

HOUSE BILL 199

N1
HB 315/23 – ENT

(PRE-FILED)

4lr0941
CF SB 141

By: **Delegates Wu, Hill, Kaufman, T. Morgan, Palakovich Carr, and Simmons**

Requested: October 12, 2023

Introduced and read first time: January 10, 2024

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Multifamily Dwellings – Smoking Policies**

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

7 BY adding to
8 Article – Real Property
9 Section 14–134
10 Annotated Code of Maryland
11 (2023 Replacement Volume)

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 **14–134.**

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

18 (2) “COMMON OWNERSHIP COMMUNITY” MEANS A CONDOMINIUM OR
19 A COOPERATIVE HOUSING CORPORATION.

20 (3) “CONDOMINIUM” HAS THE MEANING STATED IN § 11–101 OF THIS
21 ARTICLE.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

(5) "MULTIFAMILY DWELLING" MEANS A RESIDENTIAL BUILDING THAT IS PART OF A COMMON OWNERSHIP COMMUNITY WITH MULTIPLE DWELLING UNITS, A COMMON ENTRANCE, AND COMMON AREAS, INCLUDING HALLWAYS, ELEVATORS, AND STAIRS.

(6) "RESIDENTIAL OWNER" MEANS:

(I) A UNIT OWNER OF A CONDOMINIUM; OR

(II) A MEMBER OF A COOPERATIVE HOUSING CORPORATION.

(7) "SMOKE" OR "SMOKING" MEANS:

(I) THE INHALING, EXHALING, BURNING, OR CARRYING OF ANY LIGHTED MATTER OR LIGHTED SUBSTANCE; OR

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

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

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

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

(C) THE GOVERNING BODY OF A COMMON OWNERSHIP COMMUNITY SHALL DEVELOP A SMOKING POLICY THAT IS AT LEAST AS STRINGENT AS THE APPLICABLE STATE AND LOCAL LAWS REGARDING SMOKING IF THE PROPERTY SUBJECT TO THE CONTROL OF THE GOVERNING BODY IS A MULTIFAMILY DWELLING.

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

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

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

1 **(3) ANY CONDITIONS ON THE ABILITY TO SMOKE IN AREAS OF THE**
2 **PROPERTY WHERE SMOKING IS AUTHORIZED;**

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

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

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

7 **(1) LIMIT THE RIGHTS OF A GOVERNING BODY OF A COMMON**
8 **OWNERSHIP COMMUNITY, TENANT, OR RESIDENTIAL OWNER TO INITIATE OR**
9 **DEFEND AGAINST A CIVIL ACTION; OR**

10 **(2) PREEMPT A COUNTY OR MUNICIPAL GOVERNMENT FROM**
11 **ENACTING AND ENFORCING MEASURES REGARDING SMOKING POLICIES IN**
12 **MULTIFAMILY DWELLINGS THAT ARE MORE STRINGENT THAN A POLICY ADOPTED**
13 **UNDER THIS SECTION.**

14 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
15 **October 1, 2024.**