# SENATE BILL 132

C2, Q8, E1 5lr1201

(PRE–FILED) CF HB 87

By: **Senator Feldman**
Requested: October 15, 2024
Introduced and read first time: January 8, 2025
Assigned to: Education, Energy, and the Environment and Budget and Taxation

A BILL ENTITLED

AN ACT concerning

**Short–Term Rentals and Home Amenity Rentals – Taxation, Regulation, and Crimes**

FOR the purpose of applying certain health and safety requirements to short–term rental units and home amenities; prohibiting a person from conducting visual surveillance with prurient intent of an individual located in a home amenity or short–term rental without the consent of the individual; prohibiting a person from obstructing or hindering the free passage or disturbing the peace of another in a home amenity or short–term rental unit; authorizing the Mayor and City Council of Baltimore City or the governing body of a county to adopt rules or regulations, by resolution or ordinance, relating to high–intensity use of short–term rentals located in certain areas; requiring owners of short–term rental units or home amenities to submit, on or before a certain date each year, a certain report to the Comptroller; including "short–term rental platform" and "short–term rental unit" in the definition of "hotel" for the purpose of the county and municipal corporation hotel rental tax; and generally relating to short–term rentals and home amenity rentals.

BY adding to
Article – Business Regulation
Section 15–301 through 15–304 to be under the new subtitle "Subtitle 3. Short–Term Rentals and Home Amenity Rentals"
Annotated Code of Maryland
(2024 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–902(a) and 10–201(a)
Annotated Code of Maryland
(2021 Replacement Volume and 2024 Supplement)

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
**[**Brackets**]** indicate matter deleted from existing law.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 3–902(c) and 10–201(c)(1) and (5)
Annotated Code of Maryland
(2021 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,
Article – Local Government
Section 20–401
Annotated Code of Maryland
(2013 Volume and 2024 Supplement)

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

**Article – Business Regulation**

**SUBTITLE 3. SHORT–TERM RENTALS AND HOME AMENITY RENTALS.**

**15–301.**

**(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(B) "HOME AMENITY" HAS THE MEANING STATED IN § 11–101 OF THE TAX – GENERAL ARTICLE.**

**(C) "HOME AMENITY RENTAL" HAS THE MEANING STATED IN § 11–101 OF THE TAX – GENERAL ARTICLE.**

**(D) (1) "RENTAL INTERMEDIARY" MEANS A PERSON, OTHER THAN THE OWNER, WHO FACILITATES THE SALE OR USE OF A SHORT–TERM RENTAL UNIT OR HOME AMENITY AND CHARGES A BUYER THE TAXABLE PRICE FOR THE SHORT–TERM RENTAL OR HOME AMENITY RENTAL.**

**(2) FOR PURPOSES OF THIS SUBTITLE, A PERSON SHALL BE CONSIDERED TO FACILITATE THE SALE OR USE OF A SHORT–TERM RENTAL UNIT OR HOME AMENITY IF THE PERSON BROKERS, COORDINATES, OR IN ANY OTHER WAY ARRANGES FOR THE SALE OR USE OF A SHORT–TERM RENTAL UNIT OR HOME AMENITY BY A BUYER.**

**(E) "SHORT–TERM RENTAL" HAS THE MEANING STATED IN § 11–101 OF THE TAX – GENERAL ARTICLE.**

**(F) "SHORT–TERM RENTAL UNIT" HAS THE MEANING STATED IN § 11–101 OF THE TAX – GENERAL ARTICLE.**

**15–302.**

**(A) A SHORT–TERM RENTAL UNIT OR HOME AMENITY IS:**

**(1) SUBJECT TO THE HEALTH AND SAFETY REQUIREMENTS THAT ARE ESTABLISHED UNDER TITLE 9, SUBTITLE 5 OF THE PUBLIC SAFETY ARTICLE (EVACUATION PROCEDURES IN CASE OF FIRE);**

**(2) A PROPERTY OR A PORTION OF A PROPERTY IN WHICH A PRIVATE PLACE MAY BE LOCATED FOR PURPOSES OF § 3–902 OF THE CRIMINAL LAW ARTICLE (VISUAL SURVEILLANCE WITH PRURIENT INTENT); AND**

