

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 401
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Balcony” insert “Railing”; in line 4 and in lines 6 and 7, in each instance, strike “a political subdivision” and substitute “certain political subdivisions”; in line 4, strike “conduct” and substitute “require”; in line 7, after the first “to” insert “conduct the inspections,”; in the same line, strike “periodic”; in the same line, after “inspections” insert “, or require a certain professional inspector employed by the owner of a multifamily dwelling to conduct and certify the inspections in a certain manner; requiring certain political subdivisions to provide a certain notice to the owner of a multifamily dwelling”; in line 10, after “inspection;” insert “prohibiting a unit from being inspected under certain circumstances; prohibiting Baltimore City from issuing or renewing a certain multiple-family dwelling license unless the applicant demonstrates that a professional inspector has completed a certain inspection; requiring Baltimore City to notify the holder of a multiple-family dwelling license of a certain inspection requirement at a certain time;”; strike beginning with “providing” in line 11 down through “term” in line 13 and substitute “defining certain terms; requiring a political subdivision to require a certain inspection under this Act of certain multifamily or multiple-family dwellings on or before a certain date; providing that this Act does not require a political subdivision to inspect a certain balcony railing more than once within a certain period of time, with a certain exception; providing for the application of this Act”; and in line 14, strike “balconies in multifamily dwellings” and substitute “certain balcony railings”.

AMENDMENT NO. 2

On page 2, in line 6, after “**(3)**” insert “**(I)**”; in the same line, strike “**BUILDING**” and substitute “**PROPERTY**”; in lines 8, 9, 10, 11, 12, 13, 14, and 15, strike “**(I)**”, “**(II)**”, “**(III)**”, “**(IV)**”, “**(V)**”, “**(VI)**”, “**(VII)**”, and “**(VIII)**”, respectively, and substitute “**1.**”, “**2.**”, “**3.**”, “**4.**”, “**5.**”, “**6.**”, “**7.**”, and “**8.**”, respectively; and after line 15, insert:

(Over)

“(II) “MULTIFAMILY DWELLING DOES NOT INCLUDE:

1. A CONDOMINIUM, AS DEFINED IN § 11-101 OF THE REAL PROPERTY ARTICLE; OR

2. A COOPERATIVE HOUSING CORPORATION, AS DEFINED IN § 5-6B-01 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

(4) “PROFESSIONAL INSPECTOR” MEANS:

(I) A PROFESSIONAL ENGINEER LICENSED UNDER TITLE 14 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE AND EXPERIENCED IN THE PRACTICE OF STRUCTURAL ENGINEERING;

(II) AN ARCHITECT LICENSED UNDER TITLE 3 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE AND KNOWLEDGEABLE IN THE DESIGN, CONSTRUCTION, AND INSPECTION OF BUILDINGS; OR

(III) FOR PURPOSES OF THE INSPECTION OF A MULTIFAMILY DWELLING CONTAINING MORE THAN 10 DWELLING UNITS, A QUALIFIED PERSON WITH AT LEAST 5 YEARS OF EXPERIENCE IN MULTIFAMILY DWELLING OPERATIONS, UPKEEP, AND MAINTENANCE.”.

On page 3, strike in their entirety lines 16 through 18, inclusive, and substitute:

“(3) (I) THIS PARAGRAPH DOES NOT APPLY IN BALTIMORE CITY.”;

in line 19, strike “CONDUCT” and substitute “REQUIRE”; in line 20, after “OF” insert “AT LEAST 10% OF THE UNITS IN”; in line 22, strike “5” and substitute “10”; in line 23, after “YEARS” insert “, BEGINNING NO LATER THAN 10 YEARS AFTER THE BALCONY IS CONSTRUCTED,”; in the same line, strike “EACH BALCONY MEETS” and substitute “THE BALCONY RAILINGS MEET”; in line 25, after “MAY” insert “:

1. CONDUCT INSPECTIONS REQUIRED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH;

2.”;

in line 26, after “INSPECTIONS” insert “REQUIRED”; in line 27, after “PARAGRAPH” insert “ON BEHALF OF THE POLITICAL SUBDIVISION; OR

3. REQUIRE AN INSPECTION REQUIRED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH TO BE CONDUCTED AND CERTIFIED TO THE POLITICAL SUBDIVISION BY A PROFESSIONAL INSPECTOR EMPLOYED BY THE OWNER OF THE MULTIFAMILY DWELLING”;

after line 27, insert:

