

# HOUSE BILL 947

E4

(4lr2013)

## ENROLLED BILL

— *Environmental Matters/Education, Health, and Environmental Affairs* —

Introduced by **Delegate Stein**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

4 FOR the purpose of requiring ~~a political subdivision~~ certain political subdivisions to  
5 require periodic inspections of certain multifamily dwellings with ~~balconies~~  
6 certain balcony railings to ensure that each balcony railing meets certain  
7 requirements; authorizing ~~a political subdivision~~ certain political subdivisions  
8 to conduct the inspections, authorize a third party to conduct the inspections, or  
9 require a certain professional inspector ~~employed~~ hired by the owner of a  
10 multifamily dwelling to conduct and certify the inspections in a certain manner;  
11 requiring ~~a political subdivision~~ certain political subdivisions to provide a  
12 certain notice to the owner of a multifamily dwelling; authorizing a political  
13 subdivision that otherwise inspects multifamily dwelling units according to a  
14 certain schedule to include the periodic inspections required under this Act as  
15 part of that inspection; ~~prohibiting a unit from being inspected under certain~~

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### 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.

*Italics indicate opposite chamber/conference committee amendments.*



~~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; authorizing a political subdivision to charge a fee for a periodic inspection; 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 generally relating to inspections of ~~balconies~~ certain balcony railings in multifamily dwellings.

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

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

**Article – Public Safety**

12–203.

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

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

(3) (I) “MULTIFAMILY DWELLING” MEANS A PROPERTY CONTAINING TWO OR MORE DWELLING UNITS, INCLUDING:

1. AN APARTMENT HOUSE;
2. A BOARDING HOUSE;
3. A CONVENT;
4. A DORMITORY;
5. A FRATERNITY OR SORORITY HOUSE;
6. A HOTEL OR MOTEL;

1                               7.     A MONASTERY; AND

2                               8.     A VACATION TIME-SHARE PROPERTY.

3                               (II)   “MULTIFAMILY DWELLING” DOES NOT INCLUDE:

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

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

8                               (4)   “PROFESSIONAL INSPECTOR” MEANS:

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

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

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

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

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

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

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

25                                   (i)    an owner-occupied housing unit;

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

28                                   (iii)   any housing exempted by the Department.

(e) The Minimum Livability Code shall:

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

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

(i) to reflect geographic differences; or

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

(3) include minimum standards for:

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

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

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

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

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

(II) A POLITICAL SUBDIVISION SHALL REQUIRE AN INSPECTION OF ~~AT LEAST 10% OF THE UNITS IN~~ EACH MULTIFAMILY DWELLING IN THE POLITICAL SUBDIVISION IN WHICH A UNIT IN THE MULTIFAMILY DWELLING HAS ~~A~~ BALCONY RAILINGS THAT ARE PRIMARILY CONSTRUCTED OF WOOD AT LEAST ONCE EVERY 10 5 YEARS, BEGINNING NO LATER THAN 10 YEARS AFTER THE BALCONY IS CONSTRUCTED, TO ENSURE THAT EACH BALCONY MEETS THE BALCONY RAILINGS MEET THE REQUIREMENTS OF THE APPLICABLE LOCAL HOUSING CODE OR THE MINIMUM LIVABILITY CODE.

~~(H)~~ (III) A POLITICAL SUBDIVISION MAY:

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

2. AUTHORIZE A THIRD PARTY TO CONDUCT INSPECTIONS REQUIRED UNDER SUBPARAGRAPH ~~(H)~~ (II) OF THIS PARAGRAPH ON BEHALF OF THE POLITICAL SUBDIVISION; OR

1                               3.     REQUIRE AN INSPECTION REQUIRED UNDER  
2 SUBPARAGRAPH ~~(I)~~ (II) OF THIS PARAGRAPH TO BE CONDUCTED AND  
3 CERTIFIED TO THE POLITICAL SUBDIVISION BY A PROFESSIONAL INSPECTOR  
4 ~~EMPLOYED~~ HIRED BY THE OWNER OF THE MULTIFAMILY DWELLING.

