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Subject:	Landlord Tenant Relations—Window Guards (Takoma Park Code, § 6.16.155)	
Effective Date:	1/15/2023	

**ADMINISTRATIVE REGULATION
TECHNICAL SPECIFICATIONS FOR WINDOW GUARDS, COMPLIANCE
INFORMATION, VARIANCES, AND TENANT NOTIFICATION AND EDUCATION**

Pursuant to the *City of Takoma Park Code* § 6.16.155(B)(4), the following Administrative Regulations are hereby promulgated and are to be used in conjunction with Sections 6.16.050 (obligations of landlords) and 6.16.155 (window guards) of the *Takoma Park Code*.

Section 1. Definitions

For the purposes of this regulation, the following words and phrases shall have the following meanings:

- a. The term “City” refers to the City of Takoma Park
- b. The term “Department” refers to the City of Takoma Park, Maryland’s Department of Housing and Community Development.
- c. The term “Director” refers to the Director of the City of Takoma Park, Maryland’s Department of Housing and Community Development.
- d. The term “Landlord” means any person who is the owner, the owner’s agent, or a lessor or a sub lessor of the rental unit or rental facility and, in addition, shall mean any person authorized to exercise any aspect of the management of the rental facility, except those persons engaged solely in custodial and maintenance functions.
- e. The phrase “Window Guard” means a physical barrier, or limiting device such as a window stop, attached to a window to prevent occupants from falling out of the window, as further specified in this regulation.

Section 2. Technical Specifications for Window Guards.

- a. *Building Code and Permits.* All construction, reconstruction, installation, or other work associated with this regulation must be done in accordance with all applicable building codes adopted by Montgomery County and all applicable permits must be obtained prior to commencing work. In addition, all construction, reconstruction, installation or other work associated with this regulation must be done in accordance with the City’s Property Maintenance Code, *i.e.*, Title 6, Chapter 12 of the *Takoma Park Code*, which adopts and incorporates certain portions of Chapter 26 of the Montgomery County Code.

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b. *Installation.* A Landlord must strictly follow the instructions accompanying Window Guards to ensure the proper and safe installation of the Window Guards for each specific type of window for which the Window Guard is intended, including the manufacturer’s width and height specifications for the window and the Window Guard.

c. *Window Guard Condition.* All Window Guards, installed on any rental property within the City, must be in like-new, undamaged condition at the time of installation.

d. *Material of Construction.* Window Guards must be constructed of rigid metal, free from any sharp projections, edges, or rough surfaces, and must permit natural light and ventilation to pass through it.

e. *Limitations on opening.*

1. Window Guards must be constructed and installed to prevent the passage of a solid sphere four inches (4”) in diameter at every space and interval, including between rails, bars, slats, and around the perimeter of the Window Guard.

2. Limiting devices must be installed to prevent a window from opening more than four inches (4”).

f. *Minimum Weight Resistance.* At a minimum, Window Guards must be capable of bearing at least a one hundred and fifty pound (150 lb.) load at its center span when extended to its maximum width, as specified by its manufacturer.

g. *Screws.* All Window Guards must be secured with screws made of metal supplied by, or specified by, the manufacturer in order to safely and properly install the Window Guard. Screws must be counter-sunk flush with the stile or stopping device.

h. *Coating.* The coating on any Window Guard must not contain lead-based paint, as certified by its manufacturer.

i. *Non-telescoping bars.* For Window Guards utilizing non-telescoping bars, there must be a permanent spot weld on at least two of the horizontal bars in order to provide a minimum of two inches (2”) overlap when the Window Guard is fully extended.

j. *Telescoping bars.* For Window Guards utilizing telescoping bars:

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1. When the Window Guard is fully extended to the maximum allowable width, there must be a minimum overlap of five inches (5”), or one-third (1/3) of the length of the bar, whichever is greater.

2. There must be an additional stile or other approved support at the telescopic opening of the outer tubing of the bars that prevents the bars from spreading once the Window Guard is installed.

k. *Mounting Holes.* The stiles must each have at least two (2) mounting holes. If Window Guards are more than fifteen inches (15”) in height, additional mounting holes are required to provide a maximum interval of eighteen inches (18”) between mounting holes.

l. *Fire Escapes.* Window Guards must not be installed on any windows that provide access to fire escapes.

m. *Structurally Sound Installation.* Window Guards must be installed only in structurally sound (non-rotting) mountings or tracks.

Section 3. Additional Technical Specifications for Single/Double Hung Windows

a. *Window Coverage.* Window Guards must regulate or control the full openable area of each window.

b. *Mounting L Stops.* Window Guards must be installed so that the bottom horizontal members are mounted a maximum of four inches (4”) above the windowsill; and stops as specified in subsections (c), (d), and (e) below must be installed to limit the opening above the lowest section of the top horizontal bar of the Window Guard to four inches (4”) when the bottom window is raised.

c. *Limiting Devices/Window Stops.* Rigid metal “L” shaped stops must be a minimum of one half (1/2) the width of the window track. Each side of the “L” shaped stop must be at least two inches (2”) long with one side securely fastened to the upper tracks on each side of the bottom window to prevent the bottom window from being raised more than four inches (4”) above the lowest section of the top horizontal bar of the Window Guard.

d. *Rigid L Stops.* In situations where the stops described in (c) and (d) above cannot be used, such as in ballast windows, rigid metal “L” shaped stops may be securely fastened

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to the frame of the window to prevent the lower window from being raised more than four inches (4”).

