

# HOUSE BILL 515

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By: **Delegate Palakovich Carr**

Introduced and read first time: January 15, 2021

Assigned to: Environment and Transportation and Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Candidates – Access to Apartment Buildings**

3 FOR the purpose of prohibiting a person from preventing a candidate from accessing  
4 certain apartment buildings for certain purposes, except under certain  
5 circumstances; authorizing a person to impose certain limitations on the ability of a  
6 candidate to access an apartment building or individual dwelling unit; prohibiting a  
7 candidate from engaging with certain residents under certain circumstances;  
8 requiring a certain owner or manager or agent of a certain owner or manager to make  
9 multiple buildings available for entry by a candidate under certain circumstances;  
10 providing that certain provisions of law do not authorize a candidate to post  
11 campaign material in certain areas without the express consent of a certain owner  
12 or manager or agent of a certain owner or manager; authorizing a certain owner or  
13 manager or agent of a certain owner or manager to require that a candidate sign a  
14 certain waiver for a certain purpose; authorizing a tenants' organization to decide to  
15 restrict a candidate from accessing certain areas under certain circumstances;  
16 defining certain terms; and generally relating to visits by candidates to apartment  
17 buildings.

18 BY repealing and reenacting, without amendments,  
19 Article – Election Law  
20 Section 1–101(a), (k), and (l)  
21 Annotated Code of Maryland  
22 (2017 Replacement Volume and 2020 Supplement)

23 BY adding to  
24 Article – Real Property  
25 Section 8–119  
26 Annotated Code of Maryland  
27 (2015 Replacement Volume and 2020 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Election Law**

4 1–101.

5 (a) In this article the following words have the meanings indicated unless a  
6 different meaning is clearly intended from the context.

7 (k) (1) “Campaign material” means any material that:

8 (i) contains text, graphics, or other images;

9 (ii) relates to a candidate, a prospective candidate, or the approval  
10 or rejection of a question or prospective question; and

11 (iii) is published, distributed, or disseminated.

12 (2) “Campaign material” includes:

13 (i) a qualifying paid digital communication;

14 (ii) any other material transmitted by or appearing on the Internet  
15 or other electronic medium;

16 (iii) an oral commercial campaign advertisement; and

17 (iv) an automated or prerecorded oral communication.

18 (l) (1) “Candidate” means an individual who files a certificate of candidacy for  
19 a public or party office.

20 (2) “Candidate” includes:

21 (i) an incumbent judge of the Court of Appeals or Court of Special  
22 Appeals at an election for continuance in office; and

23 (ii) an individual, prior to that individual filing a certificate of  
24 candidacy, if a campaign finance entity has been established on behalf of that individual.

25 **Article – Real Property**

26 **8–119.**

27 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
28 **INDICATED.**

1           **(2) (I) “APARTMENT BUILDING” MEANS A RESIDENTIAL BUILDING**  
2 **CONTAINING FOUR OR MORE INDIVIDUAL DWELLING UNITS THAT:**

3                           **1. IS NOT GENERALLY OPEN TO THE PUBLIC; AND**

4                           **2. CONTAINS COMMON AREAS THAT ARE LOCKED AND**  
5 **MONITORED BY THE OWNER OR MANAGER OF THE APARTMENT BUILDING TO**  
6 **PROHIBIT ENTRY BY PERSONS OTHER THAN RESIDENTS OF THE APARTMENT**  
7 **BUILDING OR GUESTS OF THE RESIDENTS.**

8                           **(II) “APARTMENT BUILDING” INCLUDES A GROUP OR COMPLEX**  
9 **OF BUILDINGS.**

10           **(3) “CAMPAIGN MATERIAL” HAS THE MEANING STATED IN § 1-101 OF**  
11 **THE ELECTION LAW ARTICLE.**

12           **(4) “CANDIDATE” HAS THE MEANING STATED IN § 1-101 OF THE**  
13 **ELECTION LAW ARTICLE.**

14           **(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON**  
15 **MAY NOT PREVENT A CANDIDATE FROM ACCESSING AN APARTMENT BUILDING FOR**  
16 **THE PURPOSE OF:**

17                           **(1) CAMPAIGNING FOR ELECTED OFFICE;**

18                           **(2) REGISTERING VOTERS; OR**

19                           **(3) DISTRIBUTING CAMPAIGN MATERIAL.**

20           **(C) A PERSON MAY:**

21                           **(1) DENY A CANDIDATE ENTRY TO AN APARTMENT BUILDING, IF:**

22                           **1. THE APARTMENT BUILDING IS NOT WITHIN THE ELECTION**  
23 **DISTRICT OR PRECINCT SERVED BY THE OFFICE FOR WHICH THE CANDIDATE IS**  
24 **CAMPAIGNING; OR**

25                           **2. THE CANDIDATE WILL NOT APPEAR ON THE BALLOT FOR A**  
26 **GENERAL ELECTION, PRIMARY ELECTION, OR SPECIAL ELECTION WITHIN 6 MONTHS**  
27 **AFTER THE DAY ON WHICH THE CANDIDATE SEEKS TO ENTER THE APARTMENT;**

