

# HOUSE BILL 469

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CF SB 18

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By: **Delegate Stein**

Introduced and read first time: January 28, 2013

Assigned to: Environmental Matters

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## A BILL ENTITLED

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 require periodic inspections of  
5 certain multifamily dwellings with balconies to ensure that each balcony meets  
6 certain requirements; authorizing a political subdivision to conduct the  
7 inspections, authorize a third party to conduct the inspections, or require a  
8 certain professional inspector to conduct and certify the inspections in a certain  
9 manner; authorizing a political subdivision to charge a fee for a periodic  
10 inspection; defining certain terms; requiring a political subdivision to require a  
11 certain inspection under this Act of certain multifamily dwellings on or before a  
12 certain date; providing for the application of this Act; and generally relating to  
13 inspections of balconies in multifamily dwellings.

14 BY repealing and reenacting, with amendments,  
15 Article – Public Safety  
16 Section 12–203  
17 Annotated Code of Maryland  
18 (2011 Replacement Volume and 2012 Supplement)

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

21 **Article – Public Safety**

22 12–203.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   **(2)**    “Department” means the Department of Housing and Community  
2    Development.

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

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

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

7                           **(III)**  A CONVENT;

8                           **(IV)**  A DORMITORY;

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

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

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

12                          **(VIII)** A VACATION TIME-SHARE PROPERTY.

13                   **(4)**    **“PROFESSIONAL INSPECTOR” MEANS:**

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

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

20                           **(III)**  A QUALIFIED PERSON WITH AT LEAST 5 YEARS OF  
21    **EXPERIENCE IN MULTIFAMILY DWELLING OPERATIONS, UPKEEP, AND**  
22    **MAINTENANCE.**

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

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

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

- 1           (2)    The Minimum Livability Code does not apply to:
- 2                   (i)     an owner–occupied housing unit;
- 3                   (ii)    any housing in a political subdivision that has adopted a  
4 local housing code that substantially conforms to the Minimum Livability Code; or
- 5                   (iii)   any housing exempted by the Department.

6           (e)    The Minimum Livability Code shall:

- 7                   (1)    set minimum property standards for housing in the State;
- 8                   (2)    allow for exceptions and variations between political subdivisions:
- 9                           (i)     to reflect geographic differences; or
- 10                           (ii)    if the Department determines that unique local conditions  
11 justify exceptions or variations recommended by political subdivisions; and
- 12                   (3)    include minimum standards for:
- 13                           (i)     basic equipment and facilities used for light, ventilation,  
14 heat, and sanitation; and
- 15                           (ii)    safe and sanitary maintenance of residential structures and  
16 premises.

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

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

21                   **(3) (I) A POLITICAL SUBDIVISION SHALL REQUIRE AN**  
22 **INSPECTION OF EACH MULTIFAMILY DWELLING IN THE POLITICAL SUBDIVISION**  
23 **IN WHICH A UNIT IN THE MULTIFAMILY DWELLING HAS A BALCONY AT LEAST**  
24 **ONCE EVERY 10 YEARS BEGINNING NO LATER THAN 10 YEARS AFTER THE**  
25 **BALCONY IS CONSTRUCTED, TO ENSURE THAT EACH BALCONY MEETS THE**  
26 **REQUIREMENTS OF THE APPLICABLE LOCAL HOUSING CODE OR THE MINIMUM**  
27 **LIVABILITY CODE.**

28                   **(II) A POLITICAL SUBDIVISION MAY:**

29                           **1. CONDUCT INSPECTIONS REQUIRED UNDER**  
30 **SUBPARAGRAPH (I) OF THIS PARAGRAPH;**

1                   **2. AUTHORIZE A THIRD PARTY TO CONDUCT**  
 2 **INSPECTIONS REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH ON**  
 3 **BEHALF OF THE POLITICAL SUBDIVISION; OR**

4                   **3. REQUIRE AN INSPECTION REQUIRED UNDER**  
 5 **SUBPARAGRAPH (I) OF THIS PARAGRAPH TO BE CONDUCTED AND CERTIFIED TO**  
 6 **THE POLITICAL SUBDIVISION BY A PROFESSIONAL INSPECTOR EMPLOYED BY**  
 7 **THE OWNER OF THE MULTIFAMILY DWELLING.**

8                   **(III) A CERTIFICATION MADE BY A PROFESSIONAL**  
 9 **INSPECTOR UNDER SUBPARAGRAPH (II)3 OF THIS PARAGRAPH SHALL:**

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

12                   **2. INCLUDE:**

13                   **A. A STATEMENT THAT THE BALCONY HAS BEEN**  
 14 **INSPECTED;**

15                   **B. THE NAME OF THE OWNER OF THE MULTIFAMILY**  
 16 **DWELLING;**

17                   **C. THE ADDRESS OF THE MULTIFAMILY DWELLING;**

18                   **D. THE NAME OF THE INSPECTOR;**

19                   **E. THE DATE THE MULTIFAMILY DWELLING WAS**  
 20 **INSPECTED;**

21                   **F. THE RESULTS OF THE INSPECTION; AND**

22                   **G. ANY OTHER INFORMATION REQUIRED BY THE**  
 23 **POLITICAL SUBDIVISION.**

24                   **[(3)] (4)** A political subdivision may charge a property owner a fee  
 25 for:

26                   **(I)** an inspection made to enforce the Minimum Livability Code;  
 27 **AND**

1                                   **(II) A PERIODIC INSPECTION MADE UNDER PARAGRAPH (3)**  
2 **OF THIS SUBSECTION.**

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

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

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

9                           (iii)   the waiver would not threaten the health or safety of any  
10 tenant.

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

14           (h)   The Department:

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

18                           (2)   may authorize waivers or exemptions under the Minimum  
19 Livability Code.

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

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

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

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

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

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

1           SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1,  
2 2014, a political subdivision shall require an inspection, in accordance with the  
3 requirements of this Act, of each multifamily dwelling in the political subdivision in  
4 which a unit in the multifamily dwelling has a balcony that is at least 10 years old.

5           SECTION 3. AND BE IT FURTHER ENACTED, That this Act does not require  
6 a political subdivision that conducts balcony inspections before the effective date of  
7 this Act to alter its method of conducting inspections, but any change to balcony  
8 inspection methods made on or after October 1, 2013, must comply with this Act.

9           SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2013.