

SENATE BILL 224

N1

(0lr1091)

ENROLLED BILL

— Judicial Proceedings/Environmental Matters —

Introduced by **Senators King, Frosh, Garagiola, Kelley, Madaleno, Peters, Pugh, and Robey**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Real Property – ~~Restrictions – Clotheslines or Other Similar Laundry Drying~~**
3 **Devices Installation and Use of Clotheslines on Residential Property**

4 FOR the purpose of ~~authorizing a homeowner or tenant of certain residential property~~
5 ~~to use a clothesline or other similar laundry drying device on the property of the~~
6 ~~homeowner or tenant notwithstanding the terms of any contract, deed,~~
7 ~~covenant, restriction, instrument, declaration, rule, bylaw, lease agreement,~~
8 ~~rental agreement, or any other document concerning the use of clotheslines or~~
9 ~~other similar laundry drying devices on the property under certain~~
10 ~~circumstances; prohibiting the terms of any contract, deed, covenant,~~
11 ~~restriction, instrument, declaration, rule, bylaw, lease agreement, rental~~
12 ~~agreement, or any other document concerning the use of clotheslines or other~~
13 ~~similar laundry drying devices by a homeowner or tenant from prohibiting or~~
14 ~~restricting the right of a homeowner or tenant to use clotheslines or other~~

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.

Italics indicate opposite chamber/conference committee amendments.



~~similar laundry drying devices under certain circumstances; authorizing the governing body of a condominium, homeowners association, or housing cooperative or a landlord to adopt reasonable rules and regulations regarding the timing, placement, and manner of use of clotheslines and other similar laundry drying devices; requiring the governing body of a condominium, homeowners association, or housing cooperative, or a landlord to hold an open meeting and provide advance notice of the open meeting before adopting proposed rules and regulations regarding the timing, placement, and manner of use of clotheslines and other similar laundry drying devices; providing that a contract, deed, covenant, restriction, instrument, declaration, rule, bylaw, lease agreement, rental agreement, or any other document concerning the installation or use of clotheslines on certain residential property may not prohibit a homeowner or tenant from installing or using clotheslines on certain residential property; providing that a homeowner or tenant may not be prohibited from installing or using clotheslines on certain residential property, regardless of the terms in any contract, deed, covenant, restriction, instrument, declaration, rule, bylaw, lease agreement, rental agreement, or any other document concerning the installation or use of clotheslines on certain residential property; providing that this Act does not prohibit reasonable restrictions, for certain purposes, on the dimensions, placement, or appearance of clotheslines; requiring a landlord or the governing body of a condominium, homeowners association, or housing cooperative to hold a certain open meeting and provide certain advance notice of the open meeting before adopting a restriction concerning the installation or use of clotheslines on single-family property; providing for the application of this Act; defining certain terms; and generally relating to the use of clotheslines and other similar laundry drying devices by homeowners and tenants installation and use of clotheslines on residential property.~~

28 BY adding to

29 Article – Real Property

30 Section ~~14-128.1~~ 14-130

31 Annotated Code of Maryland

32 (2003 Replacement Volume and 2009 Supplement)

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

35 **Article – Real Property**

36 ~~**14-128.1.**~~

37 ~~**(A) (1) EXCEPT AS PROVIDED IN SUBSECTION (A)(2) OF THIS**~~
 38 ~~**SECTION, THIS SECTION APPLIES TO ANY SINGLE FAMILY RESIDENTIAL**~~
 39 ~~**DWELLING OR TOWNHOUSE, INCLUDING PROPERTY THAT IS SUBJECT TO THE**~~
 40 ~~**PROVISIONS OF:**~~

