

HOUSE BILL 1061

N1, L2

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CF 1l1941

By: **Charles County Delegation**

Introduced and read first time: February 5, 2021

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Southern Maryland – Multifamily Dwelling Registration – Fees and Fines**

3 FOR the purpose of authorizing the code home rule counties of the Southern Maryland class
4 to require a certain property owner to register certain property with the county in
5 order to offer the property for lease; authorizing the code home rule counties of the
6 Southern Maryland class to charge a fee on a certain property owner for registering
7 certain property with the county and to impose a fine on a property owner who leases
8 a dwelling that is not registered with the county; authorizing the code home rule
9 counties of the Southern Maryland class to adopt certain regulations; and generally
10 relating to multifamily dwellings in Southern Maryland.

11 BY repealing and reenacting, with amendments,
12 Article – Public Safety
13 Section 12–203
14 Annotated Code of Maryland
15 (2018 Replacement Volume and 2020 Supplement)

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

18 **Article – Public Safety**

19 12–203.

20 (a) (1) In this section the following words have the meanings indicated.

21 (2) “Department” means the Maryland Department of Labor.

22 (3) (i) “Multifamily dwelling” means a property containing two or more
23 dwelling units, including:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 1. an apartment house;
- 2 2. a boarding house;
- 3 3. a convent;
- 4 4. a dormitory;
- 5 5. a fraternity or sorority house;
- 6 6. a hotel or motel;
- 7 7. a monastery; and
- 8 8. a vacation time-share property.

9 (ii) "Multifamily dwelling" does not include:

- 10 1. a condominium, as defined in § 11-101 of the Real
11 Property Article; or
- 12 2. a cooperative housing corporation, as defined in §
13 5-6B-01 of the Corporations and Associations Article.

14 (4) "Professional inspector" means:

15 (i) a professional engineer licensed under Title 14 of the Business
16 Occupations and Professions Article and experienced in the practice of structural
17 engineering;

18 (ii) an architect licensed under Title 3 of the Business Occupations
19 and Professions Article and knowledgeable in the design, construction, and inspection of
20 buildings; or

21 (iii) for purposes of the inspection of a multifamily dwelling
22 containing more than 10 dwelling units, a qualified person with at least 5 years of
23 experience in multifamily dwelling operations, upkeep, and maintenance.

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

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

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

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

1 (i) an owner-occupied housing unit;

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

4 (iii) any housing exempted by the Department.

5 (e) The Minimum Livability Code shall:

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

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

8 (i) to reflect geographic differences; or

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

11 (3) include minimum standards for:

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

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

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

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

20 (3) (i) This paragraph does not apply in Baltimore City.

21 (ii) A political subdivision shall require an inspection of each
22 multifamily dwelling in the political subdivision in which a unit in the multifamily dwelling
23 has balcony railings that are primarily constructed of wood at least once every 5 years,
24 beginning no later than 10 years after the balcony is constructed, to ensure that the balcony
25 railings meet the requirements of the applicable local housing code or the Minimum
26 Livability Code.

27 (iii) A political subdivision may:

28 1. conduct inspections required under subparagraph (ii) of
29 this paragraph;

1 2. authorize a third party to conduct inspections required
2 under subparagraph (ii) of this paragraph on behalf of the political subdivision; or

3 3. require an inspection required under subparagraph (ii) of
4 this paragraph to be conducted and certified to the political subdivision by a professional
5 inspector hired by the owner of the multifamily dwelling.

6 (iv) A certification made by a professional inspector under
7 subparagraph (iii)³ of this paragraph shall:

8 1. be made in the form required by the applicable political
9 subdivision; and

10 2. include:

11 A. a statement that the balcony railings have been inspected;

12 B. the name of the owner of the multifamily dwelling;

13 C. the address of the multifamily dwelling;

14 D. the name of the inspector;

15 E. the date the multifamily dwelling was inspected;

16 F. the results of the inspection; and

17 G. any other information required by the political
18 subdivision.

19 (v) A political subdivision shall:

20 1. provide notice to the owner of a multifamily dwelling at
21 least 10 days before any inspection of the dwelling conducted under subparagraph (iii)¹ or
22 2 of this paragraph; or

23 2. A. notify the owner of a multifamily dwelling of the
24 need to have a professional inspector complete an inspection under subparagraph (iii)³ of
25 this paragraph; and

26 B. allow the owner of the multifamily dwelling a reasonable
27 period of time to have the inspection completed.

28 (vi) A political subdivision that otherwise inspects multifamily
29 dwelling units at least once every 5 years may include the inspection required under
30 subparagraph (ii) of this paragraph as part of that inspection.

1 (4) (i) In this paragraph, “multiple–family dwelling” has the meaning
2 stated in Article 13, § 5–1 of the Baltimore City Code.

3 (ii) This paragraph applies only in Baltimore City.

4 (iii) Baltimore City may not issue or renew a multiple–family
5 dwelling license unless the applicant demonstrates that a professional inspector has
6 completed an inspection of the multiple–family dwelling to ensure that each balcony railing
7 in the multiple–family dwelling meets the requirements of the Building, Fire, and Related
8 Codes of Baltimore City.

9 (iv) Beginning in October 2015, and every 5 years thereafter, at the
10 time that Baltimore City sends a renewal notice to a holder of a multiple–family dwelling
11 license, Baltimore City shall notify the license holder of the inspection requirement under
12 subparagraph (iii) of this paragraph.

13 (5) A political subdivision may charge a property owner a fee for:

14 (i) an inspection made to enforce the Minimum Livability Code; and

15 (ii) a periodic inspection made under paragraph (3) or (4) of this
16 subsection.

17 **(6) (I) THIS PARAGRAPH APPLIES ONLY IN THE CODE HOME RULE**
18 **COUNTIES OF THE SOUTHERN MARYLAND CLASS, AS IDENTIFIED IN § 9–302 OF THE**
19 **LOCAL GOVERNMENT ARTICLE.**

20 **(II) A CODE HOME RULE COUNTY OF THE SOUTHERN**
21 **MARYLAND CLASS MAY:**

22 **1. REQUIRE A PROPERTY OWNER OF A MULTIFAMILY**
23 **DWELLING LOCATED IN THE COUNTY TO REGISTER THE DWELLING WITH THE**
24 **COUNTY IN ORDER TO OFFER UNITS IN THE DWELLINGS FOR LEASE;**

25 **2. CHARGE A FEE ON A PROPERTY OWNER FOR**
26 **REGISTERING A MULTIFAMILY DWELLING WITH THE COUNTY; AND**

27 **3. IMPOSE A FINE ON A PROPERTY OWNER THAT LEASES**
28 **A UNIT IN A MULTIFAMILY DWELLING THAT IS NOT REGISTERED WITH THE COUNTY**
29 **UNDER THIS PARAGRAPH.**

30 **(III) A CODE HOME RULE COUNTY OF THE SOUTHERN**
31 **MARYLAND CLASS MAY ADOPT REGULATIONS RELATING TO THE REGISTRATION OF**
32 **MULTIFAMILY DWELLINGS UNDER THIS PARAGRAPH.**

1 (g) (1) On application of the property owner, a political subdivision may waive
2 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 and
4 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 tenant.

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

11 (h) The Department:

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

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

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

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

20 (3) The Department may waive the requirement of a match if adequate
21 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 and
25 on conviction is subject for each violation to imprisonment not exceeding 3 months or a fine
26 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, 2021.