

Clerk's Note: Corrected a typographical error by changing "(c)" to "(d)" in line 78.

Expedited Bill No. 50-20
Concerning: Landlord-Tenant Relations
- Fire Safety - ~~[[Removal]]~~
Replacement of Mercury Service
Regulators
Revised: 6/22/2021 Draft No. 6
Introduced: December 8, 2020
Enacted: June 29, 2021
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

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

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 29-29 and 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:

1 **Sec. 1. [[Section]] Sections 29-29 and 29-30 are amended, and Section 29-**
2 **35C is added, as follows:**

3 **29-29. Obligations of tenants.**

4 Each tenant must, in addition to all other applicable legal requirements:

5 * * *

6 (g) not knowingly or willingly touch, damage, remove or alter any indoor
7 mercury service regulator on the premises of any rental property.

8 **29-30. Obligations of landlords.**

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

13 * * *

14 (10) [[facilitate the removal replacement of any indoor mercury
15 service regulator under]] comply with Section 29-35C.

16 * * *

17 **29-35C. [[Removal]] Replacement of indoor mercury service regulators.**

18 (a) Definition. For purposes of this section, an indoor mercury service
19 regulator means equipment that:

20 (1) is installed and owned by a gas utility company to regulate the
21 supply of natural gas to a structure;

22 (2) contains mercury; and

23 (3) is located inside a structure.

24 (b) Applicability.

25 (1) Except as provided in paragraph (2), this section applies to a
 26 landlord of a multifamily dwelling in a structure built before
 27 1968.

28 (2) This section does not apply to a landlord of a dwelling unit in a
 29 common ownership community.

30 (c) ~~[[Determination]] Required landlord efforts. A landlord must [[verify~~
 31 whether an indoor mercury service regulator is on the premises of any
 32 rental property leased by the landlord]] make reasonable efforts to:

33 (1) take a photograph of any meter that could be an indoor gas
 34 service regulator located on any rental property leased by the
 35 landlord;

36 (2) provide a copy of the photograph to the gas utility company; and

37 (3) cooperate with the gas utility company to schedule the
 38 replacement of any indoor mercury service regulator.

39 [[c) Initial notice. If an indoor mercury service regulator is on the premises
 40 of the rental housing, the landlord must notify the Department, and must
 41 notify each tenant in writing on a form prescribed by the Director. At a
 42 minimum, the landlord must notify the tenant that:

43 (1) an indoor mercury service regulator exists on the premises of the
 44 rental housing;

45 (2) the landlord has requested, or immediately will request, the
 46 removal of the regulator by the gas utility company;

47 (3) the landlord will notify the tenant once the regulator is removed;
 48 and

49 (4) the tenant may contact the landlord, the gas utility company, or
 50 the Office of Landlord-Tenant Affairs with questions, concerns,
 51 or complaints.]]

52 [[(d) Scheduling removal of the regulator. The landlord must, with due
 53 diligence and in good faith, contact the gas utility company to schedule
 54 the immediate removal of each indoor mercury service regulator on the
 55 premises of the rental housing.]]

56 [[(e) Follow-up requirements.

57 (1) Within 30 days after providing notice under subsection (c), the
 58 landlord must update the tenant in writing of the status of the
 59 removal of the indoor mercury service regulator.

60 (2) If the regulator has not been removed within 30 days after
 61 providing the notice under subsection (c), the landlord must re-
 62 contact the gas service company to arrange for the immediate
 63 removal of the regulator.]]

64 [[(f)]] (d) [[Final notice]] Notification.

65 (1) The landlord must notify the tenant in writing [[once]] within 30
 66 days after the gas utility company informs the landlord that the
 67 indoor mercury service regulator is [[removed]] replaced.

68 (2) The landlord must provide a copy of the notice to the
 69 Department.

70 [[(g)]] (e) Enforcement.

71 (1) The Department must enforce this section under Section 29-8.

72 (2) A violation of this section is a Class A violation.

73 [[(h)]] (f) Database. The Department must maintain data, in a searchable
 74 form available to the public, regarding[[:

- 75 (1) premises subject to an initial notice under subsection (c);
76 (2) premises subject to a final notice under subsection (f); and
77 (3) enforcement actions under subsection (g)]] notifications received
78 by the Department under subsection (d).

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

82 **Sec. 3. Transition.** A landlord must comply with the requirements of Section
83 1, 29-35C(c) of this Act within 90 days after the effective date of the Act.

Approved:



7/1/2021

Tom Hucker, President, County Council

Date

Approved:

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Selena Mendy Singleton, Esq., Clerk of the Council

Date