

Chapter 759

(House Bill 1061)

AN ACT concerning

Southern Maryland – ~~Multifamily~~ Dwelling Registration and Inspection – Fees and Fines

FOR the purpose of authorizing the code home rule counties of the Southern Maryland class to require a certain property owner to register certain property with the county in order to offer the property for lease; authorizing the code home rule counties of the Southern Maryland class to charge a fee on a certain property owner for registering certain property with the county and to impose a fine on a property owner who leases a dwelling that is not registered with the county; authorizing the code home rule counties of the Southern Maryland class to conduct inspections on certain properties and to impose a fine on a property owner who leases a dwelling that is in violation of certain inspection criteria; authorizing the code home rule counties of the Southern Maryland class to adopt certain regulations; and generally relating to ~~multifamily~~ dwellings in Southern Maryland.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–203
Annotated Code of Maryland
(2018 Replacement Volume and 2020 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 Maryland Department of Labor.

(3) (i) ~~“DWELLING UNIT” MEANS A BUILDING OR PART OF A BUILDING THAT PROVIDES LIVING OR SLEEPING FACILITIES FOR ONE OR MORE INDIVIDUALS.~~

~~(ii) “DWELLING UNIT” INCLUDES A ONE OR TWO FAMILY DWELLING.~~

~~(4)~~ ~~(1)~~ “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;
7. a monastery; and
8. a vacation time-share property.

(ii) “Multifamily dwelling” does not include:

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

~~(4)~~ ~~(5)~~ ~~(4)~~ “Professional inspector” means:

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

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

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

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

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

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

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

(i) an owner-occupied housing unit;

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

(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 each multifamily dwelling in the political subdivision in which a unit in the multifamily dwelling has balcony railings that are primarily constructed of wood at least once every 5 years, beginning no later than 10 years after the balcony is constructed, to ensure that the balcony railings meet the requirements of the applicable local housing code or the Minimum Livability Code.

(iii) A political subdivision may:

1. conduct inspections required under subparagraph (ii) of this paragraph;
2. authorize a third party to conduct inspections required under subparagraph (ii) of this paragraph on behalf of the political subdivision; or
3. require an inspection required under subparagraph (ii) of this paragraph to be conducted and certified to the political subdivision by a professional inspector hired by the owner of the multifamily dwelling.

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

1. be made in the form required by the applicable political subdivision; and
2. include:
 - A. a statement that the balcony railings have been inspected;
 - B. the name of the owner of the multifamily dwelling;
 - C. the address of the multifamily dwelling;
 - D. the name of the inspector;
 - E. the date the multifamily dwelling was inspected;
 - F. the results of the inspection; and
 - G. any other information required by the political subdivision.

(v) A political subdivision shall:

1. provide notice to the owner of a multifamily dwelling at least 10 days before any inspection of the dwelling conducted under subparagraph (iii)¹ or ² of this paragraph; or
2. A. notify the owner of a multifamily dwelling of the need to have a professional inspector complete an inspection under subparagraph (iii)³ of this paragraph; and

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

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

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

(ii) This paragraph applies only in Baltimore City.

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

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

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

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

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

(6) (I) 1. IN THIS PARAGRAPH “DWELLING UNIT” MEANS A BUILDING OR PART OF A BUILDING THAT PROVIDES LIVING OR SLEEPING FACILITIES FOR ONE OR MORE INDIVIDUALS.

2. “DWELLING UNIT” INCLUDES A ONE OR TWO FAMILY DWELLING.

(II) THIS PARAGRAPH APPLIES ONLY IN THE CODE HOME RULE COUNTIES OF THE SOUTHERN MARYLAND CLASS, AS IDENTIFIED IN § 9–302 OF THE LOCAL GOVERNMENT ARTICLE.

~~(III)~~ (III) A CODE HOME RULE COUNTY OF THE SOUTHERN MARYLAND CLASS MAY:

1. REQUIRE A PROPERTY OWNER OF A DWELLING UNIT OR A MULTIFAMILY DWELLING LOCATED IN THE COUNTY TO REGISTER THE DWELLING WITH THE COUNTY IN ORDER TO OFFER UNITS ~~IN THE DWELLINGS~~ FOR LEASE;

2. CHARGE A FEE ON A PROPERTY OWNER FOR REGISTERING A DWELLING UNIT OR A MULTIFAMILY DWELLING WITH THE COUNTY;
~~AND~~

3. CONDUCT INSPECTIONS OF A DWELLING UNIT OR A MULTIFAMILY DWELLING THAT IS REGISTERED WITH THE COUNTY TO ENFORCE MINIMUM PROPERTY MAINTENANCE STANDARDS; AND

4. IMPOSE A FINE ON A PROPERTY OWNER UNDER THIS PARAGRAPH THAT:

A. LEASES A UNIT IN A MULTIFAMILY DWELLING OR A DWELLING UNIT THAT IS NOT REGISTERED WITH THE COUNTY ~~UNDER THIS PARAGRAPH;~~ OR

B. IS IN VIOLATION OF THE INSPECTION CRITERIA ESTABLISHED BY THE COUNTY.

~~(III)~~ (IV) A CODE HOME RULE COUNTY OF THE SOUTHERN MARYLAND CLASS MAY ADOPT REGULATIONS RELATING TO THE REGISTRATION OF DWELLING UNITS OR MULTIFAMILY DWELLINGS UNDER THIS PARAGRAPH.

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

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

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

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

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

(h) The Department:

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

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

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

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

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.