Clerk's Note: Technical corrections have been made to this Bill following enactment. A list of these changes is noted following the signature page.

CORRECTED COPY

Bill No. 7-24
Concerning: Landlord-Tenant Relations – Tenant Protection and Notification
Revised: 7/16/2024 Draft No. 7
Introduced: March 5, 2024
Enacted: July 16, 2024
Executive:
Effective:
Sunset Date: None
Ch. ____, Laws of Mont. Co. ____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council Vice President Stewart
Co-Sponsors: Councilmembers Balcombe, Sayles, Katz, Mink, Albornoz, Jawando, Glass, and Council President Friedson

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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**]]** Department of Permitting Services; and
(5) generally amend the law regarding landlord-tenant relations in the County.

By amending
Montgomery County Code
Chapter 22, Fire Safety Code
Section 22-74

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

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

Sec. 1. Sections 22-74, 26-7, 29-27, 29-30, and 29-31 are amended [[and 29-35F is added]] as follows:

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

* * *

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

* * *

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

(A) Each owner of rental housing where the 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.

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

29-27. Contents of lease.

* * *

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

a tenant and the statement must specify whether the tenant is required to obtain renter's insurance under the terms of the lease agreement. The statement must be acknowledged by each tenant with a signature or initials.

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

(z) Contain an emergency safety plan for a multifamily building approved by the Department of Permitting Services under Section **[[**29-35**]]** 22-74.

* * *

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:

* * *

(13) Prepare and maintain an emergency safety plan in compliance with Section **[[**29-35F**]]** 22-74.

29-31. Landlord notice requirements.

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

(1) post a durable notice in an accessible, conspicuous and convenient place in each building to which the notice applies; or

(2) distribute the notice directly to all tenants.

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

(b) A landlord renting any dwelling unit that is not located in an apartment complex must give the lessee the name, title and telephone number of at

least one responsible representative of the landlord who may be reached **[**at all times in an emergency**]** 24 hours a day, 7 days a week.

* * *

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

(1) electricity;

(2) water;

(3) heat; **[[**or**]]**

(4) power generator**[[**.**]]**; or

(5) elevator.

(e) *Contents of the notice.*

(1) A notice required under subsection (d) must be sent at least 7 days before a scheduled service interruption; or

(2) in the absence of an emergency, at least **[[**within**]]** 24 hours **[[**of**]]** before an unscheduled service interruption**[[**, if feasible**]]**; and

(3) contain the following:

(A) the date of proposed scheduled work or service interruption;

(B) the estimated time of repair; and

(C) information regarding the communication method that will be used to provide updates about service interruption until the issue is resolved.

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

(1) post the notice in an accessible, conspicuous, and convenient location in the building; and

(2) if feasible, send electronically to all tenants either by:

(A) email;

(B) text message; or

(C) online tenant portal.

[[29-35F.]] 22-74. Fire safety instructions.

* * *

(c) **Emergency safety plan for multifamily rental building – required.**

(1) *Definitions.* For purposes of this Section:

Department means the Department of Permitting Services.

Director means the Director of the Department or the Director's designee.

Emergency safety plan means a plan approved by the Department in accordance with this Section.

(2) *Emergency safety plan - requirements*.

(A) Each landlord of a multifamily dwelling must submit a proposed emergency safety plan on a form prescribed by the Director for review and approval by the Department.

(B) *Lease requirement.* After the Department approves an emergency safety plan, the landlord must include the plan in each lease agreement as required under Section 29-27 and must operate in accordance with the approved plan.

(C) *Frequency of plan.* An emergency safety plan expires every three years. A landlord is required to update its plan and obtain a new approval from the Department to remain in compliance with this Section.

(D) *Scope and contents of the plan*. The **[[**landlord of a multifamily dwelling must prepare and maintain an**]]** emergency safety plan must **[[**that**]],** at a minimum, include:

[[(1)**]]** i. an evacuation map;

[[(2)**]]** ii. the location of fire extinguishers;

[[(3)**]]** iii. the type of fire alarm system installed;

[[(4)**]]** iv. a point of contact or the type of communication that will be used by the landlord during and after the emergency;

[[(5)**]]** v. details regarding alternate housing when a tenant is displaced due to the building emergency; and

[[(6)**]]** vi. any other standards prescribed by the Director established by executive regulations.

