Additional/Revised Information

Agenda Item	3
Meeting Date	26 July 2004
Prepared By	Sara Anne Daines ECD Director
Approved By	Suzanne Ludlow Community & Government Liaison

Discussion Item	Single Reading Ordinance: Emergency Ordinance identifying the health issues associated with the loss of air conditioning and stating that the Montgomery County Code Section 26-6(1)(6) - requiring dedicated electrical service for all individual window air-conditioning units - is not effective in the City until January 2005.
Additional/ Revised Information	Proposed Emergency Ordinance has been prepared and posted on the City's web site. Information on the proposed ordinance has ben provided to Montgomery County Department of Housing and Community Affairs. Their comments are attached for your review.
Policy	To facilitate the provision of air conditioning to tenants during summer 2004 and enable the City to develop permanent legislation regarding electrical requirements for room air-conditioning units.
Fiscal Impact	The fiscal impact information included in the initial memorandum was offered as a means of illustrating the potential cost of the enforcement of Section 26-6(1)(6) of the Code and assumes that Landlords subject to the requirements of the rent stabilization ordinance, will, following the completion of necessary upgrades to the electrical systems of their rental facility, submit a rent increase petition to recoup their costs. It is not a direct result of the adoption of the proposed emergency ordinance.
Attachments	Emergency Ordinance - Amendment of the property maintenance code to facilitate the use of individual room air-conditioning units during summer 2004 Correspondence from Elizabeth B. Davison, Director, Montgomery County Housing and Community Affairs (July 22, 2004)
Recommendation	None
Special Consideration	

Introduced by:

First Reading: July 26, 2004
Second Reading: NA

Drafted by: Kenneth Sigman
Asst. City Attorney

Effective Date: July 26, 2004

Draft date: July 21, 2004

EMERGENCY ORDINANCE NO. 2004-

(Amendment of the property maintenance code to facilitate the use of individual room air conditioning units during summer 2004.)

WHEREAS**,** Section 26-6(a)(6) of the *Montgomery County Code*, which is applicable to the City of Takoma Park pursuant to Section 6-301 of the *Takoma Park Code*, requires that "[e]ach individual room air conditioning unit, regardless of its current rating, must be served by not less than an individual 20-amp circuit using No. 12 copper wire which terminates in a single receptacle."; and

WHEREAS, many of the tenants in the City rely on individual room air conditioning units to cool their homes; and

WHEREAS, many of the rental units in the City do not comply with the requirements of Section 26-6(a)(6); and

WHEREAS, enforcement of Section 26-(a)(6) has resulted in the loss of air conditioning for many tenants; and

WHEREAS, air conditioning is necessary for the health, safety, and welfare, of certain individuals during the warm summer months; and

WHEREAS, the electrical work necessary bring properties into compliance with Section 26-6(a)(6), in many instances, would not be completed in time to provide residents with air conditioning this summer; and

WHEREAS, Section 26-6(a)(5) of the *Montgomery County Code* requires that circuit breakers, fuses, and other circuit protection must not exceed the rated capacity of the circuit and must be sufficient for normal household use; and

WHEREAS, compliance with Section 26-6(a)(5) by landlords and tenants will prevent electrical fires caused by the overloading of circuits during the use of individual room air conditioners; and

WHEREAS, the Council will develop a permanent solution to promote the safety of tenants and ensure that tenants who had the right to use individual room air conditioning units prior to the enforcement of Section 26-6(a)(6) will continue to have that right following the expiration of this Emergency Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND.

SECTION 1. Legislative Findings.

The Council makes the following findings:

1. The ability to cool one's home is necessary for the health, safety, and welfare of certain elderly or sick residents; and

2. The enforcement of Section 26-6(a)(6) of the *Montgomery County Code* has prevented many residents from cooling their homes during the hottest time of the year.

Accordingly, the Council declares that this ordinance is necessary for the immediate protection of the public health, safety, and welfare.

SECTION 2.

Section 26-6(a)(6) of Chapter 26, Housing and Building Standards, of the *Montgomery County Code* shall not apply to rental units in the City of Takoma Park from July 26, 2004, through January 31, 2005.

SECTION 3.

Capital improvements performed between July 26, 2004, and January 31, 2005, for the purpose of bringing a rental unit or rental facility into compliance with Section 26-6(a)(6) of Chapter 26, Housing and Building Standards, of the *Montgomery County Code* shall be deemed to be necessary to bring a rental unit or rental facility into compliance with the Property Maintenance Code for the purposes of Section 6-505(d)(4)(A) of the *Takoma Park Code*, and may entitle the property owner to a capital improvement rent increase.

SECTION 4. This Ordinance shall be effective immediately.

Adopted this _____ day of _____, 2004, by roll-call vote as follows:

Aye:
Nay:
Absent:
Abstain:

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DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Douglas M. Duncan
County Executive

Elizabeth B. Davison
Director

July 22, 2004

The Honorable Kathy Porter
Mayor
City of Takoma Park
7500 Maple Avenue
Takoma Park, Maryland 20912

Dear Mayor Porter:

I understand that legislation will be introduced shortly that would exempt property owners in Takoma Park from the provision of the Housing Code requiring dedicated outlets for window air conditioning units until January 2005. I am very concerned that this delay in enforcing this aspects of Chapter 26 may put residents at-risk and will cause some property owners to delay upgrading electrical systems which are outdated. This provision has been enforced in Montgomery County for over 15 years and to begin selectively enforcing or deleting sections of the code within the City sets a dangerous precedent.

As you are aware, the Department of Housing and Community Affairs (DHCA) is fully committed to assisting landlords in making necessary upgrades by providing a variety of loan packages tailored to meet the needs of these owners. In addition, owners are eligible to file Capital Improvement Petitions for this code requirement which allows them to increase rent above the 1.9 percent established allowance. DHCA is granting 90 day extensions to upgrade electrical wiring conditional upon the owner providing a signed contract from an electrician stating that the correct wiring will be installed within this time frame, and that specific safeguards are in place to prevent overloading during the interim period. We think these measures ensure that the landlords and the tenants will not be unduly affected by the enforcement of this part of the code, and will result in safer buildings. As you may be aware, the fire hazard associated with inadequate electrical system is a real threat to the safety of the tenants, and electrical fires have been common in older buildings where the electrical system have not been upgraded.

As a result of inspections, many owners have opted to install dedicated outlets. A survey of closed cases indicates that in approximately 150 units, owners removed window air conditioning units to achieve compliance. Therefore, the majority of owners have either installed the correct outlets or are in the process of doing so. I do not believe that it is prudent to legislate an exception to the Code when DHCA has already provided an alternative extension that effectively covers the remainder of the summer, provides important safeguards, and

encourages owners to upgrade their buildings. We are concerned that if the proposed legislation were to pass, that the delay would only put on hold the finding of a real solution to the problem. Under this legislation, it is quite possible that the same situation we have now would occur in January 2005, with no progress having been made during the intervening time period.

I strongly urge you to allow DHCA to continue enforcing all aspects of the Housing Code. Selective enforcement of the Code is not part of the Memorandum of Understanding and undermines our cooperative effort to ensure that rental units within the City of Takoma Park are safe and well maintained.

Sincerely,

Elizabeth B. Davison

Elizabeth B. Davison
Director

EBD:rd

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