1 ~~(I) TITLE 8, TITLE 8A, TITLE 11, TITLE 11A, OR TITLE 11B~~
2 ~~OF THIS ARTICLE; OR~~

3 ~~(II) TITLE 5, SUBTITLE 6B OF THE CORPORATIONS AND~~
4 ~~ASSOCIATIONS ARTICLE.~~

5 ~~(2) THIS SECTION DOES NOT APPLY TO A BUILDING THAT:~~

6 ~~(I) CONTAINS MORE THAN FOUR DWELLING UNITS; AND~~

7 ~~(II) IS USED EXCLUSIVELY FOR RENTAL PURPOSES.~~

8 ~~(B) NOTWITHSTANDING THE TERMS OF ANY CONTRACT, DEED,~~
9 ~~COVENANT, RESTRICTION, INSTRUMENT, DECLARATION, RULE, BYLAW, LEASE~~
10 ~~AGREEMENT, RENTAL AGREEMENT, OR ANY OTHER DOCUMENT CONCERNING~~
11 ~~THE USE OF A CLOTHESLINE OR OTHER SIMILAR LAUNDRY DRYING DEVICE BY A~~
12 ~~HOMEOWNER OR TENANT ON RESIDENTIAL PROPERTY, A HOMEOWNER OR~~
13 ~~TENANT MAY USE A CLOTHESLINE OR OTHER SIMILAR LAUNDRY DRYING DEVICE~~
14 ~~ON THE PROPERTY OF THE HOMEOWNER OR TENANT SUBJECT TO REASONABLE~~
15 ~~RULES AND REGULATIONS ADOPTED UNDER SUBSECTION (D) OF THIS SECTION.~~

16 ~~(C) THE TERMS OF ANY CONTRACT, DEED, COVENANT, RESTRICTION,~~
17 ~~INSTRUMENT, DECLARATION, RULE, BYLAW, LEASE AGREEMENT, RENTAL~~
18 ~~AGREEMENT, OR ANY OTHER DOCUMENT CONCERNING THE USE OF A~~
19 ~~CLOTHESLINE OR OTHER SIMILAR LAUNDRY DRYING DEVICE BY A HOMEOWNER~~
20 ~~OR TENANT ON RESIDENTIAL PROPERTY MAY NOT PROHIBIT OR RESTRICT THE~~
21 ~~RIGHT OF A HOMEOWNER OR TENANT TO USE A CLOTHESLINE OR OTHER~~
22 ~~SIMILAR LAUNDRY DRYING DEVICE ON THE PROPERTY OF THE HOMEOWNER OR~~
23 ~~TENANT, SUBJECT TO REASONABLE RULES AND REGULATIONS ADOPTED UNDER~~
24 ~~SUBSECTION (D) OF THIS SECTION.~~

25 ~~(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE~~
26 ~~GOVERNING BODY OF A CONDOMINIUM, HOMEOWNERS ASSOCIATION, OR~~
27 ~~HOUSING COOPERATIVE OR A LANDLORD MAY ADOPT REASONABLE RULES AND~~
28 ~~REGULATIONS REGARDING TIMING, PLACEMENT, AND MANNER OF USE OF~~
29 ~~CLOTHESLINES AND OTHER SIMILAR LAUNDRY DRYING DEVICES ON THE~~
30 ~~PROPERTY OF A HOMEOWNER OR TENANT.~~

31 ~~(2) BEFORE ADOPTING ANY RULES AND REGULATIONS UNDER~~
32 ~~THIS SUBSECTION, THE GOVERNING BODY OF THE CONDOMINIUM,~~
33 ~~HOMEOWNERS ASSOCIATION, OR HOUSING COOPERATIVE OR THE LANDLORD~~
34 ~~SHALL:~~

~~(I) HOLD AN OPEN MEETING ON THE PROPOSED RULES AND REGULATIONS FOR THE PURPOSE OF PROVIDING AFFECTED HOMEOWNERS AND TENANTS AN OPPORTUNITY TO BE HEARD; AND~~

~~(II) PROVIDE ADVANCE NOTICE OF THE TIME AND PLACE OF THE OPEN MEETING BY PUBLISHING THE NOTICE IN A COMMUNITY NEWSLETTER, ON A COMMUNITY BULLETIN BOARD, BY MEANS PROVIDED IN THE DOCUMENTS GOVERNING THE CONDOMINIUM, HOMEOWNERS ASSOCIATION, OR HOUSING COOPERATIVE, OR IN THE LEASE, OR BY OTHER MEANS REASONABLY CALCULATED TO INFORM THE AFFECTED HOMEOWNERS AND TENANTS.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect, regardless of the date of adoption or effectiveness, any contract, deed, covenant, restriction, instrument, declaration, rule, bylaw, lease agreement, rental agreement, or any other document limiting the use of clotheslines or other similar laundry drying devices by a homeowner or tenant on residential property with four or fewer dwelling units.~~

14-130.