(E) *Availability of plan*. A landlord must make available the emergency safety plan to the County Fire & Rescue Department, or any other emergency response personnel, upon request.

(3) *Established*. The Department is authorized to review each emergency safety plan submitted by a landlord of a multifamily rental building in accordance with this Section.

(4) *Plan review.* Upon receipt of a plan, the Department may coordinate with other relevant departments to evaluate the adequacy of a plan. The Department must recommend approval or denial of the submitted emergency safety plan. A decision whether to approve or deny a safety plan under this Section must be based on the requirements developed under subsection (b) and executive regulations.

(5) *Reconsideration of plan after denial.*

(A) Within 30 days after the Director issues a denial, a landlord may file a request for reconsideration of an emergency safety plan.

(B) An alternative safety measure may be approved and implemented if the Director determines that such measures may provide equivalent or acceptable safety for a multifamily building.

(6) *Emergency plan guidance for landlords*. The Department, in coordination with Department of **[[**Permitting Services (Division of Fire Prevention and Code Compliance)**]]** Housing and Community Affairs, and the County's Office of Emergency Management and Homeland Security, and any other relevant departments, must develop and make publicly available for landlords best practices for establishing an emergency safety plan.

[[(d)**]]** (7) *Regulations*. The Executive must adopt Method (2) regulations to implement the requirements of this Section. The regulations must include procedures for a landlord to submit and for the Director to consider, review, and reconsider **[[**approve**]]** a proposed emergency safety plan by a landlord.

(8) *Increase calls for service – plan addendum required*. If the Director receives a notification by Montgomery County Fire and Rescue Services (MCFRS) of a multifamily property that has 10 or more calls for service for a fire-related emergency within a 12-month period, the Director may require the property owner to submit an addendum to the emergency safety plan under paragraph (2) of subsection (c).

(9) The plan addendum, under paragraph (8), must be submitted by the property owner and provide a step-by-step implementation process to reduce fire-related calls for service. The Director may, in consultation with MCFRS, require certain action steps included in the plan addendum.

(10) *Time for submission*. The property owner must submit the plan addendum within 60 days, after notification by the Director under paragraph (8). The Director must review the amended plan within 30 days of receipt from the property owner and decide whether to approve or disapprove the plan. An amended plan approved by the Director must be implemented by the property owner within 90 days after receipt of approval.

(11) *Reconsideration of plan addendum*. If the plan addendum is not approved, the Director must provide an explanation of why the plan was not approved and include alternative measures for the property owner.

(12) A plan addendum may include, at minimum:

(A) efforts to hire security guards or additional building personnel;

(B) repair or replace faulty alarm systems;

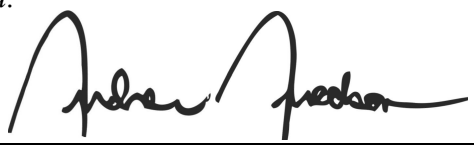
(C) facilitate opportunities for the County to provide outreach and educational resources to residents regarding fire safety;

(D) contract with a vendor to provide outreach and educational resources to residents regarding fire safety and prevention of false alarms; or

(E) other fire alarm reduction strategies as determined by the Director, in consultation with MCFRS.

Sec. 2. Transition. The requirements for an emergency safety plan under subsection (z) of Section 29-27, paragraph (13) of Section 29-30, and **[[**Section 29-35F**]]** Section 22-74, added under Section 1 of this Act, must not be enforced, or take effect until Method (2) regulations under **[[**Section 29-35F**]]** Section 22-74 are approved by the County Council.

Approved:



July 16, 2024

Andrew Friedson, President, County Council — Date

Approved:

Marc Elrich, County Executive — Date

This is a correct copy of Council action.

Sara R. Tenenbaum, Clerk of the Council — Date

The following technical changes have been made to Bill 7-24:

- Comma removed after “thermostat” on line 20
- Comma removed after “tenants” on line 59
- Double brackets added before “landlord” on line 106
- Double brackets removed before “must” on line 107
- Comma added after “minimum” on line 108
- The word “measures” changed to “measure” on line 137
- Comma removed after “landlords” on line 149
- The word “of” was removed on line 169
- The word “alarms” changed to “alarm” on line 179
- Comma removed after “consultation” on line 187