

# HOUSE BILL 1077

N1, D5  
SB 621/18 – JPR

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By: **Delegates Forbes, Henson, Anderson, Atterbeary, Bartlett, Bhandari, Boteler, Brooks, Carr, Crutchfield, D.M. Davis, Feldmark, W. Fisher, Grammer, Guyton, C. Jackson, Lehman, R. Lewis, Lopez, Metzgar, Ruth, and Williams**  
Introduced and read first time: February 6, 2020  
Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Deletion of Unlawful Ownership Restrictions – Exemption From**  
3 **Fees and Surcharges**

4 FOR the purpose of providing that certain fees and surcharges on the recordation of  
5 instruments among the land records do not apply to the recordation of a certain  
6 restrictive covenant modification or an amendment to the common area deeds or  
7 other declarations of a homeowners association that deletes a covenant or restriction  
8 that restricts ownership based on race, religious belief, or national origin in  
9 accordance with certain provisions of law; repealing a certain deadline for the  
10 governing body of a homeowners association to delete certain recorded covenants or  
11 restrictions from the common area deeds or other declarations of property in the  
12 development; and generally relating to the deletion of recorded covenants or  
13 restrictions that restrict ownership based on race, religious belief, or national origin  
14 from deeds, declarations, and other instruments.

15 BY repealing and reenacting, with amendments,  
16 Article – Courts and Judicial Proceedings  
17 Section 13–604(c)  
18 Annotated Code of Maryland  
19 (2013 Replacement Volume and 2019 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article – Real Property  
22 Section 3–601(a) and 11B–113.3  
23 Annotated Code of Maryland  
24 (2015 Replacement Volume and 2019 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.





1 UNDER § 3-112 OF THIS TITLE; OR

2 (II) AN AMENDMENT TO THE COMMON AREA DEEDS OR OTHER  
3 DECLARATIONS OF A HOMEOWNERS ASSOCIATION THAT DELETES A RECORDED  
4 COVENANT OR RESTRICTION THAT RESTRICTS OWNERSHIP BASED ON RACE,  
5 RELIGIOUS BELIEF, OR NATIONAL ORIGIN IN ACCORDANCE WITH § 11B-113.3 OF  
6 THIS ARTICLE.

7 11B-113.3.

8 (a) This section applies to any recorded covenant or restriction that restricts  
9 ownership based on race, religious belief, or national origin, including a covenant or  
10 restriction that is part of a uniform general scheme or plan of development.

11 (b) (1) [On or before September 30, 2019, the] **THE** governing body of a  
12 homeowners association shall delete any recorded covenant or restriction that restricts  
13 ownership based on race, religious belief, or national origin from the common area deeds or  
14 other declarations of property in the development.

15 (2) Notwithstanding the provisions of a governing document, the governing  
16 body of a homeowners association may delete a recorded covenant or restriction that  
17 restricts ownership based on race, religious belief, or national origin from the common area  
18 deeds or other declarations of property in the development without approval of the lot  
19 owners.

20 (3) The governing body of the homeowners association shall record with the  
21 clerk of the court in the jurisdiction where the development is located an amendment to the  
22 common area deeds or other declarations that include the recorded covenant or restriction  
23 that provides for the deletion of the recorded covenant or restriction from the common area  
24 deeds or declarations of the property in the development.

25 (c) Beginning on October 1, 2019, within 180 days after receiving a written  
26 request from a lot owner, the governing body of a homeowners association shall delete a  
27 recorded covenant or restriction that restricts ownership based on race, religious belief, or  
28 national origin from the common area deeds or other declarations of property in the  
29 development, in accordance with this section.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2020.