

Bill No. 24-19  
Concerning: Landlord-Tenant Relations –  
Obligations of Landlord – Air  
Conditioning  
Revised: 2/25/2020 Draft No. 6  
Introduced: July 16, 2019  
Enacted: February 25, 2020  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Councilmember Hucker  
Co-Sponsors: Councilmembers Jawando and Alborno, Council President Navarro, and  
Councilmember Riemer

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**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) establish certain exceptions from the air conditioning requirement; and~~
- ~~[[3]]~~ (4) generally amend the law governing rental housing in the County.

By amending

Montgomery County Code  
Chapter 26. Housing and Building Maintenance Standards  
Section 26-7

Chapter 29. Landlord-Tenant Relations  
Section 29-30

<b>Boldface</b>	<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:*

**Sec. 1. ~~[[Section]] Sections 26-7 and 29-30~~ ~~[[is]] are~~ amended as follows:**

**26-7. Light, ventilation and heating, temperature control.**

The owner of each dwelling or dwelling unit must assure compliance with the following standards during human habitation:

\* \* \*

(f) Temperature control – air conditioning in rental housing.

(1) For purposes of this subsection, rental housing has the meaning stated in Section 29-1, except that rental housing does not include:

- (A) a detached single-family home; or
- (B) a dwelling unit located on a site listed in the National Register of Historic Places.

(2) Except as provided in paragraph (3), between June 1 and September 30:

(A) Each owner of rental housing where cooling is not under the control of the tenant must maintain a temperature of no more than 80 degrees Fahrenheit (80° F.) in each habitable space at a distance of 3 feet above floor level; and

(B) Each owner of rental housing where the cooling is under the control of the tenant must provide an air conditioning system capable of maintaining a temperature of no more than 80 degrees Fahrenheit (80° F.) in each habitable space at a distance of 3 feet above floor level.

~~[[3)~~ A tenant may elect to have no air conditioning service installed and provided if:

28                    (A) the air conditioning, if installed, would be provided by one  
29                    or more individual air conditioning units controlled by the  
30                    tenant; and

31                    (B) an addendum to the lease:

32                    (i) specifies any additional amount of rent that would be  
33                    required if air conditioning were provided;

34                    (ii) acknowledges that the tenant has been offered, but  
35                    has elected not to have air conditioning; and

36                    (iii) acknowledges that the tenant has been informed of  
37                    the tenant's right to file a complaint with the Director  
38                    of the Department of Housing and Community  
39                    Affairs under Section 29-36.]]

40                    (3) A landlord may apply for, and the Director may grant, an extension  
41                    of up to six months to comply with the requirements of this Section  
42                    if the Director finds that:

43                    (A) the landlord must make electrical upgrades to the rental  
44                    housing to comply with the requirements; and

45                    (B) making the upgrades would cause financial hardship to the  
46                    landlord.

47                    (4) This subsection must not be construed to permit any  
48                    violation of a fire safety requirement under Section 26-8(a).

49                    \*       \*       \*

50                    **29-30. Obligations of landlords.**

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

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(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]]~~ must not be construed to 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.

\* \* \*

(9) Except when required for reasonable maintenance and repair, ~~[[Supply]]~~ 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]]~~ meets the requirements of Section 26-7. This ~~[[subsection does not]]~~ paragraph must not be construed to impair any provision in a lease that obligates a tenant to pay for gas or electricity that the tenant uses. The Executive must adopt Method (2) regulations to implement the requirements of this paragraph, including regulations to define reasonable maintenance and repair.

\* \* \*

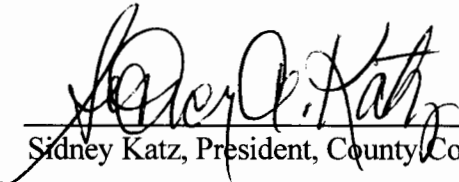
**Sec. 2. Transition.** For 12 months following the effective date of this Act, a landlord may request, and the Director may grant, delayed implementation of the requirements of this Act for any real property that is the subject of a pending application for a necessary approval for development before the Planning Board, Board

82 of Appeals, or Office of Zoning and Administrative Hearings. The period of delayed  
83 implementation for a property may not exceed the sooner of the completion of the  
84 development or 24 months.

85 **Sec. 3. Impairment of Leases.** This Act must not be construed to invalidate or  
86 impair a lease in effect on the effective date of the Act.

87 **Sec. 4. Financing.** The Executive must, subject to appropriation and applicable  
88 law, explore options to offer low-interest financing to landlords who need to upgrade  
89 their electrical systems to comply with the requirements of this Act.

Approved:

  
\_\_\_\_\_  
Sidney Katz, President, County Council

2/26/2020  
\_\_\_\_\_  
Date

Approved:

\_\_\_\_\_  
Marc Elrich, County Executive

\_\_\_\_\_  
Date

*This is a correct copy of Council action.*

\_\_\_\_\_  
Selena Mendy Singleton, Clerk of the Council

\_\_\_\_\_  
Date