about this statement, please contact Brian Anleu, Vice President of Government Affairs for Maryland, at banleu@aoba-metro.org.

Testimony in

Support of Council Bill 7-24

Landlord-Tenant Relations –

Tenant Protection and Notification

24 April 2024

James C. Perry

[REDACTED]

Good afternoon, members of Council. My name is James C. Perry, and my wife and I have lived at the Cole Spring Plaza Apartments for 15 years. I am a retired engineer, a retired U.S. Air Force flight instructor,

and a Vietnam veteran.

I am speaking in support of Bill 7-24, which gives people who rent their dwellings important information which we did not previously have.

1. Written, illustrated fire safety and evacuation plans.

In the 15 years we have lived in this building, I cannot recall a single practice fire drill involving all the tenants.

I suspect many of the tenants in this building don't know the closest fire exit and location of fire extinguishers or how to use them. Many may not understand that they will have to use the stairs to leave the

building, and not elevators.

Because many tenants may not speak or read English well, fire safety information needs to be at least bi-lingual English/Espanol.

Since I am

partially disabled and live on an upper floor, it is important that the property manager of my building acknowledges I may have difficulty evacuating in the event of fire or other emergencies.

2. Although my property management usually warns tenants of scheduled maintenance outages, we often don't know about unscheduled outages of hot water and HVAC until they actually happen.

3. The only thing many tenants know about renters insurance is that their lease requires them to have a policy, and not what the policy covers, specifically what coverage extends to the landlord.

Bill 7-24 increases information tenants deserve to have for their own safety and knowledge of their rights. I support this bill.

Thank you.

April 23, 2024
Devorah Stavisky
Silver Spring, MD, 20910

TESTIMONY IN SUPPORT OF BILL 7-24
Landlord-Tenant Relations – Tenant Protection and Notification

Dear Council President Friedson, Council Vice President Stewart, and members of the Council,

My name is Devorah Stavisky. I am a renter at the Blairs, in Downtown Silver Spring in District 4, where I have lived since 2019. As a community organizer with Jews United for Justice, I work to mobilize over 2,000 Jews and allies across Montgomery County to advance social and economic justice and racial equity in our local communities.

I celebrate this Council's commitment to creating safe, secure living for tenants in response to the tragic series of fires in multifamily units last spring, and thank Councilmember Stewart for introducing Bill 7-24, in addition to Councilmembers Balcombe, Sayles, Katz, Mink, Albornoz, and Jawando for your co-sponsorship. This bill will greatly improve the lives of me and my neighbors in large multifamily units in the County.

Jewish law understands that a house is more than simply a roof over one's head; a house must be safe, secure, and healthy. In the case of a rental property, the responsibility to provide such housing falls on the landlord. The Mishnah (a collection of Jewish law compiled in the 3rd century CE) stipulates that "the landlord bears the responsibility for providing the door, for providing the bolt, for providing the lock, and for providing every item in the house that is essential for living and requires the work of a craftsman to provide it." (Mishnah Bava Metzia 8:7) In other words, the landlord must create a safe, secure environment for the tenant.

Over the last four years, I have talked with hundreds of renters in Montgomery County about their housing conditions, oftentimes at their doors – often, in my own apartment complex, which is one of the largest in Downtown Silver Spring with over 1100 units across three buildings. Through these conversations, I have learned of worrisome gaps in my complex's albeit good service-provision that this bill would fix. We currently do not have an onsite, 24/7 representative to deal with emergencies. At least one building in my complex has plumbing so old, residents have shared stories of sewage flooding out of their showers when they flush, or of thick, black water flooding their kitchens over the weekends. And because of the lack of 24/7 service-provision, when these crises took place over the weekend or in the middle of the night, my neighbors had to look to other neighbors to help fix issues that required immediate management attention.

As our Apartment complex continues to engage in complex-wide maintenance projects that shut down water, electricity, and other essential services multiple times a month, my neighbors and I

would benefit from the specificity in notice required in this bill so we can plan accordingly for our work and living situations.

Most importantly, this bill would ensure that in the case of a fire emergency, the likes of which we saw over five times last spring, my neighbors and I will know that our management has a plan to keep us safe.

May Melanie Diaz's memory be for a blessing, and may this commonsense bill to ensure renters stay safe in our home pass quickly. Thank you.



Montgomery County Community Action Board Testimony
County Council Bill 7 - 24: Landlord-Tenant Relations – Tenant Protection and Notification

April 23, 2024

SUPPORT

The Montgomery County Community Action Board (CAB), the County’s local, state, and federally designated anti-poverty group, is in support of County Council Bill 7 – 24, which would enhance and expand protections for renters in our County.

The Community Action Agency, for which our board is the governing body, has been heavily involved in emergency response efforts following far too many apartment fires and emergencies in our County. The agency’s Navigation Unit and the Takoma-East Silver Spring (TESS) Community Action Center have seen firsthand the devastating impact that fires and explosions have on lower-income residents. As part of the County’s Emergency Management Mass Care Operations team, Community Action staff and contractors work to address the immediate and ongoing needs of residents affected by these emergency situations. Our board receives regular updates on their incredible efforts to address numerous apartment fires over the years, including their recent work addressing the needs of residents displaced by the 2023 fire at the Arrive Silver Spring apartment building.

The CAB supports the additional requirements for lease agreements, the public notices, the disclosure of contact information for building representatives, and the emergency plan requirements outlined in this bill. We want to highlight the requirement that landlords share information about renters insurance. When our board met with agency staff and colleagues who address renters’ issues, renters insurance came up as a critical need. That said, when emergencies occur, residents who have renters insurance have better outcomes than those without. We encourage the Council to explore additional programs to help renters purchase insurance and to provide financial assistance so that renters who cannot afford insurance can still access this protection.

