

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 451

(Delegate Henson)

Environment and Transportation

Judicial Proceedings

Real Property – Residential Rental Property Inspection – Remote Visual
Inspection

This bill requires local jurisdictions that require the inspection of residential rental property to adopt provisions related to remote visual inspections (1) during a protracted state of emergency declared by the Governor and (2) in response to a complaint by a tenant of a dangerous or hazardous condition in a residential rental property or an element of the property during a severe weather event or a state of emergency of any length declared by the Governor that prevents or renders inadvisable an in-person inspection. The bill provides an exception for instances in which the use of a remote visual inspection would be inadequate or make it impossible to render a determination.

Fiscal Summary

State Effect: It is assumed that the Maryland Department of Labor (MDL) can provide any technical assistance that is requested using existing budgeted resources. The bill is not otherwise anticipated to materially affect State operations or finances.

Local Effect: The bill is not anticipated to materially affect local revenues or expenditures.

Small Business Effect: Minimal.

Analysis

Bill Summary: The provisions adopted by the local jurisdictions must (1) be calculated to achieve remote visual inspections that are substantially comparable to on-site visual inspections; (2) require remote visual inspections to be directed by a licensed home inspector or similar professional designated by the local jurisdiction; (3) require

verification of the location of a residential rental property to be inspected; (4) identify what aspects of a residential rental property may be inspected remotely; and (5) require that, before a fine, penalty, or other enforcement action may be imposed on a property owner, an on-site inspection occur within a reasonable time after a remote visual inspection.

A local jurisdiction may request technical assistance from MDL to implement the provisions of the bill. Any visual record created is not a public record, as specified.

Current Law:

Home Inspectors and Minimum Livability Standards

Title 16, Subtitle 3A of the Business Occupations and Professions Article sets forth requirements for licensed home inspectors and inspections. Generally, a home inspection is a written evaluation of one or more of the components of an existing residential building, including the heating system, cooling system, plumbing system, electrical system, structural components, foundation, roof, masonry structure, exterior and interior components, or any other related residential housing component.

MDL is required to adopt a “Minimum Livability Code,” which sets baseline property standards for all residential structures located in the State except for owner-occupied housing units or other housing exempted by MDL. The Minimum Livability Code must contain minimum standards for the safe and sanitary maintenance of residential structures and premises. Each political subdivision must adopt by regulation a local housing code that sets minimum property maintenance standards for housing. MDL’s Minimum Livability Code does not apply to housing located in a political subdivision that has adopted a substantially similar local housing code. Each political subdivision is responsible for enforcing the Minimum Livability Code and may charge a property owner a fee for an inspection made to enforce the code. Statute also includes specific requirements regarding the inspection of multifamily dwellings with balcony railings, as specified.

States of Emergency

Under Subtitle 3 of Title 14 of the Public Safety Article (Governor’s Emergency Powers), the General Assembly recognizes the Governor’s broad authority in the exercise of the police power of the State to provide adequate control over persons and conditions during impending or actual public emergencies. The subtitle must be broadly construed to carry out its purpose.

Additional Comments: On March 5, 2020, Governor Lawrence J. Hogan, Jr., declared a state of emergency and catastrophic health emergency in an effort to control and prevent

the spread of COVID-19. The state of emergency was most recently renewed on February 19, 2021.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Harford and Montgomery counties; towns of Bel Air and Leonardtown; Judiciary (Administrative Office of the Courts); Department of Housing and Community Development; Maryland Department of Labor; Department of Legislative Services

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