HOUSE BILL 1295

By: Delegate Washington
Introduced and read first time: February 11, 2022
Assigned to: Environment and Transportation

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 13, 2022

CHAPTER ______

1 AN ACT concerning

   Multifamily Dwellings – Smoking Policies

   FOR the purpose of requiring a landlord or the governing body of a common ownership
   community to develop a smoking policy if the property rented by the landlord or
   subject to the control of the governing body is a multifamily dwelling; and generally
   relating to multifamily dwellings in the State.

   BY adding to
   Article – Real Property
   Section 14–133
   Annotated Code of Maryland
   (2015 Replacement Volume and 2021 Supplement)

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

   Article – Real Property

   14–133.

   (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
   INDICATED.

   (2) “COMMON OWNERSHIP COMMUNITY” MEANS:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
Underlining indicates amendments to bill.
Strike out indicates matter stricken from the bill by amendment or deleted from the law by
amendment.
(I) A CONDOMINIUM AS DEFINED IN §11–101 OF THIS ARTICLE;

OR

(II) A COOPERATIVE HOUSING CORPORATION AS DEFINED IN §5–6B–01 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

(3) “CONDOMINIUM” HAS THE MEANING STATED IN §11–101 OF THIS ARTICLE.

(4) “COOPERATIVE HOUSING CORPORATION” HAS THE MEANING STATED IN §5–6B–01 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

(5) “MULTIFAMILY DWELLING” MEANS A RESIDENTIAL BUILDING THAT IS PART OF A COMMON OWNERSHIP COMMUNITY WITH MULTIPLE DWELLING UNITS, A COMMON ENTRANCE, AND COMMON AREAS, INCLUDING HALLWAYS, ELEVATORS, AND STAIRS.

(6) “RESIDENTIAL OWNER” MEANS:

(I) A UNIT OWNER OF A CONDOMINIUM AS DEFINED IN §11–101 OF THIS ARTICLE; OR

(II) A MEMBER OF A COOPERATIVE HOUSING CORPORATION AS DEFINED IN §5–6B–01 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

(7) “SMOKE” OR “SMOKING” MEANS:

(I) THE INHALING, EXHALING, BURNING, OR CARRYING OF ANY LIGHTED MATTER OR LIGHTED SUBSTANCE THAT CONTAINS:

1. TOBACCO; OR

2. ANY OTHER LEAF, WEED, PLANT, OR OTHER PRODUCTS; OR

(II) THE USE OF A DEVICE TO DELIVER AEROSOLIZED OR VAPORIZED VAPING LIQUID, AS DEFINED IN §16.7–101 OF THE BUSINESS REGULATION ARTICLE, TO AN INDIVIDUAL INHALING FROM THE DEVICE.

(B) THIS SECTION APPLIES TO MULTIFAMILY DWELLINGS WITH FOUR OR MORE DWELLING UNITS THAT ARE:

(1) RENTED BY A LANDLORD TO A TENANT UNDER A LEASE; OR
HOUSE BILL 1295

(2) Used for the benefit of a residential owner in a common ownership community; or

(2) Rented by the residential owner of the dwelling unit to a tenant under a lease.

(C) A landlord or the governing body of a common ownership community shall develop a smoking policy consistent with § 13–3314 of the Health – General Article if the property rented by the landlord or subject to the control of the governing body is a multifamily dwelling.

(D) A policy under subsection (C) of this section shall state:

(1) The locations where smoking is authorized on the property;

(2) The locations where smoking is prohibited on the property;

(3) Any conditions on the ability to smoke in areas of the property where smoking is authorized;

(4) The process to file a complaint against an individual who violates the policy; and

(5) Any penalties or fines for violating the policy.

(E) Nothing in this section may be construed to:

(1) Limit the rights of a governing body of a common ownership community, tenant, or residential owner to initiate or defend against a civil action; or

(2) Preempt a county or municipal government from enacting and enforcing measures regarding smoking policies in multifamily dwellings that are more stringent than a policy adopted under this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.