**(3) A PUBLIC PLACE FOR PURPOSES OF § 10–201 OF THE CRIMINAL LAW ARTICLE (DISTURBING THE PUBLIC PEACE AND DISORDERLY CONDUCT).**

**(B) IN ADDITION TO COMPLYING WITH THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION, A SHORT–TERM RENTAL UNIT OR HOME AMENITY SHALL BE IN COMPLIANCE WITH THE HEALTH AND SAFETY PROVISIONS THAT THE COUNTY AND MUNICIPAL CORPORATION IMPOSE ON HOTELS OR SIMILAR AMENITIES LOCATED IN THE SAME JURISDICTION.**

**(C) THE RENTAL INTERMEDIARY SHALL PROVIDE THE OWNER OF THE SHORT–TERM RENTAL UNIT OR HOME AMENITY WITH THE NECESSARY FUNDS TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION.**

**15–303.**

**THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY ADOPT RULES OR REGULATIONS, BY RESOLUTION OR ORDINANCE, RELATING TO HIGH–INTENSITY USE OF SHORT–TERM RENTALS IN AREAS LACKING AN ADEQUATE SUPPLY OF AFFORDABLE HOUSING, INCLUDING A RULE OR REGULATION THAT DEFINES A HIGH–INTENSITY USE OF SHORT–TERM RENTALS BASED ON:**

**(1) THE NUMBER OF NIGHTS BOOKED;**

**(2) INFRASTRUCTURE CONSTRAINTS IN THE AREA SURROUNDING THE SHORT–TERM RENTAL UNITS;**

**(3) WHETHER THE SHORT–TERM RENTAL UNITS ARE OWNER–OCCUPIED;**

**(4) CRITERIA TO IDENTIFY AREAS LACKING AN ADEQUATE SUPPLY OF AFFORDABLE HOUSING; AND**

**(5) ANY OTHER CRITERIA RELATING TO SHORT–TERM RENTALS.**

**15–304.**

**(A) ON OR BEFORE JANUARY 1 EACH YEAR, EACH OWNER OF A SHORT–TERM RENTAL UNIT OR HOME AMENITY SHALL REPORT TO THE COMPTROLLER, FOR EACH MONTH OF THE PRIOR CALENDAR YEAR:**

**(1) THE NUMBER OF NIGHTS EACH SHORT–TERM RENTAL UNIT IS RENTED; AND**

**(2) THE NUMBER OF TIMES EACH HOME AMENITY IS RENTED.**

**(B) THE COMPTROLLER SHALL DEVELOP A FORM FOR THE ANNUAL REPORTING REQUIRED UNDER SUBSECTION (A) OF THIS SECTION AND POST THE FORM ON THE COMPTROLLER'S WEBSITE.**

## Article – Criminal Law

3–902.

(a) (1) In this section the following words have the meanings indicated.

(2) "Camera" includes any electronic device that can be used surreptitiously to observe an individual.

(3) "Female breast" means a portion of the female breast below the top of the areola.

(4) **"HOME AMENITY" HAS THE MEANING STATED IN § 11–101 OF THE TAX – GENERAL ARTICLE.**

**(5)** "Private area of an individual" means the naked or undergarment–clad genitals, pubic area, buttocks, or female breast of an individual.

**[**(5)**] (6)** (i) "Private place" means a room in which a person can reasonably be expected to fully or partially disrobe and has a reasonable expectation of privacy, in:

1. an office, business, or store;

2. a recreational facility;

3. a restaurant or tavern;

4. a hotel, motel, or other lodging facility;

5. a theater or sports arena;

6. a school or other educational institution;

7. a bank or other financial institution;

8. any part of a family child care home used for the care and custody of a child; **[**or**]**

9. **A HOME AMENITY OR SHORT–TERM RENTAL UNIT; OR**

**10.** another place of public use or accommodation.

(ii) "Private place" includes a tanning room, dressing room, bedroom, or restroom.

**(7) "SHORT–TERM RENTAL UNIT" HAS THE MEANING STATED IN § 11–101 OF THE TAX – GENERAL ARTICLE.**

**[**(6)**] (8)** (i) "Visual surveillance" means the deliberate, surreptitious observation of an individual by any means.

(ii) "Visual surveillance" includes surveillance by:

1. direct sight;

2. the use of mirrors; or

3. the use of cameras.