Section 4. Additional Technical Specification for Other Common Window Types

a. *Casement and Other Types of Windows.* Window Guards must be used on casement windows and must fill the entire window opening, limiting the passage of a solid sphere four inches (4”) in diameter through every space or interval in the Window Guard.

b. *Sliding and Pivoting Windows.* Sliding windows and vertical pivoting windows may use stopping devices as follows:

1. *Sliding windows.* A solid metal block, measuring at least one-half (1/2) the depth of the window track and one-half (1/2) the width, must be securely fastened to the bottom window track, and a solid metal block or an “L” shaped metal stop must be securely fastened into the upper window track, to prevent the window from opening more than four inches (4”).

2. *Vertical Pivoting Windows.* Metal stopping devices must be securely fastened to the upper and lower window frames to prevent the window from pivoting open more than four inches (4”). The height of the stopping devices must extend no less than one inch (1”) nor more than two inches (2”) beyond the window frame, as needed, to stop the window from opening more than four inches (4”). The protruding edge of the stopping device must be smooth and rounded.

c. *Other Window Types.* A Landlord whose buildings include window types not specified in Sections 3–4 above, must request a variance from the Department in accordance with Section 6, below.

Section 5. Compliance Information.

a. A Landlord must maintain onsite at the rental property, and have available for review by the Department, the following information:

1. An up-to-date inventory of the model(s) of Window Guards used in the rental housing;
2. The location of Window Guards by unit;
3. The number of Window Guards installed in each unit; and

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4. A statement indicating that all Window Guards meet the requirements of this regulation.

Section 6. Variances

a. *Compliance is Infeasible.* In limited situations in which a Landlord’s compliance with the Window Guard technical requirements provided in this regulation are structurally infeasible, a Landlord may request that the Director grant a variance from the technical requirements set forth above.

b. *Requirements of Proposed Substituted Device.* In order for a variance request to be considered, the Landlord must demonstrate that the substituted device or devices proposed by the Landlord meet the same criteria and standards of safety prescribed in this regulation, including but not limited to, installing the device safely and securely, limiting the opening of the window to no more than four inches (4”), and preventing the passage of a solid sphere four inches (4”) in diameter at every space and interval of the device including around its perimeter.

c. *Variance Request in Writing.* A Landlord must request a variance from the Director in writing.

d. *Variance Request for Multiple Properties.* A Landlord desiring a variance for more than one property must submit a separate written request for each property.

e. *Variance Request Requirements.* The written request for a variance must be submitted to: Housing and Community Development, City of Takoma Park, 7500 Maple Avenue, Takoma Park, MD 20912, Attn: Director. The written request must include the following information:

1. The name, address, phone number, and email address of the Landlord;
2. The rental license number, address or addresses of the multi-family rental housing for which a variance is being requested, and the type and number of windows involved;
3. A detailed reason for the request, including a description of the condition or conditions warranting the request;

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4. A photo and/or mechanical drawing of the window or windows for which a variance is being requested depicting the structural issue necessitating the request;

5. A description, photo, and/or a mechanical drawing of the proposed alternative device; and

6. If the Landlord is requesting the Director’s consideration of a limiting device, the variance request must also include a sample of the alternative device, along with the hardware proposed to be used for its installation.

f. *Contents of Landlord Certification.* The written request must include the following certification signed by the Landlord:

“By submitting and signing this request for a variance under Section 6.16.155(B)(4) of the Takoma Park Code, I/we certify that such a variance is necessary due to the factors which make compliance with the City’s requirements infeasible. Furthermore, I/we certify that if a variance is approved by the Director, I/we will conduct annual inspections and ongoing monitoring of the device installed to ensure the device’s ongoing integrity and safety.”

g. *Director Discretion.* Approval of a variance request is at the sole discretion of the Director. Approval will be granted only upon a satisfactory finding that a variance is justified and appropriate, and that the granting of a variance will ensure that all safety requirements herein are met.

h. *Limitations on Variances.* If approved, a variance may be granted for a limited period of time. The continued appropriateness of the variance will be subject to review, renewal, or retraction by the Director at the expiration of the prescribed time period. The Director may require documentation from the Landlord supporting the Landlord’s request to continue the variance.

Section 7. Tenant Notification and Education.

a. *Current Tenant Notification.* A Landlord must notify current tenants in writing of the tenants’ rights relating to Window Guards, on a form prescribed by the Department, by no later than March 1, 2023. Thereafter, tenants must be notified of their rights at least once annually at the earlier of lease renewal or notice of rent increase. The Landlord must inform tenants that they may request a Window Guard at any time, even if the tenant previously indicated that they did not want a Window Guard. The Landlord shall have

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fourteen (14) days from the date of the request to install Window Guards on all windows in the rental unit.

b. *New Tenants.* New tenants must be notified of the rights relating to Window Guards at the time of lease signing.

c. *Delivery of Tenant Notification.* A Landlord may deliver the Window Guard notification by any of the following delivery methods:

1. In person, by hand delivery to a unit; or
2. By mailing the notice to the unit.

A Landlord must document the date and method of delivery of each notice.

d. *Tenant Responsibility.* A tenant must complete, sign, and date the notification form (“Tenant-Executed Notification Form”) and return it to the Landlord within thirty (30) days of receipt. If the Landlord has not received the Tenant-Executed Notification Form from a tenant within the required timeframe, the Landlord must deliver an additional notification to the tenant. The Landlord must document the date and method of delivery for each attempted notice.

e. *Demonstration of Window Guard Use.* A Landlord must demonstrate the proper and safe use of Window Guards to current tenants at the time of installation, or at the time a new tenant takes occupancy. Every tenant must confirm in writing that the Landlord provided the required demonstration.

f. *Removing Window Guards.* A Landlord may remove a Window Guard from an unoccupied unit, or upon the written request of a tenant, within an occupied unit, if the unit is not occupied by a child under the age of ten (10) years old.

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