

HOUSE BILL 804

N1
HB 199/24 – ENT

5lr1542

By: **Delegates Wu, Conaway, Feldmark, Foley, Guyton, Hill, Lehman,
Palakovich Carr, Pena–Melnyk, Sample–Hughes, Taveras, and Ziegler**

Introduced and read first time: January 29, 2025

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 that applies to all common areas of the property if the
5 property subject to the control of the governing body is a multifamily dwelling; and
6 generally relating to multifamily dwellings in the State.

7 BY adding to

8 Article – Real Property

9 Section 14–134

10 Annotated Code of Maryland

11 (2023 Replacement Volume and 2024 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 **14–134.**

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.

(8) "UNIT":

(I) FOR A CONDOMINIUM, HAS THE MEANING STATED IN § 11-101 OF THIS ARTICLE; AND

(II) FOR A COOPERATIVE HOUSING CORPORATION, HAS THE MEANING STATED IN § 5-6B-01 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

(B) THIS SECTION APPLIES ONLY TO A MULTIFAMILY DWELLING 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 THAT CONTROLS A MULTIFAMILY DWELLING SHALL:

1 **(1) DEVELOP A SMOKING POLICY THAT APPLIES TO ALL COMMON**
2 **AREAS IN THE MULTIFAMILY DWELLING AND IS AT LEAST AS STRINGENT AS THE**
3 **APPLICABLE STATE AND LOCAL LAWS REGARDING SMOKING; AND**

4 **(2) PROVIDE NOTICE OF THE SMOKING POLICY TO RESIDENTIAL**
5 **OWNERS AND TENANTS OF THE MULTIFAMILY DWELLING.**

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

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

9 **(2) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, THE**
10 **LOCATIONS WHERE SMOKING IS PROHIBITED ON THE PROPERTY;**

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

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

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

16 **(E) A POLICY UNDER SUBSECTION (C) OF THIS SECTION MAY NOT LIMIT THE**
17 **RIGHT OF A RESIDENTIAL OWNER OR TENANT TO SMOKE OR ALLOW OTHER**
18 **INDIVIDUALS TO SMOKE WITHIN THE OWNER'S OR TENANT'S UNIT IF THE OWNER**
19 **OWNS OR THE TENANT RESIDES IN THE UNIT WHEN THE POLICY IS ADOPTED.**

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

21 **(1) REQUIRE A GOVERNING BODY OF A COMMON OWNERSHIP**
22 **COMMUNITY TO INITIATE A CIVIL ACTION AGAINST A TENANT OR RESIDENTIAL**
23 **OWNER FOR A VIOLATION OF A SMOKING POLICY ADOPTED UNDER THIS SECTION;**

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; OR**

28 **(3) PREEMPT A RESIDENTIAL OWNER OR TENANT FROM INITIATING A**
29 **LEGAL ACTION AGAINST A TENANT OR RESIDENTIAL OWNER FOR A VIOLATION OF A**
30 **SMOKING POLICY ADOPTED UNDER THIS SECTION.**

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