(iii) "Visual surveillance" does not include a casual, momentary, or unintentional observation of an individual.

(c) A person may not with prurient intent conduct or procure another to conduct visual surveillance of:

(1) an individual in a private place without the consent of that individual; or

(2) the private area of an individual by use of a camera without the consent of the individual under circumstances in which a reasonable person would believe that the private area of the individual would not be visible to the public, regardless of whether the individual is in a public or private place.

10–201.

(a) (1) In this section the following words have the meanings indicated.

(2) **"HOME AMENITY" HAS THE MEANING STATED IN § 11–101 OF THE TAX – GENERAL ARTICLE.**

**(3)** (i) "Public conveyance" means a conveyance to which the public or a portion of the public has access to and a right to use for transportation.

(ii) "Public conveyance" includes an airplane, vessel, bus, railway car, school vehicle, and subway car.

**[**(3)**] (4)** (i) "Public place" means a place to which the public or a portion of the public has access and a right to resort for business, dwelling, entertainment, or other lawful purpose.

(ii) "Public place" includes:

1. a restaurant, shop, shopping center, store, tavern, or other place of business;

2. a public building;

3. a public parking lot;

4. a public street, sidewalk, or right–of–way;

5. a public park or other public grounds;

6. the common areas of a building containing four or more separate dwelling units, including a corridor, elevator, lobby, and stairwell;

7. a hotel or motel;

8. a place used for public resort or amusement, including an amusement park, golf course, race track, sports arena, swimming pool, and theater;

9. an institution of elementary, secondary, or higher education;

10. a place of public worship;

11. a place or building used for entering or exiting a public conveyance, including an airport terminal, bus station, dock, railway station, subway station, and wharf; **[**and**]**

12. **A HOME AMENITY OR SHORT–TERM RENTAL UNIT; AND**

**13.** the parking areas, sidewalks, and other grounds and structures that are part of a public place.

**(5) "SHORT–TERM RENTAL UNIT" HAS THE MEANING STATED IN § 11–101 OF THE TAX – GENERAL ARTICLE.**

(c) (1) A person may not willfully and without lawful purpose obstruct or hinder the free passage of another in a public place or on a public conveyance.

(5) A person from any location may not, by making an unreasonably loud noise, willfully disturb the peace of another:

(i) on the other's land or premises;

(ii) in a public place; or

(iii) on a public conveyance.

**Article – Local Government**

20–401.

(a) In this part the following words have the meanings indicated.

(b) (1) "Hotel" means**:**

**(I)** an establishment that offers sleeping accommodations for compensation**; OR**

**(II) A SHORT–TERM RENTAL PLATFORM**.

(2) "Hotel" includes:

(i) an apartment;

(ii) a cottage;

(iii) a hostelry;

(iv) an inn;

(v) a motel;

(vi) a rooming house;

**(VII) A SHORT–TERM RENTAL UNIT;** or

**[**(vii)**]** **(VIII)** a tourist home.

(c) "Hotel rental tax" means the tax on a transient charge.

**(D) "SHORT–TERM RENTAL PLATFORM" HAS THE MEANING STATED IN § 11–101 OF THE TAX – GENERAL ARTICLE.**

**(E) "SHORT–TERM RENTAL UNIT" HAS THE MEANING STATED IN § 11–101 OF THE TAX – GENERAL ARTICLE.**

**[**(d)**]** **(F)** (1) (i) Except as provided in subparagraphs (ii), (iii), and (iv) of this paragraph, "transient charge" means a hotel charge for sleeping accommodations for a period not exceeding 4 consecutive months.

(ii) In Carroll County, "transient charge" means a hotel charge for sleeping accommodations for a period not exceeding 25 days.

(iii) In Frederick County, "transient charge" means a hotel charge for sleeping accommodations for a period not exceeding 90 days.

(iv) In Garrett County and Washington County, "transient charge" means a hotel charge for sleeping accommodations for a period not exceeding 30 days.

(2) "Transient charge" does not include any hotel charge for:

(i) services; or

(ii) accommodations other than sleeping accommodations.

**[**(e)**]** **(G)** "Western Maryland code county" means a code county in the Western Maryland class as established under § 9–302 of this article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2025.