

Chapter 566

(Senate Bill 570)

AN ACT concerning

**Real Property – Notice of Easements, Covenants, Restrictions, and Conditions –
Recordation**

FOR the purpose of authorizing notice of certain easements, covenants, restrictions, and conditions to be recorded in the land records of the county in which the property interest is located; specifying the information required to be provided in the notice; requiring that the notice be indexed for recording in a certain manner; providing that failure to record a notice in accordance with this Act does not impair the rights or interests of the holder of ~~an~~ a certain easement, ~~a~~ covenant, ~~a~~ restriction, or ~~a~~ condition or waive, release, or otherwise affect certain obligations; and generally relating to easements, covenants, restrictions, and conditions.

BY adding to

Article – Real Property

Section 3–102.1

Annotated Code of Maryland

(2015 Replacement Volume and 2019 Supplement)

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

Article – Real Property

3–102.1.

(A) IF A RECORDED EASEMENT, ~~A COVENANT, A RESTRICTION, OR A COVENANT, RESTRICTION, OR CONDITION~~ HAS BEEN GRANTED, DEVISED, DEDICATED, RESERVED, OR DONATED TO, OR OTHERWISE AFFECTS AN INTEREST IN, REAL PROPERTY, A NOTICE OF THE EASEMENT, COVENANT, RESTRICTION, OR CONDITION MAY BE RECORDED IN THE LAND RECORDS OF THE COUNTY IN WHICH THE PROPERTY INTEREST IS LOCATED.

(B) A NOTICE RECORDED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(1) STATE, IF KNOWN, THE NAME AND CURRENT ADDRESS OF THE:

(i) THE CURRENT HOLDER OF THE EASEMENT, COVENANT, RESTRICTION, OR CONDITION; AND

(II) ANY NEIGHBORHOOD ASSOCIATION RELEVANT TO THE EASEMENT, COVENANT, RESTRICTION, OR CONDITION;

(2) CONTAIN A STATEMENT THAT THE EASEMENT, COVENANT, RESTRICTION, OR CONDITION IS STILL IN EFFECT AS OF THE DATE OF THE NOTICE;

(3) CONTAIN THE RECORDING INFORMATION FOR THE ~~ORIGINAL~~ EASEMENT, COVENANT, RESTRICTION, OR CONDITION AND THE RECORDING INFORMATION FOR ANY ASSOCIATED AMENDMENT OR CORRECTIVE DOCUMENT; AND

(4) STATE, AS OF THE DATE OF THE NOTICE, THE NAME OF THE FEE SIMPLE OWNER ~~AND, IF APPLICABLE, A LEASEHOLD OWNER~~ OF THE LAND ENCUMBERED BY THE ~~ORIGINAL~~ EASEMENT, COVENANT, RESTRICTION, OR CONDITION ~~AS OF THE DATE OF THE NOTICE~~ AND, IF APPLICABLE AND KNOWN:

(I) THE OWNER OF ANY RECORDED LEASEHOLD ESTATE OR HOLDER OF ANY OTHER REAL PROPERTY INTEREST IN LAND ENCUMBERED BY THE EASEMENT, COVENANT, RESTRICTION, OR CONDITION; AND

(II) ANY NEIGHBORHOOD ASSOCIATION RELEVANT TO THE LAND ENCUMBERED BY THE EASEMENT, COVENANT, RESTRICTION, OR CONDITION.

(C) A NOTICE RECORDED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE INDEXED AMONG THE LAND RECORDS UNDER THE NAME OF:

(1) THE HOLDER OF THE EASEMENT, COVENANT, RESTRICTION, OR CONDITION; AND

(2) THE FEE SIMPLE OWNER ~~AND, IF APPLICABLE, A LEASEHOLD OWNER~~ OF THE LAND ENCUMBERED BY THE ~~ORIGINAL~~ EASEMENT, COVENANT, RESTRICTION, OR CONDITION, AS SPECIFIED IN THE NOTICE AND, IF APPLICABLE AND KNOWN:

(I) THE OWNER OF ANY RECORDED LEASEHOLD ESTATE OR HOLDER OF ANY OTHER REAL PROPERTY INTEREST IN LAND ENCUMBERED BY THE EASEMENT, COVENANT, RESTRICTION, OR CONDITION; AND

(II) ANY NEIGHBORHOOD ASSOCIATION RELEVANT TO LAND ENCUMBERED BY THE EASEMENT, COVENANT, RESTRICTION, OR CONDITION.

(D) FAILURE TO RECORD A NOTICE IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION DOES NOT ~~IMPAIR:~~

(1) IMPAIR THE RIGHTS OR INTERESTS OF THE HOLDER OF AN EASEMENT, A COVENANT, A RESTRICTION, OR A CONDITION; OR

(2) WAIVE, RELEASE, OR OTHERWISE AFFECT THE OBLIGATIONS OF ANY PERSON HOLDING A REAL PROPERTY INTEREST BURDENED BY THE EASEMENT, COVENANT, RESTRICTION, OR CONDITION.

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.