

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 664

(Delegate Kramer, *et al.*)

Environmental Matters

Rental Units, Condominiums, and Homeowners Associations - Smoking
Restrictions

This bill allows written residential leases to include a restriction or prohibition on smoking tobacco products within the dwelling unit or elsewhere. The bill further allows the bylaws or rules of a condominium to contain a restriction or prohibition on smoking tobacco products within the units or in the common elements. In addition, a homeowners association (HOA) may include in its declarations, bylaws, rules, or recorded covenants and restrictions a restriction or prohibition of smoking or tobacco products within multi-unit dwellings or in common areas. "Multi-unit dwelling" means a town house or other individually owned dwelling unit that shares a common wall, floor, or ceiling with another individually owned dwelling unit.

Fiscal Summary

State Effect: The bill does not directly affect governmental operations or finances.

Local Effect: The bill does not directly affect local governmental operations or finances.

Small Business Effect: Minimal.

Analysis

Current Law: State law does not specify the authority of common ownership communities or landlords to limit the smoking of tobacco products by contract, deed, or other written instrument.

In Maryland, except as otherwise provided, a person may not smoke in (1) an indoor area open to the public; (2) an indoor place in which meetings are open to the public; (3) a government-owned or government-operated means of mass transportation; or (4) an

indoor place of employment. The prohibition does not apply to (1) private homes or residences; (2) a hotel or motel room as long as the total percent of rooms so used does not exceed 25%; (3) specified tobacco facilities and retail businesses; and (4) a laboratory for the purpose of conducting scientific research into the health effects of tobacco smoke.

Background: According to the U.S. Census Bureau, 33.5% of housing in the State was renter-occupied in 2012. The Secretary of State reports that 2,549 condominiums are registered in Maryland with a total of 164,324 units. The Foundation for Community Association Research (FCAR) estimates that there were 6,400 community associations in the State in 2012. FCAR's definition of "community association" includes planned communities such as HOAs, condominium communities, and housing cooperatives.

According to the thirty-second Surgeon General's report, *The Health Consequences of Smoking – 50 Years of Progress*, smoking rates among teens and adults are less than half what they were in 1964. However, 42 million American adults and 3 million middle and high school students continue to smoke. According to the Centers for Disease Control and Prevention (CDC), the proportion of households with smoke-free home rules increased from 43% in 1992-1993 to 77.6% in 2006-2007. However, in multi-unit housing facilities, as much as 60% of airflow can come from other units. As a result, according to the CDC, nearly 50% of multi-unit housing residents report that they have experienced secondhand smoke infiltration in their units.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of the Attorney General, Judiciary (Administrative Office of the Courts), Secretary of State, U.S. Census Bureau, U.S. Centers for Disease Control and Prevention, U.S. Department of Health and Human Resources, U.S. Surgeon General, Foundation for Community Association Research, Department of Legislative Services

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mm/kdm

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