“(IV) A CERTIFICATION MADE BY A PROFESSIONAL INSPECTOR UNDER SUBPARAGRAPH (III)3 OF THIS PARAGRAPH SHALL:

1. BE MADE IN THE FORM REQUIRED BY THE APPLICABLE POLITICAL SUBDIVISION; AND

2. INCLUDE:

- A. A STATEMENT THAT THE BALCONY RAILINGS HAVE BEEN INSPECTED;
- B. THE NAME OF THE OWNER OF THE MULTIFAMILY DWELLING;
- C. THE ADDRESS OF THE MULTIFAMILY DWELLING;
- D. THE NAME OF THE INSPECTOR;
- E. THE DATE THE MULTIFAMILY DWELLING WAS INSPECTED;
- F. THE RESULTS OF THE INSPECTION; AND
- G. ANY OTHER INFORMATION REQUIRED BY THE POLITICAL SUBDIVISION.

(V) A POLITICAL SUBDIVISION SHALL:

- 1. PROVIDE NOTICE TO THE OWNER OF A MULTIFAMILY DWELLING AT LEAST 10 DAYS BEFORE ANY INSPECTION OF THE DWELLING CONDUCTED UNDER SUBPARAGRAPH (III)1 OR 2 OF THIS PARAGRAPH; OR
- 2. A. NOTIFY THE OWNER OF A MULTIFAMILY DWELLING OF THE NEED TO HAVE A PROFESSIONAL INSPECTOR COMPLETE AN INSPECTION UNDER SUBPARAGRAPH (III)3 OF THIS PARAGRAPH; AND

B. ALLOW THE OWNER OF THE MULTIFAMILY DWELLING A REASONABLE PERIOD OF TIME TO HAVE THE INSPECTION COMPLETED.”;

in line 28, strike “(IV)” and substitute “(VI)”; in line 29, strike “5” and substitute “10”; and after line 31, insert:

“(VII) A UNIT MAY NOT BE INSPECTED UNDER THIS PARAGRAPH IF THE TENANT OR LAWFUL OCCUPANT LEASING THE UNIT DENIES THE INSPECTOR ACCESS TO THE UNIT.

(4) (I) IN THIS PARAGRAPH, “MULTIPLE-FAMILY DWELLING” HAS THE MEANING STATED IN ARTICLE 13, § 5-1 OF THE BALTIMORE CITY CODE.

(II) THIS PARAGRAPH APPLIES ONLY IN BALTIMORE CITY.

(III) BALTIMORE CITY MAY NOT ISSUE OR RENEW A MULTIPLE-FAMILY DWELLING LICENSE UNLESS THE APPLICANT DEMONSTRATES THAT A PROFESSIONAL INSPECTOR HAS COMPLETED AN INSPECTION OF THE MULTIPLE-FAMILY DWELLING TO ENSURE THAT EACH BALCONY RAILING IN THE MULTIPLE-FAMILY DWELLING MEETS THE REQUIREMENTS OF THE BUILDING, FIRE, AND RELATED CODES OF BALTIMORE CITY.

(IV) BEGINNING IN OCTOBER 2015, AND EVERY 5 YEARS THEREAFTER, AT THE TIME THAT BALTIMORE CITY SENDS A RENEWAL NOTICE TO A HOLDER OF A MULTIPLE-FAMILY DWELLING LICENSE, BALTIMORE CITY SHALL NOTIFY THE LICENSE HOLDER OF THE INSPECTION REQUIREMENT UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH.”.

(Over)

On page 4, in line 1, strike “(4)” and substitute “(5)”; and in line 5, after “(3)” insert “OR (4)”.

AMENDMENT NO. 3

On page 5, after line 5, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2015, a political subdivision shall require an inspection, in accordance with the requirements of this Act, of each multifamily or multiple-family dwelling in the political subdivision in which a unit in the multifamily or multiple-family dwelling has a balcony railing that is at least 10 years old.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act does not require a political subdivision, other than Baltimore City, to inspect a balcony railing inspected before the effective date of this Act more than once within a 10-year period.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act does not require a political subdivision that conducts balcony railing inspections before the effective date of this Act to alter its method of conducting inspections, but any change to balcony railing inspection methods made on or after October 1, 2014, must comply with this Act.”;

and in line 6, strike “2.” and substitute “5.”.