
By: **Delegates McConkey, Boteler, Costa, Eckardt, Frank, Fulton,
Impallaria, Parker, and Weir**

Introduced and read first time: February 3, 2005

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property - Companion Apartments**

3 FOR the purpose of authorizing an owner of a residential dwelling to create and rent
4 a companion apartment under certain circumstances; requiring a companion
5 apartment to meet certain standards; requiring structural changes made to
6 create a companion apartment to be removed under certain circumstances;
7 prohibiting a homeowners association or cooperative housing corporation from
8 revoking permission for the creation and rental of a companion apartment under
9 certain circumstances; defining certain terms; providing that a county or
10 municipal corporation may not generally prohibit the creation or rental of
11 companion apartments, and that a law, regulation, or ordinance adopted by a
12 county or municipal corporation may impose health and safety standards for
13 companion apartments that are more stringent than this Act; and generally
14 relating to companion apartments.

15 BY adding to
16 Article - Real Property
17 Section 14-129
18 Annotated Code of Maryland
19 (2003 Replacement Volume and 2004 Supplement)

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

22 **Article - Real Property**

23 14-129.

24 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
25 INDICATED.

26 (2) "COMPANION APARTMENT" MEANS A RESIDENTIAL UNIT THAT:

27 (I) IS LOCATED WHOLLY WITHIN A RESIDENTIAL DWELLING; AND

1 (II) HAS AN EXTERIOR ENTRANCE AND PROVISIONS FOR COOKING,
2 EATING, SANITATION, AND SLEEPING THAT ARE SEPARATE FROM ALL OTHER AREAS
3 OF THE RESIDENTIAL DWELLING.

4 (3) "RESIDENTIAL DWELLING" MEANS A SINGLE-FAMILY, DETACHED
5 HOUSE THAT IS OWNER-OCCUPIED.

6 (B) THE OWNER OF A RESIDENTIAL DWELLING MAY CREATE AND RENT A
7 COMPANION APARTMENT IN THE RESIDENTIAL DWELLING IF THE RESIDENTIAL
8 DWELLING:

9 (1) IS NOT LOCATED ON PROPERTY THAT IS SUBJECT TO A
10 CONDOMINIUM REGIME;

11 (2) IS NOT LOCATED IN A DEVELOPMENT THAT IS SUBJECT TO A
12 DECLARATION OF A HOMEOWNERS ASSOCIATION OR IN A COOPERATIVE PROJECT,
13 UNLESS THE OWNER HAS THE EXPRESS PERMISSION OF THE HOMEOWNERS
14 ASSOCIATION OR COOPERATIVE HOUSING CORPORATION; AND

15 (3) DOES NOT CONTAIN ANOTHER COMPANION APARTMENT.

16 (C) A COMPANION APARTMENT CREATED UNDER THIS SECTION SHALL:

17 (1) HAVE A MINIMUM OF 500 SQUARE FEET OF LIVING SPACE;

18 (2) USE THE SAME ADDRESS AS THE RESIDENTIAL DWELLING; AND

19 (3) BE SUBJECT TO ALL APPLICABLE FIRE, SAFETY, AND BUILDING
20 REGULATIONS.

21 (D) IF THE RESIDENTIAL DWELLING CEASES TO BE OWNER-OCCUPIED AFTER
22 A COMPANION APARTMENT IS CREATED AND RENTED:

23 (1) THE AREA CONTAINING THE COMPANION APARTMENT MAY NO
24 LONGER BE UTILIZED AS A COMPANION APARTMENT; AND

25 (2) ANY STRUCTURAL CHANGES MADE IN THE RESIDENTIAL DWELLING
26 TO CREATE THE COMPANION APARTMENT SHALL BE REMOVED.

27 (E) IF A HOMEOWNERS ASSOCIATION OR COOPERATIVE HOUSING
28 CORPORATION GRANTS PERMISSION FOR THE CREATION AND RENTAL OF A
29 COMPANION APARTMENT, THE HOMEOWNERS ASSOCIATION OR COOPERATIVE
30 HOUSING CORPORATION MAY NOT REVOKE THE PERMISSION AS LONG AS THE
31 COMPANION APARTMENT IS TENANT-OCCUPIED WITH NO MORE THAN A 6-MONTH
32 GAP BETWEEN TENANTS.

33 SECTION 2. AND BE IT FURTHER ENACTED, That a county or municipal
34 corporation may not generally prohibit the creation or rental of companion
35 apartments. A law, regulation, or ordinance adopted by a county or municipal

1 corporation may impose health and safety standards for companion apartments that
2 are more stringent than this Act.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2005.