

HOUSE BILL 855

C8

7lr1792

By: **Delegates Korman, Frush, Kramer, Luedtke, and A. Miller**

Introduced and read first time: February 3, 2017

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **The Smoke-Free Multifamily Housing Promotion Act**

3 FOR the purpose of establishing a Smoke-Free Multifamily Housing Grant Program;
4 specifying that the purpose of the Program is to provide financial assistance to
5 owners of multifamily housing properties or the governing bodies of a condominium
6 or co-op property who obtain smoke-free certification; establishing the intent of the
7 General Assembly that the Governor make certain appropriations from the Cigarette
8 Restitution Fund to the Program to make certain reimbursements; allowing certain
9 owners and governing bodies to apply to the Department of Housing and Community
10 Development for smoke-free certification; requiring the Department to identify and
11 make public certain conditions and procedures for obtaining certification and issue
12 a certificate to certain applicants; specifying the conditions for an owner to become
13 eligible for a certain grant; requiring the Department to conduct certain periodic
14 inspections; requiring a grant recipient to repay the grant under certain
15 circumstances; altering the purposes of the Cigarette Restitution Fund; requiring
16 the Department to adopt certain regulations; defining certain terms; and generally
17 relating to the Smoke-Free Multifamily Housing Grant Program.

18 BY adding to

19 Article – Housing and Community Development

20 Section 4-2101 through 4-2107 to be under the new subtitle “Subtitle 21.
21 Smoke-Free Multifamily Housing Grant Program”

22 Annotated Code of Maryland

23 (2006 Volume and 2016 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article – State Finance and Procurement

26 Section 7-317(f)(1) and (g)(3)

27 Annotated Code of Maryland

28 (2015 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Housing and Community Development

SUBTITLE 21. SMOKE-FREE MULTIFAMILY HOUSING GRANT PROGRAM.

4-2101.

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

(B) “CONDOMINIUM OR CO-OP PROPERTY” MEANS A CONDOMINIUM OR
COOPERATIVE HOUSING PROPERTY THAT IS LOCATED IN A MULTIFAMILY HOUSING
PROPERTY.

(C) “MULTIFAMILY HOUSING PROPERTY” MEANS A RESIDENTIAL BUILDING
CONTAINING AT LEAST 10 DWELLING UNITS.

(D) “PROGRAM” MEANS THE SMOKE-FREE MULTIFAMILY HOUSING
GRANT PROGRAM.

(E) “SMOKING” MEANS THE BURNING OF A LIGHTED CIGARETTE, CIGAR,
PIPE, OR ANY OTHER MATTER OR SUBSTANCE THAT CONTAINS TOBACCO.

4-2102.

THERE IS A SMOKE-FREE MULTIFAMILY HOUSING GRANT PROGRAM.

4-2103.

**THE PURPOSE OF THE PROGRAM IS TO PROVIDE FINANCIAL ASSISTANCE TO
OWNERS OF MULTIFAMILY HOUSING PROPERTIES OR THE GOVERNING BODIES OF A
CONDOMINIUM OR CO-OP PROPERTY WHO OBTAIN SMOKE-FREE CERTIFICATION
UNDER THIS SUBTITLE.**

4-2104.

**IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE GOVERNOR SHALL
APPROPRIATE IN THE ANNUAL STATE BUDGET BILL SUFFICIENT FUNDS FROM THE
CIGARETTE RESTITUTION FUND ESTABLISHED UNDER § 7-317 OF THE STATE
FINANCE AND PROCUREMENT ARTICLE TO REIMBURSE THE GRANTS AWARDED
UNDER THE PROGRAM.**

1 4-2105.

2 (A) AN OWNER OF A MULTIFAMILY HOUSING PROPERTY OR THE GOVERNING
3 BODY OF A CONDOMINIUM OR CO-OP PROPERTY MAY APPLY TO THE DEPARTMENT
4 FOR SMOKE-FREE CERTIFICATION.

