



Committee: PHP
Committee Review: At a future date
Staff: Ludeen McCartney-Green, Legislative Attorney
Purpose: To introduce agenda item – no vote expected
Keywords: #tenantprotection

AGENDA ITEM #2B
March 5, 2024
Introduction

SUBJECT

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

Lead Sponsor: Council Vice President Stewart

Cosponsors: Councilmembers Balcombe, Sayles, Katz, Mink, Albornoz, and Jawando

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A; Introduction

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; and
 - (5) generally amend the law regarding landlord-tenant relations in the County.

SUMMARY OF KEY DISCUSSION POINTS

- N/A

This report contains:

Staff Report
Bill 7-24

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MEMORANDUM

February 29, 2024

TO: County Council

FROM: Ludeen McCartney-Green, Legislative Attorney

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

PURPOSE: Introduction – no Council votes required

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, and Jawando is scheduled to be introduced on March 5, 2024. A public hearing is will be scheduled at a later date. The bill will be considered by the Planning, Housing, and Parks (PHP) Committee.

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; and
- (5) generally amend the law regarding landlord-tenant relations in the County.

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 situation 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.

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.

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.

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.

This packet contains:
Bill 7-24

Circle #
1

Bill No. 7-24
Concerning: Landlord-Tenant Relations –
Tenant Protection and Notification
Revised: 2/21/2024 Draft No. 5
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, Alborno, and Jawando

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; and
- (5) generally amend the law regarding landlord-tenant relations in the County.

By amending

Montgomery County Code
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 | <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. Sections 26-7, 29-27, 29-30, and 29-31 are amended and 29-35F is**
2 **added as follows:**

3 **26-7. Light, ventilation and heating, temperature control.**

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

5 * * *

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

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

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

17 (C) An owner of rental housing must provide a tenant an
18 emergency phone number to directly contact a
19 representative, with 24-hour access, to adjust the thermostat,
20 if the cooling system is incapable of maintaining the
21 temperature required under paragraph (2)(A) and (2)(B) of
22 this subsection.

23 **29-27. Contents of lease.**

24 * * *

25 (x) Contain a statement that a property or liability insurance policy purchased
26 by the landlord does not provide coverage for the personal belongings of

27 a tenant and the statement must specify whether the tenant is required to
28 obtain renter's insurance.

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

31 (z) Contain an emergency safety plan for a multifamily building approved
32 by the Department under Section 29-35F.

33 **29-30. Obligations of landlords.**

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

38 * * *

39 (13) Prepare and maintain an emergency safety plan in compliance
40 with Section 29-35F.

41 **29-31. Landlord notice requirements.**

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

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

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

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

53 * * *

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

- 58 (1) electricity;
- 59 (2) water;
- 60 (3) heat; or
- 61 (4) power generator.

62 (e) Contents of the notice.

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

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

- 74 (1) post the notice in an accessible, conspicuous, and convenient
 75 location in the building; and
- 76 (2) send electronically to all tenants either by:
 - 77 (A) email;
 - 78 (B) text message; or
 - 79 (C) online tenant portal.

80 **29-35F. Emergency safety plan for multifamily buildings – required.**

81 (a) For purposes of this Section, an emergency safety plan means a plan
 82 approved by the Department in accordance with this Section.

83 (b) The Department, in coordination with Department of Permitting Services
 84 (Division of Fire Prevention and Code Compliance), and the County’s
 85 Office of Emergency Management and Homeland Security, and any
 86 other relevant departments, must develop and provide a landlord with
 87 guidance and best practices for establishing an emergency safety plan.

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

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

99 (d) The Executive must adopt Method (2) regulations to implement the
 100 requirements of this Section. The regulations must include procedures for
 101 a landlord to submit and for the Director to approve a landlord’s
 102 emergency safety plan.

103 **Sec. 2. Transition.** The requirements for an emergency safety plan under subsection
 104 (z) of Section 29-27, paragraph (13) of Section 29-30, and Section 29-35F, added under
 105 Section 1 of this Act, must not be enforced, or take effect until Method (2) regulations
 106 under Section 29-35F are approved by the County Council.