

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 7 (Delegate Fulton)
Environmental Matters

Elderly or Disabled Tenants - Out-of-Service Elevators

This bill requires a landlord or the landlord's agent to repair out-of-service elevators in multifamily housing units with tenants 60 years of age or older within 48 hours of knowledge that the elevator is out of service. The Commissioner of Labor and Industry shall assess a civil penalty of up to \$250 per day for each additional day the elevator is out of service.

Fiscal Summary

State Effect: Potential increase in general fund revenues due to fines for compliance violations. Potential increase in general fund expenditures if additional personnel are required to verify out-of-service elevators.

Local Effect: Potential meaningful effect for local governments that own rental housing such as public housing facilities.

Small Business Effect: Potential meaningful.

Analysis

Current Law: There are currently no provisions in the Public Safety Article specifically related to the repair of elevator units in multifamily dwellings or tied to the age of residents or users of facilities with elevators. Elevator safety and required repairs are regulated through the annual inspection process performed by the Division of Labor and Industry in the Department of Labor, Licensing, and Regulation (DLLR).

The Real Property Article, Section 8-211, states that a landlord is obligated to repair dangerous defects within a reasonable time and there is a rebuttable presumption that taking more than 30 days is unreasonable. Elevators are not explicitly mentioned in this article.

Loss of an elevator inspection certificate is currently possible only if an inspection reveals a defect or malfunction that creates a material hazard to public health and safety.

State Fiscal Effect: DLLR indicates that there are approximately 5,000 licensed elevators in multifamily rental dwellings. The department assumes that up to 5% of those elevators may be inoperable or out of service. Based on that estimate, the department identifies the need for one additional elevator inspector to certify out-of-service elevators and notify landlords that they have 48 hours to effect repairs.

The Department of Legislative Services is unable to verify the magnitude of inoperable and out-of-service elevators in multifamily rental dwellings. Existing resources could be utilized to enforce this bill until reliable information can be provided to indicate the need for additional personnel.

Small Business Effect: Landlords or property managers acting as their agents will incur costs due to fines assessed for violating the provisions of this bill. They may incur additional costs in expediting repairs.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Labor, Licensing, and Regulation; Office of the Attorney General (Consumer Protection Division); Department of Legislative Services

Fiscal Note History: First Reader - February 4, 2003
lc/jr

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