

HOUSE BILL 1295

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2lr2812

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

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:**

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.



1 (I) A CONDOMINIUM ~~AS DEFINED IN § 11-101 OF THIS ARTICLE;~~
 2 OR

3 (II) A COOPERATIVE HOUSING CORPORATION ~~AS DEFINED IN §~~
 4 ~~5-6B-01 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.~~

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

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

9 ~~(3)~~ (5) “MULTIFAMILY DWELLING” MEANS A RESIDENTIAL
 10 BUILDING THAT IS PART OF A COMMON OWNERSHIP COMMUNITY WITH MULTIPLE
 11 DWELLING UNITS, A COMMON ENTRANCE, AND COMMON AREAS, INCLUDING
 12 HALLWAYS, ELEVATORS, AND STAIRS.

13 ~~(4)~~ (6) “RESIDENTIAL OWNER” MEANS:

14 (I) A UNIT OWNER OF A CONDOMINIUM ~~AS DEFINED IN § 11-101~~
 15 ~~OF THIS ARTICLE;~~ OR

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

18 ~~(5)~~ (7) “SMOKE” OR “SMOKING” MEANS:

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

21 ~~1. TOBACCO; OR~~

22 ~~2. ANY OTHER LEAF, WEED, PLANT, OR OTHER~~
 23 ~~PRODUCTS; OR~~

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

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

29 (1) ~~RENTED BY A LANDLORD TO A TENANT UNDER A LEASE; OR~~

1 ~~(2)~~ USED FOR THE BENEFIT OF A RESIDENTIAL OWNER IN A COMMON
2 OWNERSHIP COMMUNITY; OR

3 (2) RENTED BY THE RESIDENTIAL OWNER OF THE DWELLING UNIT TO
4 A TENANT UNDER A LEASE.

5 (C) ~~A LANDLORD OR THE~~ THE GOVERNING BODY OF A COMMON OWNERSHIP
6 COMMUNITY SHALL DEVELOP A SMOKING POLICY CONSISTENT WITH § 13-3314 OF
7 THE HEALTH – GENERAL ARTICLE IF THE PROPERTY ~~RENTED BY THE LANDLORD~~
8 ~~OR~~ SUBJECT TO THE CONTROL OF THE GOVERNING BODY IS A MULTIFAMILY
9 DWELLING.

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

11 (1) THE LOCATIONS WHERE SMOKING IS AUTHORIZED ON THE
12 PROPERTY;

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

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

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

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

20 (E) NOTHING IN THIS SECTION MAY BE CONSTRUED TO:

21 (1) LIMIT THE RIGHTS OF A GOVERNING BODY OF A COMMON
22 OWNERSHIP COMMUNITY, TENANT, OR RESIDENTIAL OWNER TO INITIATE OR
23 DEFEND AGAINST A CIVIL ACTION; OR

24 (2) PREEMPT A COUNTY OR MUNICIPAL GOVERNMENT FROM
25 ENACTING AND ENFORCING MEASURES REGARDING SMOKING POLICIES IN
26 MULTIFAMILY DWELLINGS THAT ARE MORE STRINGENT THAN A POLICY ADOPTED
27 UNDER THIS SECTION.

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