

Bill No. 51-20
Concerning: Landlord-Tenant Relations
- Window Guards
Revised: 3/24/2021 Draft No. 4
Introduced: December 8, 2020
Enacted: April 6, 2021
Executive: _____
Effective: January 1, 2022
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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

AN ACT to:

- (1) require the installation and maintenance of window guards in certain rental housing;
- (2) require certain notifications to tenants;
- (3) add lease requirements in certain circumstances;
- (4) provide for the enforcement of window guard requirements; and
- (5) generally amend laws regarding landlord-tenant relations.

By amending

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

By adding

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

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:

Sec. 1. Section 29-30 is amended, and Section 29-35D is added, as follows:

29-30. Obligations of landlords.

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

* * *

(11) [[install and maintain window guards if required under]] comply with Section 29-35D.

* * *

29-35D. Window guards.

(a) Applicability.

(1) This section applies to any multifamily dwelling unit.

(2) This section does not apply:

(A) to a ground-floor or basement window;

(B) to a window containing an air-conditioning unit, if the unit is bolted to the window opening and not surrounded by an open space exceeding 4 inches;

(C) to a window that is not designed to open; or

[[B)] (D) to the extent that a window guard would cause a violation of a fire safety requirement, or an egress requirement, under Chapter 26, Chapter 8, or Chapter 22.

(b) Window guards required.

(1) For purposes of this section, a window guard means a physical barrier or limiting device attached to a window to prevent occupants from falling out of the window.

- 27 (2) The landlord of a multifamily dwelling must install and maintain
 28 a window guard in each window of a habitable room if:
 29 (A) a child of age 10 or younger occupies the dwelling unit; or
 30 (B) a tenant of the dwelling unit requests in writing the
 31 installation of window guards.
- 32 (3) A window guard installed under paragraph (2) must meet
 33 minimum safety standards prescribed by the Director.
- 34 (4) The [[Department]] Executive may adopt method (2) regulations
 35 to implement the requirements of this section. The regulations
 36 may include procedures for the Director to approve a landlord’s
 37 request for a variance, to use a safe alternative to a window guard
 38 in a particular window, if a window guard meeting the
 39 requirements of paragraph (3) is infeasible in the window.
- 40 (5) The Director [[should]] must conduct outreach and educate
 41 landlords and tenants of multifamily dwelling units about the
 42 requirements of this section, including through:
 43 (A) the Department’s website;
 44 (B) sample notification and lease language; and
 45 (C) the Landlord-Tenant Handbook.
- 46 (c) Responsibility of tenants and other persons. A person must not:
 47 (1) obstruct or interfere with the installation of a window guard
 48 required under this section; or
 49 (2) remove or disable a window guard required under this section.
- 50 (d) Notification to tenants; lease requirements.
 51 (1) Notice required. The landlord of a multifamily dwelling unit
 52 must, at the time of a lease signing, a lease renewal, or a

53 notification of a rent increase, notify the tenant of the unit about
 54 the requirements under this section.

55 (2) [[The]] Notification requirements at the time of a rent increase or
 56 a lease renewal. At the time of a notification of a rent increase or
 57 of a lease renewal, the notification under paragraph (1) must:

58 (A) be in writing [[and must]];

59 (B) be provided to the tenant in the form and manner
 60 prescribed by the Director; and

61 (C) include, at a minimum, a checklist, to be signed and dated
 62 by the tenant, that indicates:

63 (i) whether a child of age 10 or younger occupies or
 64 will occupy the dwelling unit;

65 (ii) if no child of age 10 or younger occupies or will
 66 occupy the dwelling unit, whether the tenant
 67 requests a window guard; and

68 (iii) whether an existing window guard requires repair
 69 or maintenance.

70 (3) Follow-up notifications. If a landlord does not receive a signed
 71 notification from the tenant within 30 days after providing the
 72 notification to the tenant under paragraph (2), and does not
 73 otherwise have actual knowledge of the need or desire for
 74 window guards, then the landlord must provide a second
 75 notification to the tenant under paragraph (2).

76 [[3]] (4) Leasing requirements. The landlord:

77 (A) must include in the lease, or an addendum to the lease, the
 78 requirements of this section; and

79 (B) must not charge the tenant for the installation or
80 maintenance of a window guard under this section.

81 (5) The lease or addendum under paragraph (4) must include a
82 statement, signed and dated by the tenant, that indicates:


83 (A) whether a child of age 10 or younger occupies or will
84 occupy the dwelling; and

85 (B) if no child of age 10 or younger occupies or will occupy
86 the dwelling unit, whether the tenant requests a window
87 guard.

88 [(e) Penalties. A violation of this section is a Class A violation under
89 Section 29-8.]]

90 **Sec. 2. Effective Date.** The effective date of this act is January 1, 2022.

Approved:

 _____ 4/7/2021

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