28                           **(2) DENY A CANDIDATE ENTRY TO A PARTICULAR ROOM OR**

1 INDIVIDUAL DWELLING UNIT WITHIN AN APARTMENT BUILDING;

2 (3) REQUIRE A CANDIDATE TO PRESENT VALID IDENTIFICATION AS A  
3 PREREQUISITE TO ACCESSING AN APARTMENT BUILDING OR INDIVIDUAL DWELLING  
4 UNIT;

5 (4) REQUIRE THAT A CANDIDATE MAKE AN APPOINTMENT TO GAIN  
6 ACCESS TO AN APARTMENT BUILDING OR INDIVIDUAL DWELLING UNIT PROVIDED  
7 THAT THE APPOINTMENT IS SCHEDULED WITHIN A REASONABLE NUMBER OF DAYS  
8 AND AT A TIME WHEN MOST RESIDENTS ARE LIKELY TO BE HOME;

9 (5) DENY ACCESS TO OR EXPEL A CANDIDATE FROM AN APARTMENT  
10 BUILDING OR INDIVIDUAL DWELLING UNIT FOR GOOD CAUSE BASED ON THE  
11 CONDUCT OF THE CANDIDATE, INCLUDING:

12 (I) AN UNREASONABLE DISTURBANCE OF RESIDENTS;

13 (II) A FAILURE TO DISTRIBUTE CAMPAIGN MATERIAL IN AN  
14 ORDERLY FASHION WITHIN THE APARTMENT BUILDING;

15 (III) CRIMINAL CONDUCT;

16 (IV) A FAILURE TO PROVIDE PROOF OF IDENTIFICATION ON  
17 REQUEST BY:

18 1. THE OWNER OR MANAGER OF THE APARTMENT  
19 BUILDING;

20 2. AN AGENT OF THE OWNER OR MANAGER OF THE  
21 APARTMENT BUILDING; OR

22 3. A RESIDENT OF THE APARTMENT BUILDING;

23 (V) A FAILURE TO SCHEDULE OR ADHERE TO A PREVIOUSLY  
24 SCHEDULED APPOINTMENT MADE UNDER PARAGRAPH (4) OF THIS SUBSECTION;  
25 AND

26 (VI) ENGAGEMENT IN ACTIVITY THAT DOES NOT FURTHER THE  
27 PERMISSIBLE PURPOSES UNDER SUBSECTION (C) OF THIS SECTION; OR

28 (6) IMPOSE REASONABLE LIMITATIONS ON:

29 (I) THE TIMES WHEN A CANDIDATE MAY VISIT AN APARTMENT

1 BUILDING OR INDIVIDUAL DWELLING UNIT; OR

2 (II) THE DISTRIBUTION OF CAMPAIGN MATERIAL WITHIN AN  
3 APARTMENT BUILDING OR INDIVIDUAL DWELLING UNIT.

4 (D) A CANDIDATE MAY NOT SEEK TO ENGAGE A RESIDENT IN AN INDIVIDUAL  
5 DWELLING UNIT IF THERE IS A CLEARLY POSTED SIGN ON THE DOOR OF THE  
6 INDIVIDUAL DWELLING UNIT PROHIBITING CANVASSING OR SOLICITATION.

7 (E) FOR A COMPLEX OF MULTIPLE APARTMENT BUILDINGS, THE OWNER OR  
8 MANAGER OR AGENT OF THE OWNER OR MANAGER OF THE APARTMENT BUILDINGS  
9 SHALL MAKE ALL OF THE APARTMENT BUILDINGS AVAILABLE TO THE CANDIDATE  
10 DURING THE SAME VISIT.

11 (F) NOTHING IN THIS SECTION AUTHORIZES A CANDIDATE TO POST  
12 CAMPAIGN MATERIAL IN THE COMMON AREAS OF AN APARTMENT BUILDING  
13 WITHOUT THE EXPRESS CONSENT OF THE OWNER OR MANAGER OR AN AGENT OF  
14 THE OWNER OR MANAGER OF THE APARTMENT BUILDING.

15 (G) THE OWNER OR MANAGER OR THE AGENT OF THE OWNER OR MANAGER  
16 OF AN APARTMENT BUILDING MAY REQUIRE THAT A CANDIDATE SIGN A WAIVER OF  
17 LIABILITY IN ORDER TO GAIN ACCESS TO THE APARTMENT BUILDING.

18 (H) IF THE TENANTS OF AN APARTMENT BUILDING HAVE FORMED A  
19 TENANTS' ORGANIZATION, ONLY THE TENANTS' ORGANIZATION MAY DECIDE TO  
20 RESTRICT ACCESS TO THE APARTMENT BUILDING BY A CANDIDATE IN ACCORDANCE  
21 WITH THIS SECTION.

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