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

(2) (I) "SINGLE-FAMILY PROPERTY" INCLUDES:

1. A SINGLE-FAMILY DETACHED HOME;

2. A TOWNHOUSE; AND

3. A PROPERTY THAT IS SUBJECT TO:

A. TITLE 11 OF THIS ARTICLE;

B. TITLE 11B OF THIS ARTICLE; OR

C. TITLE 5, SUBTITLE 6B OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

(II) "SINGLE-FAMILY PROPERTY" DOES NOT INCLUDE PROPERTY THAT CONTAINS MORE THAN FOUR DWELLING UNITS.

(3) "TOWNHOUSE" MEANS A SINGLE-FAMILY DWELLING UNIT THAT IS CONSTRUCTED IN A HORIZONTAL SERIES OF ATTACHED UNITS WITH PROPERTY LINES SEPARATING THE UNITS.

1 (B) THIS SECTION DOES NOT APPLY TO A RESTRICTION CONCERNING
2 THE INSTALLATION OR USE OF CLOTHESLINES ON HISTORIC PROPERTY THAT IS
3 LISTED IN, OR DETERMINED BY THE DIRECTOR OF THE MARYLAND HISTORICAL
4 TRUST TO BE ELIGIBLE FOR INCLUSION IN, THE MARYLAND REGISTER OF
5 HISTORIC PROPERTIES.

6 (C) A CONTRACT, DEED, COVENANT, RESTRICTION, INSTRUMENT,
7 DECLARATION, RULE, BYLAW, LEASE AGREEMENT, RENTAL AGREEMENT, OR ANY
8 OTHER DOCUMENT CONCERNING THE INSTALLATION OR USE OF CLOTHESLINES
9 ON SINGLE-FAMILY PROPERTY MAY NOT PROHIBIT A HOMEOWNER OR TENANT
10 FROM INSTALLING OR USING CLOTHESLINES ON SINGLE-FAMILY PROPERTY.

11 (D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR THE TERMS
12 OF ANY CONTRACT, DEED, COVENANT, RESTRICTION, INSTRUMENT,
13 DECLARATION, RULE, BYLAW, LEASE AGREEMENT, RENTAL AGREEMENT, OR ANY
14 OTHER DOCUMENT CONCERNING THE INSTALLATION OR USE OF CLOTHESLINES
15 ON SINGLE-FAMILY PROPERTY, A HOMEOWNER OR TENANT MAY NOT BE
16 PROHIBITED FROM INSTALLING OR USING CLOTHESLINES ON
17 SINGLE-FAMILY PROPERTY.

18 (E) THIS SECTION DOES NOT PROHIBIT REASONABLE RESTRICTIONS
19 ON:

20 (1) THE DIMENSIONS, PLACEMENT, OR APPEARANCE OF
21 CLOTHESLINES FOR THE PURPOSE OF PROTECTING AESTHETIC VALUES; OR

22 (2) THE PLACEMENT OF CLOTHESLINES FOR THE PURPOSE OF
23 PROTECTING PERSONS OR PROPERTY IN THE EVENT OF FIRE OR OTHER
24 EMERGENCIES.

25 (F) BEFORE ADOPTING ANY RESTRICTION CONCERNING THE
26 INSTALLATION OR USE OF CLOTHESLINES ON SINGLE-FAMILY PROPERTY, A
27 LANDLORD OR THE GOVERNING BODY OF A CONDOMINIUM, HOMEOWNERS
28 ASSOCIATION, OR HOUSING COOPERATIVE SHALL:

29 (1) HOLD AN OPEN MEETING ON THE PROPOSED RESTRICTION
30 FOR THE PURPOSE OF PROVIDING AFFECTED HOMEOWNERS AND TENANTS AN
31 OPPORTUNITY TO BE HEARD; AND

32 (2) PROVIDE ADVANCE NOTICE OF THE TIME AND PLACE OF THE
33 OPEN MEETING BY PUBLISHING THE NOTICE:

34 (I) IN A COMMUNITY NEWSLETTER;

1 **(II) ON A COMMUNITY BULLETIN BOARD;**

2 **(III) BY MEANS PROVIDED IN THE LEASE OR GOVERNING**
3 **DOCUMENTS OF THE CONDOMINIUM, HOMEOWNERS ASSOCIATION, OR HOUSING**
4 **COOPERATIVE; OR**

5 **(IV) BY OTHER MEANS REASONABLY CALCULATED TO**
6 **INFORM THE AFFECTED HOMEOWNERS AND TENANTS.**

7 SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take
8 effect October 1, 2010.

Approved:

_____ Governor.

_____ President of the Senate.

_____ Speaker of the House of Delegates.