

HOUSE BILL 451

N1, L6

1lr1314

By: **Delegate Henson**

Introduced and read first time: January 15, 2021

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 16, 2021

CHAPTER _____

1 AN ACT concerning

2 **Real Property – Residential Rental Property Inspection – Remote ~~Video~~ Visual**
3 **Inspection**

4 FOR the purpose of requiring certain local jurisdictions to adopt provisions for the remote
5 ~~video~~ visual inspection of certain residential rental property under certain
6 circumstances; requiring a local provision adopted under this Act to be calculated to
7 achieve a remote ~~video~~ visual inspection substantially comparable to an on-site
8 visual inspection, require inspections to be directed by a certain individual, require
9 a certain verification, ~~and~~ identify the aspects of a property that may be inspected
10 remotely, and require that, before a certain enforcement action may be imposed on
11 a property owner, an on-site inspection occur within a reasonable time after a remote
12 visual inspection; authorizing a local jurisdiction to request certain technical
13 assistance from the Maryland Department of Labor; providing that a visual record
14 created in accordance with this Act is not a public record; defining certain terms; and
15 generally relating to the remote ~~video~~ visual inspection of residential rental
16 property.

17 BY adding to
18 Article – Real Property
19 Section 8–119
20 Annotated Code of Maryland
21 (2015 Replacement Volume and 2020 Supplement)

22 Preamble

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 WHEREAS, The Maryland Minimum Livability Code under Title 12, Subtitle 2 of
 2 the Public Safety Article authorizes in certain circumstances and requires in certain
 3 circumstances the inspection of rental housing by counties and municipalities; and

4 WHEREAS, Counties and municipalities impacted by COVID-19 continue to
 5 develop means to maintain critical safety code oversight while personnel and resources are
 6 reallocated, personnel work remotely, and access to shared interior spaces poses an ongoing
 7 health risk; and

8 WHEREAS, Remote ~~video~~ visual inspection provides an alternative to on-site
 9 inspection while allowing scheduling, coordinating, documenting, and processing in a
 10 manner that mirrors the on-site inspection process; and

11 WHEREAS, Remote ~~video~~ visual inspection allows property inspectors to maintain
 12 the quality of residential rental housing remotely, efficiently, and thoroughly while
 13 observing safety protocols; now, therefore,

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

16 **Article – Real Property**

17 **8-119.**

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 19 INDICATED.

20 (2) “DEPARTMENT” MEANS THE MARYLAND DEPARTMENT OF
 21 LABOR.

22 ~~(2)~~ (3) “LICENSED HOME INSPECTOR” MEANS AN INDIVIDUAL LICENSED
 23 BY THE STATE UNDER TITLE 16, SUBTITLE 3A OF THE BUSINESS OCCUPATIONS
 24 AND PROFESSIONS ARTICLE.

25 ~~(3)~~ (4) “REMOTE ~~VIDEO~~ VISUAL INSPECTION” MEANS THE INSPECTION
 26 OF A PROPERTY OR AN ELEMENT OF A PROPERTY USING TECHNOLOGY THAT ALLOWS
 27 A HOME INSPECTOR TO VISUALLY ASSESS WHETHER THE PROPERTY OR ELEMENT
 28 MEETS BUILDING AND SAFETY CODE STANDARDS WITHOUT THE HOME INSPECTOR
 29 BEING PHYSICALLY PRESENT AT THE PROPERTY.

30 (B) EXCEPT IN INSTANCES WHERE THE USE OF A REMOTE ~~VIDEO~~ VISUAL
 31 INSPECTION WOULD BE INADEQUATE OR MAKE IT IMPOSSIBLE TO RENDER A
 32 DETERMINATION, A LOCAL JURISDICTION THAT REQUIRES THE INSPECTION OF
 33 RESIDENTIAL RENTAL PROPERTY BY A LICENSED HOME INSPECTOR OR SIMILAR

1 PROFESSIONAL DESIGNATED BY THE LOCAL JURISDICTION SHALL ADOPT LOCAL
2 PROVISIONS PROVIDING FOR THE REMOTE ~~VIDEO~~ VISUAL INSPECTION OF
3 RESIDENTIAL RENTAL PROPERTY:

4 (1) DURING A PROTRACTED STATE OF EMERGENCY DECLARED BY
5 THE GOVERNOR; AND

6 (2) IN RESPONSE TO A COMPLAINT BY A TENANT OF A DANGEROUS OR
7 HAZARDOUS CONDITION IN A RESIDENTIAL RENTAL PROPERTY OR AN ELEMENT OF
8 A RESIDENTIAL RENTAL PROPERTY DURING A SEVERE WEATHER EVENT OR A STATE
9 OF EMERGENCY OF ANY LENGTH DECLARED BY THE GOVERNOR THAT PREVENTS OR
10 RENDERS INADVISABLE AN IN-PERSON INSPECTION.

11 (C) A PROVISION ADOPTED BY A LOCAL JURISDICTION UNDER THIS
12 SECTION SHALL:

13 (1) BE CALCULATED TO ACHIEVE REMOTE ~~VIDEO~~ VISUAL
14 INSPECTIONS THAT ARE SUBSTANTIALLY COMPARABLE TO ON-SITE VISUAL
15 INSPECTIONS;

16 (2) REQUIRE REMOTE ~~VIDEO~~ VISUAL INSPECTIONS TO BE DIRECTED
17 BY A LICENSED HOME INSPECTOR OR SIMILAR PROFESSIONAL DESIGNATED BY THE
18 LOCAL JURISDICTION;

19 (3) REQUIRE VERIFICATION OF THE LOCATION OF A RESIDENTIAL
20 RENTAL PROPERTY TO BE INSPECTED; ~~AND~~

21 (4) IDENTIFY WHAT ASPECTS OF A RESIDENTIAL RENTAL PROPERTY
22 MAY BE INSPECTED REMOTELY; AND

23 (5) REQUIRE THAT, BEFORE A FINE, PENALTY, OR OTHER
24 ENFORCEMENT ACTION MAY BE IMPOSED ON A PROPERTY OWNER, AN ON-SITE
25 INSPECTION OCCUR WITHIN A REASONABLE TIME AFTER A REMOTE VISUAL
26 INSPECTION.

27 (D) A LOCAL JURISDICTION MAY REQUEST TECHNICAL ASSISTANCE FROM
28 THE DEPARTMENT TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

29 (E) ANY VISUAL RECORD CREATED IN ACCORDANCE WITH THIS SECTION IS
30 NOT A PUBLIC RECORD AS DEFINED IN § 4-101 OF THE GENERAL PROVISIONS
31 ARTICLE.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.