



Bill Title: House Bill 1295, Multifamily Dwellings - Smoking Policies

Committee: Environment and Transportation

Date: March 8, 2022

Position: Unfavorable

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose members consist of owners and managers of more than 210,000 rental housing homes in over 958 apartment communities. Our members house over 538,000 residents of the State of Maryland. MMHA also represents over 250 associate member companies who supply goods and services to the multi-housing industry.

Under this bill, for multifamily dwellings with four or more dwelling units that are rented by a landlord or used for the benefit of a residential owner in a common ownership community, a landlord or the governing body of a common ownership community must develop a smoking policy if the property rented by the landlord or subject to the control of the governing body is a multifamily dwelling. A policy must state the locations where smoking is authorized on the property, the locations where smoking is prohibited on the property, any conditions on the ability to smoke in areas of the property where smoking is authorized. The process to file a complaint against an individual who violates the policy and any penalties or fines for violating the policy.

MMHA has significant concerns about how to handle violations to the policy (page 3, lines 6-8). Proof of violation is a challenge as is balancing a “he said, she said” scenario amongst residents. With the legalization of medical marijuana, de-criminalization of marijuana, reduction in charging and prosecution and the guidelines in the Americans with Disability Act, housing providers are in a quandary when it comes to enhanced enforcement. How does a property owner identify a person in violation in common areas of a property (most likely scenario) that declines to provide identification? Do we summons local law enforcement? Is this a task we want to impose on law enforcement with uncertain outcome? How are juveniles to be handled?

At the same time, for many residents, their home is indeed, their castle. Some housing providers do have smoking clauses or addendums. However, such a required policy for all communities is very problematic. If and until the federal government takes action, we believe that housing providers should maintain the right to make these decisions based upon their community.

For these reasons, we respectfully request an unfavorable report on House Bill 1295.

Aaron J. Greenfield, MMHA Director of Government Affairs, 410.446.1992