

HOUSE BILL 1295

N1

2lr2812

By: **Delegate Washington**

Introduced and read first time: February 11, 2022

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Multifamily Dwellings – Smoking Policies**

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

7 BY adding to

8 Article – Real Property

9 Section 14–133

10 Annotated Code of Maryland

11 (2015 Replacement Volume and 2021 Supplement)

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

14 **Article – Real Property**

15 **14–133.**

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

18 (2) “COMMON OWNERSHIP COMMUNITY” MEANS:

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

21 (II) A COOPERATIVE HOUSING CORPORATION AS DEFINED IN §
22 5–6B–01 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) “MULTIFAMILY DWELLING” MEANS A RESIDENTIAL BUILDING**
2 **WITH MULTIPLE DWELLING UNITS, A COMMON ENTRANCE, AND COMMON AREAS,**
3 **INCLUDING HALLWAYS, ELEVATORS, AND STAIRS.**

4 **(4) “RESIDENTIAL OWNER” MEANS:**

5 **(I) A UNIT OWNER OF A CONDOMINIUM AS DEFINED IN § 11-101**
6 **OF THIS ARTICLE; OR**

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

9 **(5) “SMOKE” OR “SMOKING” MEANS:**

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

12 **1. TOBACCO; OR**

13 **2. ANY OTHER LEAF, WEED, PLANT, OR OTHER**
14 **PRODUCTS; OR**

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

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

20 **(1) RENTED BY A LANDLORD TO A TENANT UNDER A LEASE; OR**

21 **(2) USED FOR THE BENEFIT OF A RESIDENTIAL OWNER IN A COMMON**
22 **OWNERSHIP COMMUNITY.**

23 **(C) A LANDLORD OR THE GOVERNING BODY OF A COMMON OWNERSHIP**
24 **COMMUNITY SHALL DEVELOP A SMOKING POLICY IF THE PROPERTY RENTED BY THE**
25 **LANDLORD OR SUBJECT TO THE CONTROL OF THE GOVERNING BODY IS A**
26 **MULTIFAMILY DWELLING.**

27 **(D) A POLICY UNDER SUBSECTION (C) OF THIS SECTION SHALL STATE:**

28 **(1) THE LOCATIONS WHERE SMOKING IS AUTHORIZED ON THE**

1 PROPERTY;

2 (2) THE LOCATIONS WHERE SMOKING IS PROHIBITED ON THE
3 PROPERTY;

4 (3) ANY CONDITIONS ON THE ABILITY TO SMOKE IN AREAS OF THE
5 PROPERTY WHERE SMOKING IS AUTHORIZED;

6 (4) THE PROCESS TO FILE A COMPLAINT AGAINST AN INDIVIDUAL
7 WHO VIOLATES THE POLICY; AND

8 (5) ANY PENALTIES OR FINES FOR VIOLATING THE POLICY.

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