Our board also notes that any discussion of renters’ rights and safety must include an acknowledgement of the lack of affordable housing in the County and the very high cost of housing. Lower-income residents often cannot afford to live in newer buildings that are equipped with the latest safety measures. According to the Montgomery County Self-Sufficiency Standard, a household with two working adults, one preschooler, and one school-age child needs to earn \$122,943 to cover their basic necessities, over four times the federal poverty level. This same family is estimated to need \$1,934 each month just to pay for housing. The extremely high cost of living often leaves lower-income residents with far fewer options for housing and other

necessities. Basic safety measures should not be a luxury for those who can afford them; they should be available to all residents regardless of income. We therefore encourage the Council to explore other policies that will enhance safety and support lower-income residents, such as expanded rental assistance, funding to help residents purchase renters insurance, and eviction protections.

The CAB supports Council Bill 7 – 24 and recommends exploring more opportunities to support lower-income renters in our community.

April 23, 2024

Letter to the Montgomery County Council

Re: Bill 7-24, Landlord-Tenant Relations – Tenant Protection and Notification

Dear Council Members:

While the conversation around rental housing in the county tends to focus on supply and affordability, it is important to also discuss the safety and transparency of existing units. The League of Women Voters of Montgomery County, MD, **supports Bill 7-24, Landlord-Tenant Relations - Tenant Protection and Notification** based on our position that landlord-tenant relations laws should be grounded in clear communication of rights and security of housing.

Bill 7-24 aligns with **our support for a model lease that clearly states the rights and responsibilities of both parties and includes a warranty of habitability**. Requiring these leases to inform tenants of an emergency safety plan and any building or unit's sprinkler system is an important provision in the proposed law. The provision for **clarifying building insurance to a tenant is also crucial**, as many tenants are not aware that the landlords' policies typically do not cover a renter's personal possessions.

Additionally, we **support the requirement that landlords must have a building representative available 24/7 for tenants to contact in case of emergencies, and that proper notice must be given to tenants before maintenance to major building systems**. This better ensures tenants can make arrangements when power or water will not be available. We **recommend adding "elevators" to the list of building systems warranting advanced notice to tenants for repairs**, since they may not always be related to power outages. The lack of these utilities can lead to serious harm or difficulty if not safeguarded. Which brings us to our final reason for supporting this bill.

The **requirement that rental housing unit temperatures be no higher than 80 degrees in summer is important for the health of all tenants**. Extreme heat, which is lasting longer on average each year due to climate change, poses serious risks to all residents, especially the youngest and oldest of our population. Low-income residents, people with disabilities or mobility issues, pregnant people, infants, and people on certain medications are the most susceptible to heat-related illnesses. These residents need better protection against dangerous living conditions which, unfortunately, are common among older and lower cost housing.

While the League believes Bill 7-24 will improve landlord-tenant relations for all county renters, we want to point out the improvement it will have for Black, Indigenous, and people

of color communities in particular. Housing quality is essential for achieving racial equity and social justice for marginalized communities. It is necessary for the economic and physical health of the county. Safe housing helps families and communities build their lives. Thank you for this opportunity to provide our views, and we urge the Council to pass this legislation.

Susan Albertine
President, League of Women Voters of Montgomery County, MD

Hello Members of the county council,

I am submitting this written testimony in support of Bill 7-24, Landlord-Tenant Relations – Tenant Protection and Notification, and I strongly urge the council to pass the bill.

The bill would make several important improvements to information disclosures provided to renters in the county. Its requirement for a residential lease to better clarify what is and is not covered by insurance policies offered by management will help avoid repeats of unfortunate cases where renters were lead to believe they had been provided renter insurance that will cover their possessions, when instead it was a policy protecting the building only. Obviously both types of insurance are important, but they are very distinct, and as someone who has signed my fair share of leases and other paperwork, I can see how people would be confused. Whether they “should” know better or not is academic, better disclosures will help make better decisions, and *that* will help people be better protected in the case of a destructive fire or other incident.

Similarly, it may sound basic and obvious whether a building has a sprinkler system or not, but in the wake of the fire at the Arrive that took the life of Melanie Diaz, I spoke to more than one person, including several close friends, who never even stopped to check. On some level, that makes sense, when we choose a place as our home, we have a basic assumption that some basic safety measures are in place. Further, unless it is presented to us front and center, it’s pretty unlikely that the average person will look up fire safety plans, the location of fire extinguishers, and the like. This bill would require all of that information to be provided more clearly, and require disclosure if sprinkles are not included, which shockingly is not already the case.

People will pause to read the disclosure when they sign a lease before they will randomly look around for sprinklers that they will probably assume are there, maybe to realize only too late that they are not. It might influence the decision people make as to where to rent, or it just may make them more aware of the need for a fire safety plan of their own, but either way, the information helps them make a more informed choice as a consumer.

The bill will also work well in concert with the recently passed (at the state level) Melanie Diaz Fire Safety Act which establishes related fire safety requirements, to put residents in the best position they can regarding fire safety.

For what it’s worth, and like Delegate Charkdouian’s legislation I note above, everything in this bill is even more important now that the Governor has announced that he will not enforce the fire marshall’s mandate to retrofit sprinklers into high rises that do not already have them. While these are common sense requirements that I would urge the county to adopt in any

circumstance, now that we know that a broad application of an active fire safety feature is not coming, we have to enhance and expand the remaining tools we have. Lives and livelihoods are in the balance.

Thank you,

Mike English

