

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1295 (Delegate Lehman, *et al.*)
Environment and Transportation

Real Property - Residential Rental Apartments - Air-Conditioning Requirements

This bill requires a landlord of residential rental units in apartment buildings to provide air conditioning, as specified, between June 1 through September 30 each year, under certain circumstances. A landlord must provide air conditioning in each residential unit: (1) beginning June 1, 2024, for newly constructed residential rental units and (2) beginning October 1, 2024, for residential rental units that undergo renovation that includes the replacement of electrical systems or heating systems. The bill applies prospectively only and does not have any effect on or application to any building construction or renovation for which the building permit is issued before the bill's June 1, 2024 effective date. **The bill takes effect June 1, 2024.**

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: Local government expenditures may increase, potentially significantly, as discussed below. No effect on revenues. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Meaningful.

Analysis

Bill Summary: If the air conditioning system is not under the control of the tenant, the landlord must maintain the temperature in each habitable space at or below 75 degrees Fahrenheit, measured three feet above floor level. However, if the tenant controls the air conditioning system, the landlord is responsible for ensuring the system is

in good working order and capable of maintaining the aforementioned temperature standard.

Current Law: Statutory provisions provide tenants with a mechanism for encouraging the repair of serious and dangerous defects/conditions that exist within or as part of any residential dwelling unit, or upon common property, as specified. The defects are those in which a substantial and serious threat of danger to the life, health, and safety of the occupants is present. Statutory provisions provide a remedy and impose an obligation upon landlords to repair and eliminate the serious and dangerous conditions and defects.

However, statute does not provide a remedy for the landlord's failure to repair and eliminate minor defects or, in those locations governed by such codes, housing code violations of a nondangerous nature. There is a rebuttable presumption that the following conditions, when they do not present a serious and substantial threat to the life, health, and safety of the occupants, are not covered by the aforementioned statutory provisions:

- any defect, which merely reduces the aesthetic value of the leased premises, such as the lack of fresh paint, rugs, carpets, paneling, or other decorative amenities;
- small cracks in the walls, floors, or ceilings;
- the absence of linoleum or tile upon the floors, provided that they are otherwise safe and structurally sound; or
- *the absence of air conditioning.*

Local Expenditures: Local expenditures in any jurisdictions that own/operate residential rental units in apartment buildings increase, potentially significantly, to the extent that costs are incurred for newly constructed units or planned renovations (as specified) that, absent the bill, would not have included air conditioning.

Small Business Effect: Expenditures may increase for small business landlords that are required to provide air conditioning to their rental units under the provisions of the bill.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Association of Counties; Maryland Municipal League; Office of the Attorney General (Consumer Protection Division); Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - March 1, 2024
rh/jkb

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