5                               ~~(III)~~ (IV) A CERTIFICATION MADE BY A PROFESSIONAL  
6 INSPECTOR UNDER ~~SUBPARAGRAPH (I)2~~ SUBPARAGRAPH (III)3 OF THIS  
7 PARAGRAPH SHALL:

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

10                              2.     INCLUDE:

11                              A.     A STATEMENT THAT THE BALCONY ~~HAS~~ RAILINGS  
12 HAVE BEEN INSPECTED;

13                              B.     THE NAME OF THE OWNER OF THE MULTIFAMILY  
14 DWELLING;

15                              C.     THE ADDRESS OF THE MULTIFAMILY DWELLING;

16                              D.     THE NAME OF THE INSPECTOR;

17                              E.     THE DATE THE MULTIFAMILY DWELLING WAS  
18 INSPECTED;

19                              F.     THE RESULTS OF THE INSPECTION; AND

20                              G.     ANY OTHER INFORMATION REQUIRED BY THE  
21 POLITICAL SUBDIVISION.

22                              ~~(IV)~~ (V)     A POLITICAL SUBDIVISION SHALL:

23                              1.     PROVIDE NOTICE TO THE OWNER OF A  
24 MULTIFAMILY DWELLING AT LEAST 10 DAYS BEFORE ANY INSPECTION OF THE  
25 DWELLING CONDUCTED UNDER ~~SUBPARAGRAPH (I)2 OR 3~~ SUBPARAGRAPH  
26 (III)1 OR 2 OF THIS PARAGRAPH; OR

27                              2.     A.     NOTIFY THE OWNER OF A MULTIFAMILY  
28 DWELLING OF THE NEED TO HAVE A PROFESSIONAL INSPECTOR COMPLETE AN  
29 INSPECTION UNDER ~~SUBPARAGRAPH (I)2~~ SUBPARAGRAPH (III)3 OF THIS  
30 PARAGRAPH; AND

1                   B. ALLOW THE OWNER OF THE MULTIFAMILY  
2 DWELLING A REASONABLE PERIOD OF TIME TO HAVE THE INSPECTION  
3 COMPLETED.

4                   (VI) A POLITICAL SUBDIVISION THAT OTHERWISE INSPECTS  
5 MULTIFAMILY DWELLING UNITS AT LEAST ONCE EVERY ~~10~~ 5 YEARS MAY  
6 INCLUDE THE INSPECTION REQUIRED UNDER SUBPARAGRAPH (II) OF THIS  
7 PARAGRAPH AS PART OF THAT INSPECTION.

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

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

14                   (II) THIS PARAGRAPH APPLIES ONLY IN BALTIMORE CITY.

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

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

27                   [(3)] ~~(4)~~ (5) A political subdivision may charge a property owner a fee  
28 for:

29                   (I) an inspection made to enforce the Minimum Livability Code;  
30 AND

31                   (II) A PERIODIC INSPECTION MADE UNDER PARAGRAPH (3)  
32 OR (4) OF THIS SUBSECTION.

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

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

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

7 (iii) the waiver would not threaten the health or safety of any  
8 tenant.

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

12 (h) The Department:

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

16 (2) may authorize waivers or exemptions under the Minimum  
17 Livability Code.

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

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

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

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

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

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

31 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1,  
32 2015, a political subdivision shall require an inspection, in accordance with the  
33 requirements of this Act, of each multifamily or multiple-family dwelling in the

1 political subdivision in which a unit in the multifamily or multiple-family dwelling  
2 has a balcony railing that is at least 10 years old.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act does not require  
4 a political subdivision, other than Baltimore City, to inspect a balcony railing  
5 inspected before the effective date of this Act more than once within a ~~10-year~~ 5-year  
6 period.

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

12 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2014.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.