



BILL NO.: Senate Bill 196

TITLE: Public Safety – Building Codes – Balcony Inspection (“Jonathan’s Law”)

POSITION: **OPPOSE**

DATE: February 9, 2012

COMMITTEE: Education, Health, and Environmental Affairs

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The Maryland Association of Counties (MACo) **OPPOSES** Senate Bill 196. The bill requires a local government to conduct an inspection of each balcony in a multifamily dwelling every 5 years to ensure that the balcony meets the requirements of the local housing code or the Minimum Livability Code.

While MACo is not inherently opposed to balcony safety, the bill’s implementation provisions would disproportionately affect certain counties. Counties would face a significant challenge in both identifying affected buildings and recovering inspection costs.

For example, Baltimore County does not have access to the locations of the buildings covered under the bill nor do they have complete data on which of those buildings have balconies. Howard County does not treat vacation time share properties as owner-occupied and they do not fall under the county’s housing code.

The inspection force for many counties is reduced due to the current economic situation. Garrett County notes that it has limited resources and manpower to conduct current inspection requirements. Howard County is taking inspectors from other sections (building, plumbing, and mechanical, etc.) to assist with its current rental housing inspection needs.

One way to create a more workable system is to give counties a choice of conducting the inspections themselves or by having the owners of multifamily dwellings hire a qualified third-party inspector to conduct the inspections and then certify that the inspection was done. The Department of Housing and Community Development, which oversees the Minimum Livability Code, could maintain a website for the inspectors to sign in and enter the appropriate information concerning the property and “check the box” that the inspection was completed. This is a low-cost alternative that would be more viable to some counties compared to the bill’s current mandate.

Additionally, most of the buildings covered under the bill will carry general liability insurance and the insurance company will often undertake a general inspection of the insured property for major structural deficiencies prior to issuing a policy. This represents another potential alternative of achieving the bill's well-intentioned purpose.

SB 196 attempts to address an important safety concern but the implementation of the bill's provisions would be very difficult for some counties, both in regards to identifying affected properties and covering the costs to perform the inspections. Unless the enforcement provisions are changed, MACo recommends the Committee issue an **UNFAVORABLE** report on SB 196.