5 (B) THE DEPARTMENT SHALL:

6 (1) IDENTIFY AND MAKE PUBLIC THE CONDITIONS AND PROCEDURES
7 FOR OBTAINING SMOKE-FREE CERTIFICATION, INCLUDING:

8 (I) THE POSTING OF "NO SMOKING" SIGNS IN INDOOR AND
9 OUTDOOR PUBLIC AREAS;

10 (II) REQUIRING THAT A PROHIBITION AGAINST SMOKING BE
11 INCLUDED IN ALL RENTAL AND PURCHASE AGREEMENTS; AND

12 (III) MAKING INFRASTRUCTURE IMPROVEMENTS, INCLUDING
13 THE CLEANING OR REPLACEMENT OF VENTILATION SYSTEMS; AND

14 (2) ISSUE A SMOKE-FREE CERTIFICATE TO AN APPLICANT IF THE
15 CONDITIONS FOR CERTIFICATION ESTABLISHED UNDER ITEM (1) OF THIS
16 SUBSECTION ARE SATISFIED.

17 4-2106.

18 (A) AN OWNER OF A MULTIFAMILY HOUSING PROPERTY OR THE GOVERNING
19 BODY OF A CONDOMINIUM OR CO-OP PROPERTY IS ELIGIBLE FOR A GRANT UNDER
20 THIS SUBTITLE IF:

21 (1) THE OWNER OBTAINS A SMOKE-FREE CERTIFICATE FROM THE
22 DEPARTMENT; AND

23 (2) THE DEPARTMENT VERIFIES THAT THE MULTIFAMILY HOUSING
24 PROPERTY OR CONDOMINIUM OR CO-OP PROPERTY CHANGED FROM AN
25 ENVIRONMENT WHERE SMOKING OCCURRED TO SMOKE FREE ON OR AFTER
26 OCTOBER 1, 2017.

27 (B) (1) THE DEPARTMENT SHALL CONDUCT PERIODIC INSPECTIONS OR
28 SPOT CHECKS OF QUALIFYING PROPERTIES THAT ARE CERTIFIED AS SMOKE FREE.

(2) A GRANT RECIPIENT SHALL REPAY THE GRANT TO THE DEPARTMENT IF THE DEPARTMENT FINDS THAT THE RECIPIENT'S PROPERTY NO LONGER MEETS THE CONDITIONS FOR SMOKE-FREE CERTIFICATION.

4-2107.

THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

Article – State Finance and Procurement

7-317.

(f) (1) The Cigarette Restitution Fund shall be used to fund:

(i) the Tobacco Use Prevention and Cessation Program established under Title 13, Subtitle 10 of the Health – General Article;

(ii) the Cancer Prevention, Education, Screening, and Treatment Program established under Title 13, Subtitle 11 of the Health – General Article; [and]

(III) THE SMOKE-FREE MULTIFAMILY HOUSING GRANT PROGRAM ESTABLISHED UNDER TITLE 4, SUBTITLE 21 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE; AND

[(iii)] (IV) other programs that serve the following purposes:

1. reduction of the use of tobacco products by minors;

2. implementation of the Southern Maryland Regional Strategy–Action Plan for Agriculture adopted by the Tri–County Council for Southern Maryland with an emphasis on alternative crop uses for agricultural land now used for growing tobacco;

3. public and school education campaigns to decrease tobacco use with initial emphasis on areas targeted by tobacco manufacturers in marketing and promoting cigarette and tobacco products;

4. smoking cessation programs;

5. enforcement of the laws regarding tobacco sales;

6. the purposes of the Maryland Health Care Foundation under Title 20, Subtitle 5 of the Health – General Article;

1 7. primary health care in rural areas of the State and areas
2 targeted by tobacco manufacturers in marketing and promoting cigarette and tobacco
3 products;

4 8. prevention, treatment, and research concerning cancer,
5 heart disease, lung disease, tobacco product use, and tobacco control, including operating
6 costs and related capital projects;

7 9. substance abuse treatment and prevention programs; and

8 10. any other public purpose.

9 (g) (3) For each fiscal year for which appropriations are made, at least 50% of
10 the appropriations shall be made for those purposes enumerated in subsection (f)(1)(i), (ii),
11 **(III)**, and **[(iii)1] (IV)1** through 9 of this section subject to the requirement of subsection
12 (e)(2) of this section.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2017.