

SENATE BILL 401

E4
SB 196/12 – EHE

4lr0399

By: **Senator Young**

Introduced and read first time: January 23, 2014

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 14, 2014

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Building Codes – Balcony Inspections**
3 **(Jonathan’s Law)**

4 FOR the purpose of requiring a political subdivision to conduct periodic inspections of
5 certain multifamily dwellings with certain ~~balconies~~ balcony railings to ensure
6 that each balcony railing meets certain requirements; authorizing a political
7 subdivision to authorize a third party to conduct the periodic inspections;
8 authorizing a political subdivision that otherwise inspects multifamily dwelling
9 units according to a certain schedule to include the periodic inspections required
10 under this Act as part of that inspection; authorizing a political subdivision to
11 charge a fee for a periodic inspection; providing that this Act may not be
12 construed to authorize a political subdivision to inspect an owner-occupied
13 dwelling unit; defining a certain term; and generally relating to inspections of
14 balconies in multifamily dwellings.

15 BY repealing and reenacting, with amendments,
16 Article – Public Safety
17 Section 12–203
18 Annotated Code of Maryland
19 (2011 Replacement Volume and 2013 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Public Safety**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 12–203.

2 (a) (1) In this section[,] **THE FOLLOWING WORDS HAVE THE MEANINGS**
3 **INDICATED.**

4 (2) “Department” means the Department of Housing and Community
5 Development.

6 (3) **“MULTIFAMILY DWELLING” MEANS A BUILDING CONTAINING**
7 **TWO OR MORE DWELLING UNITS, INCLUDING:**

8 (I) **AN APARTMENT HOUSE;**

9 (II) **A BOARDING HOUSE;**

10 (III) **A CONVENT;**

11 (IV) **A DORMITORY;**

12 (V) **A FRATERNITY OR SORORITY HOUSE;**

13 (VI) **A HOTEL OR MOTEL;**

14 (VII) **A MONASTERY; AND**

15 (VIII) **A VACATION TIME–SHARE PROPERTY.**

16 (b) Each political subdivision shall adopt by regulation a local housing code
17 that sets minimum property maintenance standards for housing in the subdivision.

18 (c) The Department shall adopt by regulation a Minimum Livability Code.

19 (d) (1) Except as provided in paragraph (2) of this subsection, the
20 Minimum Livability Code applies to residential structures used for human habitation.

21 (2) The Minimum Livability Code does not apply to:

22 (i) an owner–occupied housing unit;

23 (ii) any housing in a political subdivision that has adopted a
24 local housing code that substantially conforms to the Minimum Livability Code; or

25 (iii) any housing exempted by the Department.

1 (e) The Minimum Livability Code shall:

2 (1) set minimum property standards for housing in the State;

3 (2) allow for exceptions and variations between political subdivisions:

4 (i) to reflect geographic differences; or

5 (ii) if the Department determines that unique local conditions
6 justify exceptions or variations recommended by political subdivisions; and

7 (3) include minimum standards for:

8 (i) basic equipment and facilities used for light, ventilation,
9 heat, and sanitation; and

10 (ii) safe and sanitary maintenance of residential structures and
11 premises.

12 (f) (1) The political subdivision in which the housing is located shall
13 enforce the Minimum Livability Code.

14 (2) Unless alternative housing is provided, an individual may not be
15 displaced by enforcement of the Minimum Livability Code.

16 **(3) (I) NOTHING IN THIS PARAGRAPH MAY BE CONSTRUED TO**
17 **AUTHORIZE A POLITICAL SUBDIVISION TO INSPECT AN OWNER-OCCUPIED**
18 **DWELLING UNIT.**

19 **(II) A POLITICAL SUBDIVISION SHALL CONDUCT AN**
20 **INSPECTION OF EACH MULTIFAMILY DWELLING IN THE POLITICAL SUBDIVISION**
21 **IN WHICH A UNIT IN THE MULTIFAMILY DWELLING HAS ~~A~~ BALCONY RAILINGS**
22 **THAT ~~IS~~ ARE PRIMARILY CONSTRUCTED OF WOOD AT LEAST ONCE EVERY 5**
23 **YEARS TO ENSURE THAT EACH BALCONY MEETS THE REQUIREMENTS OF THE**
24 **APPLICABLE LOCAL HOUSING CODE OR THE MINIMUM LIVABILITY CODE.**

25 **(III) A POLITICAL SUBDIVISION MAY AUTHORIZE A THIRD**
26 **PARTY TO CONDUCT INSPECTIONS UNDER SUBPARAGRAPH (II) OF THIS**
27 **PARAGRAPH.**

28 **(IV) A POLITICAL SUBDIVISION THAT OTHERWISE INSPECTS**
29 **MULTIFAMILY DWELLING UNITS AT LEAST ONCE EVERY 5 YEARS MAY INCLUDE**
30 **THE INSPECTION REQUIRED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH**
31 **AS PART OF THAT INSPECTION.**

1 **[(3)] (4)** A political subdivision may charge a property owner a fee
2 for:

3 **(I)** an inspection made to enforce the Minimum Livability Code;
4 **AND**

5 **(II)** **A PERIODIC INSPECTION MADE UNDER PARAGRAPH (3)**
6 **OF THIS SUBSECTION.**

7 (g) (1) On application of the property owner, a political subdivision may
8 waive the applicability of the Minimum Livability Code to a unit of rental housing if:

9 (i) each tenant of the unit is given adequate notice in the form
10 and manner specified by the political subdivision;

11 (ii) each tenant is given an opportunity to comment on the
12 application in writing or in person; and

13 (iii) the waiver would not threaten the health or safety of any
14 tenant.

15 (2) A political subdivision may waive applicability of the Minimum
16 Livability Code if the waiver is granted on the basis of the religious practices of the
17 tenant of a unit of rental housing.

18 (h) The Department:

19 (1) shall decide questions of interpretation of the Minimum Livability
20 Code, including questions that relate to uniform enforcement by political subdivisions;
21 and

22 (2) may authorize waivers or exemptions under the Minimum
23 Livability Code.

24 (i) (1) The Department may provide matching grants and technical
25 assistance to political subdivisions to implement the Minimum Livability Code.

26 (2) The matching grants shall be allocated using a formula developed
27 by the Department to take into account population and other relevant factors.

28 (3) The Department may waive the requirement of a match if
29 adequate local money is not available.

30 (j) (1) A property owner may not willfully violate the Minimum Livability
31 Code.

1 (2) A person who violates this subsection is guilty of a misdemeanor
2 and on conviction is subject for each violation to imprisonment not exceeding 3 months
3 or a fine not exceeding \$500 for each day the violation exists or both.

4 (3) A penalty imposed under this subsection is in addition to and not a
5 substitute for any other penalty authorized under federal, State, or local law.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2014.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.