

Chapter 253

(Senate Bill 224)

AN ACT concerning

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

FOR the purpose of ~~authorizing a homeowner or tenant of certain residential property to use a clothesline or other similar laundry drying device on the property of the homeowner or tenant notwithstanding the terms of any contract, deed, covenant, restriction, instrument, declaration, rule, bylaw, lease agreement, rental agreement, or any other document concerning the use of clotheslines or other similar laundry drying devices on the property under certain circumstances; prohibiting the terms of any contract, deed, covenant, restriction, instrument, declaration, rule, bylaw, lease agreement, rental agreement, or any other document concerning the use of clotheslines or other similar laundry drying devices by a homeowner or tenant from prohibiting or restricting the right of a homeowner or tenant to use clotheslines or other 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.*

BY adding to

Article – Real Property

Section ~~14-128.1~~ *14-130*

Annotated Code of Maryland

(2003 Replacement Volume and 2009 Supplement)

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

Article – Real Property

~~14-128.1.~~

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

~~(i) TITLE 8, TITLE 8A, TITLE 11, TITLE 11A, OR TITLE 11B OF THIS ARTICLE; OR~~

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

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

~~(i) CONTAINS MORE THAN FOUR DWELLING UNITS; AND~~

~~(ii) IS USED EXCLUSIVELY FOR RENTAL PURPOSES.~~

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

~~(C) THE TERMS OF ANY CONTRACT, DEED, COVENANT, RESTRICTION, INSTRUMENT, DECLARATION, RULE, BYLAW, LEASE AGREEMENT, RENTAL~~

~~AGREEMENT, OR ANY OTHER DOCUMENT CONCERNING THE USE OF A CLOTHESLINE OR OTHER SIMILAR LAUNDRY DRYING DEVICE BY A HOMEOWNER OR TENANT ON RESIDENTIAL PROPERTY MAY NOT PROHIBIT OR RESTRICT THE RIGHT OF A HOMEOWNER OR TENANT TO USE A CLOTHESLINE OR OTHER SIMILAR LAUNDRY DRYING DEVICE ON THE PROPERTY OF THE HOMEOWNER OR TENANT, SUBJECT TO REASONABLE RULES AND REGULATIONS ADOPTED UNDER SUBSECTION (D) OF THIS SECTION.~~

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

~~(2) BEFORE ADOPTING ANY RULES AND REGULATIONS UNDER THIS SUBSECTION, THE GOVERNING BODY OF THE CONDOMINIUM, HOMEOWNERS ASSOCIATION, OR HOUSING COOPERATIVE OR THE LANDLORD 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.

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

(C) 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 SINGLE-FAMILY PROPERTY MAY NOT PROHIBIT A HOMEOWNER OR TENANT FROM INSTALLING OR USING CLOTHESLINES ON SINGLE-FAMILY PROPERTY.

(D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR THE TERMS OF 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 SINGLE-FAMILY PROPERTY, A HOMEOWNER OR TENANT MAY NOT BE PROHIBITED FROM INSTALLING OR USING CLOTHESLINES ON SINGLE-FAMILY PROPERTY.

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

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

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

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

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

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

(I) IN A COMMUNITY NEWSLETTER;

(II) ON A COMMUNITY BULLETIN BOARD;

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

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

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

Approved by the Governor, May 4, 2010.