



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

AGENDA ITEM #11B
December 8, 2020
Introduction

SUBJECT

Expedited Bill 50-20, Landlord-Tenant Relations – Fire Safety - Removal of Mercury Service Regulators

Lead Sponsor: Council President Hucker

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A; Bill introduction

DESCRIPTION/ISSUE

Expedited Bill 50-20 would require landlords to provide certain notices to tenants and to schedule the replacement of indoor mercury service regulators.

SUMMARY OF KEY DISCUSSION POINTS

- N/A

This report contains:

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MEMORANDUM

December 3, 2020

TO: County Council

FROM: Christine Wellons, Legislative Attorney

SUBJECT: Expedited Bill 50-20, Landlord-Tenant Relations – Fire Safety - Removal of Mercury Service Regulators

PURPOSE: Introduction – no Council votes required

Expedited Bill 50-20, Landlord-Tenant Relations – Fire Safety - Removal of Mercury Service Regulators, sponsored by Lead Sponsor Council President Hucker, is scheduled to be introduced on December 8, 2020.¹ A public hearing is tentatively scheduled for January 12, 2021 at 1:30 p.m.

The expedited bill would require landlords to schedule the immediate replacement of indoor mercury service regulators, and to provide certain notices to tenants.

BACKGROUND

The purpose of the expedited bill is to facilitate the immediate replacement of indoor mercury service regulators with safer, more modern regulators. Indoor mercury service regulators have contributed to fatal building fires. Therefore, their replacement would improve fire safety. In addition, their removal would reduce mercury in the environment.

SPECIFICS OF THE BILL

Expedited Bill 50-20 would require landlords immediately to determine if their rental properties contain mercury service regulators. If an indoor mercury service regulator is present, the landlord would be required to notify each tenant, and to contact the gas utility to arrange for the immediate replacement of the regulator with a safe alternative. The landlord would notify the tenant once the regulator was replaced.

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The requirements of the bill would be enforced by the Department of Housing and Community Affairs (DHCA). In addition, DHCA would maintain a searchable public database regarding premises where landlords have provided initial notice of the service regulators, premises where the regulators have been replaced, and enforcement actions regarding indoor mercury service regulators.

This packet contains:

Bill 50-20

Legislative Request Report

Circle #

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Expedited Bill No. 50-20
Concerning: Landlord-Tenant Relations
- Fire Safety - Removal of Mercury
Service Regulators
Revised: 11/19/2020 Draft No. 3
Introduced: December 8, 2020
Expires: June 8, 2022
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President Hucker

AN ACT to:

- (1) require landlords to provide certain notices to tenants;
- (2) require landlords to schedule the replacement of indoor mercury service regulators; and
- (3) generally amend the law regarding landlord obligations and landlord-tenant relations.

By amending

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

By adding

Montgomery County Code
Chapter 29, Landlord-Tenant Relations
Section 29-35C

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

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

- 27 (2) the landlord has requested, or immediately will request, the
 28 removal of the regulator by the gas utility company;
- 29 (3) the landlord will notify the tenant once the regulator is removed;
 30 and
- 31 (4) the tenant may contact the landlord, the gas utility company, or
 32 the Office of Landlord-Tenant Affairs with questions, concerns,
 33 or complaints.
- 34 (d) Scheduling removal of the regulator. The landlord must, with due
 35 diligence and in good faith, contact the gas utility company to schedule
 36 the immediate removal of each indoor mercury service regulator on the
 37 premises of the rental housing.
- 38 (e) Follow-up requirements.
- 39 (1) Within 30 days after providing notice under subsection (c), the
 40 landlord must update the tenant in writing of the status of the
 41 removal of the indoor mercury service regulator.
- 42 (2) If the regulator has not been removed within 30 days after
 43 providing the notice under subsection (c), the landlord must re-
 44 contact the gas service company to arrange for the immediate
 45 removal of the regulator.
- 46 (f) Final notice.
- 47 (1) The landlord must notify the tenant in writing once the indoor
 48 mercury service regulator is removed.
- 49 (2) The landlord must provide a copy of the notice to the
 50 Department.
- 51 (g) Enforcement.
- 52 (1) The Department must enforce this section under Section 29-8.

- 53 (2) A violation of this section is a Class A violation.
- 54 (h) Database. The Department must maintain data, in a searchable form
55 available to the public, regarding:
- 56 (1) premises subject to an initial notice under subsection (c);
57 (2) premises subject to a final notice under subsection (f); and
58 (3) enforcement actions under subsection (g).

59 **Sec. 2. Expedited Effective Date.** The Council declares that this legislation is
60 necessary for the immediate protection of the public interest. This Act takes effect on
61 the date on which it becomes law.

62 **Sec. 3. Transition.** A landlord must comply with the requirements of Section
63 1, 29-35C(3) of this Act within 90 days after the effective date of the Act.

LEGISLATIVE REQUEST REPORT

Expedited Bill 50-20

Landlord-Tenant Relations – Fire Safety - Removal of Mercury Service Regulators

DESCRIPTION:	Expedited Bill 50-20 would require landlords to provide certain notices to tenants; and require landlords to schedule the replacement of indoor mercury service regulators.
PROBLEM:	The presence of indoor mercury service regulators as a fire safety problem
GOALS AND OBJECTIVES:	Immediate replacement of indoor mercury service regulators
COORDINATION:	DHCA
FISCAL IMPACT:	Office of Management and Budget
ECONOMIC IMPACT:	Office of Legislative Oversight
EVALUATION:	
EXPERIENCE ELSEWHERE:	To be researched
SOURCE OF INFORMATION:	Christine Wellons, Legislative Attorney
APPLICATION WITHIN MUNICIPALITIES:	Does not apply within each municipality
PENALTIES:	Class A Violation