

Vicki Caine, Chair
Igor Conev, CMCA, AMS, PCAM, CIRMS, Vice Chair
Brenda Wakefield, CMCA, AMS, Secretary

Marie Fowler, PCAM, Treasurer
Charlene Morazzani Hood, PCAM, MS,
Asst. Treasurer

Hillary A. Collins, Esq., Member
Julie Dymowski, Esq., Member
Kathleen M. Elmore, Esq., Member
Cynthia Hitt Kent, Esq., Member
Barbara Leonard, Member
Chris Majerle, PCAM, Member

Robin Manougian, CIRMS, Member
John Oliveri, Esq., Member
Nura Rafati, Esq., Member
Susan Saltsman, CMCA, AMS, Member
Scott Silverman, Esq., Member
Ellen Throop, Esq., Member
Tricia A. Walsh, CISR, Member

Delegate Marc Korman
Delegate Regina T. Boyce
Environment and Transportation Committee
250 Taylor House Office Building
251 Taylor House Office Building
Annapolis, Maryland 21401

Re: HB 804 – Multifamily Dwellings -Smoking Policies
Hearing: February 18, 2025 Position: Oppose

Dear Chair Korman & Vice Chair Boyce, and Committee Members:

This letter is submitted on behalf of the Maryland Legislative Action Committee (“MD-LAC”) of the Community Associations Institute (“CAI”). CAI represents individuals and professionals who reside in or work with condominiums, homeowners associations and cooperatives throughout the State of Maryland.

MD-LAC is writing today to voice our opposition for HB 804 which requires a multi-family dwelling (condominium or cooperative association) with four or more units to adopt a policy to set forth where smoking is both permitted and prohibited on the property of the multi-family dwelling. Such bill also requires a multi-family dwelling to establish a process to file a complaint against violators of such smoking policy and set forth any penalties or fines for violation of the policy.

While some condominium or cooperative associations may have a smoking policy in place, there are significant challenges to enforcing such a policy. It is exceptionally difficult for a multi-family dwelling to penalize violators of a no-smoking policy because there is often insufficient proof of the source of the smoke. Smoking complaints are often unsubstantiated claims from a resident who believes smoke is emanating from a nearby unit or common area but has no definitive proof of such claim. By mandating a multi-family dwelling to adopt such a policy, the bill is inadvertently requiring a multi-family dwelling to enforce such a policy when that is difficult, if

Maryland Legislative Action Committee
Post Office Box 6636
Annapolis, Maryland 21401

not impossible, do to. This could lead to claims against the multi-family dwelling for failing to enforce such a policy. While this bill does provide that a multi-family dwelling will not be required to initiate legal action against a violator of the policy, the bill does require the multi-family dwelling to set forth penalties for the violation, thereby establishing the expectation that the policy will be enforced in some manner. Multi-family dwellings should have autonomy to determine if such a policy is prudent for their community and whether enforcement is possible.

Of note, this policy grandfathers those owners or residents who smoke at the time the policy is created. The existence of smoke in multiple units, some of which are permitted to smoke, will create further issues with determining the source of smoke and implementing enforcement.

In addition, although the bill requires the multi-family dwelling to create a policy on any “lighted matter” or “lighted substance,” this bill does not address the legalization of marijuana in the state of Maryland. Multi-family dwellings must first have guidance from the state on whether recreational marijuana can be prohibited in multi-family dwellings before a policy on smoking can be required. Housing providers are already faced with Fair Housing accommodation requests with respect to medical or medicinal marijuana and should not now be forced to decide between a potential discrimination claim from the user of medical marijuana and enforcement of a mandatory no-smoking policy.

Accordingly, the MD-LAC respectfully request that the Committee does not give HB 804 a favorable report.

We are available to answer any questions which you may have. Please feel free to contact any of the individuals listed: Lisa Harris Jones, CAI MD-LAC lobbyist, at 410-366-1500 or by email at lisa.jones@mdlobbyist.com; Hillary Collins, Esq., member by email at hcollins@reesbroome.com; or Vicki Caine, Chair 215-806-9143, or MDLacChair1@gmail.com.

Sincerely,

Vicki Caine

Vicki Caine
Chair, CAI MD-LAC

Hillary Collins

Hillary Collins, Esq.
Member, CAI MD-LAC

CAI is a national organization dedicated to fostering vibrant, competent, harmonious community associations for more than thirty years. Its members include community association volunteer leaders, professional managers, community management firms, and other professionals and companies that provide products and services to common interest associations. As part of its mission, CAI advocates for legislative and regulatory policies that support responsible governance and effective management. As part of this purpose state Legislative Action Committees represent CAI members before state legislatures and agencies on issues such as governance, assessments collection, insurance and construction defects.

Maryland Legislative Action Committee
Post Office Box 6636
Annapolis, Maryland 21401

***Maryland Legislative Action Committee
Post Office Box 6636
Annapolis, Maryland 21401***