



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

## Office of Audits and Investigations

September 16, 2020

### MEMORANDUM

TO: Robert J. Williams, Jr.  
Council Administrator

William M. Hunt  
Deputy Council Administrator

THRU: Josh Hamlin *alt*  
Senior Legislative Budget and Policy Analyst

FROM: Warren E. Burris, Sr. *W E B*  
Senior Legislative Budget and Policy Analyst

RE: Policy Analysis and Fiscal Impact Statement  
CB-53-2020 Landlord Tenant Code (Proposed DR-2)

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**CB-53-2020** (sponsored by: Councilmembers Taveras and Glaros)

Assigned to Committee of the Whole (COW)

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**AN ACT CONCERNING THE LANDLORD TENANT CODE FOR THE PURPOSE OF REQUIRING** air conditioning to be properly installed, connected and maintained; providing that air conditioning shall be able to generate temperatures at a certain level; exempting certain properties from the requirements; providing for temporary exemption from the requirement under certain circumstances and generally relating to air conditioning equipment provided by the landlord..

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### Fiscal Summary

**Direct Impact:**

*Expenditures:* Minimal additional expenditures.

*Revenues:* None.

**Indirect Impact:**

Likely none.

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### ***Legislative Summary***

CB-53-2020 sponsored by Councilmembers Taveras and Glaros, was presented to the County Council on July 14, 2020 and referred to the Committee of the Whole. CB-53-2020 would repeal and reenact with amendments Section 13-162.02 of the County Code. A proposed Draft 2 of the Bill may be discussed by the Committee. Draft 1 of the Bill would generally require a landlord to “supply and maintain air conditioning units or a central air conditioning system in a safe and good working condition” in rental housing,<sup>1</sup> and would effectively define what constitutes “safe and good working condition” for the purposes of air conditioning. Draft 1 would also provide for a tenant to elect not to have air conditioning installed under certain circumstances. Finally, Draft 1 provides for a transition period of delayed implementation, by request, for certain properties. Proposed Draft 2 would remove the requirement that a landlord provide air conditioning but would retain the language establishing a standard for air conditioning in rental housing.

If enacted, CB-53-2020 (Proposed Draft 2) would:

- Require the owners of the dwelling units to ensure compliance with the standards contained within the legislation.
- Ensure Landlord supplied air conditioning units or central air systems are maintained in safe and good working condition, meaning that between June 1 and September 30:
  - (1) Each owner of rental housing where cooling is not under the control of the tenant shall maintain a temperature of no more than 80 degrees Fahrenheit (80°F) in each habitable space at a distance of three (3) feet above floor level; and
  - (2) Each owner of rental housing where the cooling is under the control of the tenant shall provide an air conditioning system capable of maintaining a temperature of no more than 80 degrees Fahrenheit (80°F) .

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### ***Background/Current Law:***

Sub-Title 13, Division 3, Subdivision 2, Section 162.02 of the County Code provides that equipment which is provided by the landlord shall be properly installed, connected, and maintained, and shall be capable of adequately performing the function for which it was designed.

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### ***Policy Analysis***

- *Potential Benefits of Enacting CB-53-2020*

Enacting CB-53-2020 (Proposed Draft 2) would provide standards and guidelines for air conditioning units to rental units to assure that tenants can cool their homes during the extremely hot weather. Excessive heat can be detrimental to tenants with certain conditions, older tenants, and young infants. This legislation provides a clear standard of what constitutes a working air conditioner in rental housing. This represents a health and safety measure for Prince George’s County residents and may also keep decrease number of residents experiencing health emergencies during the Summer months.

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<sup>1</sup> For the purposes of this requirement “rental housing” would not include a single-family dwelling; or a dwelling unit located on a site listed in the National Register of Historic Places.

- *Potential Costs of Enacting CB-53-2020*

Enactment of CB-53-2020 (Proposed Draft 2) may require some degree of increased enforcement by DPIE staff inspectors. Additional enforcement should be negligible, since under the existing law, any air conditioning unit provided by the landlord must be “properly installed, connected, and maintained, and shall be capable of adequately performing the function for which it was designed.” These changes in the legislation would clarify the standards put in place by CB-60-1986 as they pertain to air conditioning.

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**Fiscal Impact:**

*Direct Impact*

Enactment of CB-53-2020 may require a small amount of additional expenditures due to the need for increased enforcement by DPIE staff to monitor and ensure landlords meet the new standard.

*Indirect Impact*

Likely none.

*Appropriated in the Current Fiscal Year Budget*

No.

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***Resource Personnel***

DPIE Staff  
Council Administration

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