

# SENATE BILL 401

E4  
SB 196/12 – EHE

4lr0399

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By: **Senator Young**

Introduced and read first time: January 23, 2014

Assigned to: Education, Health, and Environmental Affairs

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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 conduct periodic inspections of  
5 certain multifamily dwellings with certain balconies to ensure that each balcony  
6 meets certain requirements; authorizing a political subdivision to authorize a  
7 third party to conduct the periodic inspections; authorizing a political  
8 subdivision to charge a fee for a periodic inspection; providing that this Act may  
9 not be construed to authorize a political subdivision to inspect an  
10 owner-occupied dwelling unit; defining a certain term; and generally relating to  
11 inspections of balconies in multifamily dwellings.

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

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

19 **Article – Public Safety**

20 12–203.

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

5                   **(III) A CONVENT;**

6                   **(IV) A DORMITORY;**

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

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

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

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

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

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

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

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

17                           (i) an owner-occupied housing unit;

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

20                           (iii) any housing exempted by the Department.

21           (e) The Minimum Livability Code shall:

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

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

24                           (i) to reflect geographic differences; or

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

3 (3) include minimum standards for:

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

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

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

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

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

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

21 **(III) A POLITICAL SUBDIVISION MAY AUTHORIZE A THIRD**  
22 **PARTY TO CONDUCT INSPECTIONS UNDER SUBPARAGRAPH (II) OF THIS**  
23 **PARAGRAPH.**

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**

28 **(II) A PERIODIC INSPECTION MADE UNDER PARAGRAPH (3)**  
29 **OF THIS SUBSECTION.**

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

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

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

5 (iii) the waiver would not threaten the health or safety of any  
6 tenant.

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

10 (h) The Department:

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

14 (2) may authorize waivers or exemptions under the Minimum  
15 Livability Code.

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

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

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

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

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

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

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