HOUSE BILL 248

N1 1lr1040 (PRE–FILED)

By: Delegate Shetty

Requested: October 20, 2020

Introduced and read first time: January 13, 2021 Assigned to: Environment and Transportation

A BILL ENTITLED

1	AN ACT concerning	

Condominiums and Homeowners Associations – Rights and Restrictions –
Composting

4 FOR the purpose of prohibiting a recorded covenant or restriction, a provision in a 5 declaration, or a provision in the bylaws or rules of a condominium or a homeowners 6 association from restricting or prohibiting a certain owner from composting organic 7 waste materials for certain uses under certain circumstances or contracting with a 8 private entity for the collection of organic waste materials for composting at a 9 composting facility; providing for the interpretation of a certain covenant, restriction, 10 or provision that unreasonably impedes the ability of a private entity to access 11 certain common elements for the purpose of collecting certain organic waste 12 materials; defining certain terms; and generally relating to condominiums and 13 homeowners associations.

- 14 BY repealing and reenacting, without amendments,
- 15 Article Environment
- 16 Section 9–1701(a) and (e)
- 17 Annotated Code of Maryland
- 18 (2014 Replacement Volume and 2020 Supplement)
- 19 BY adding to

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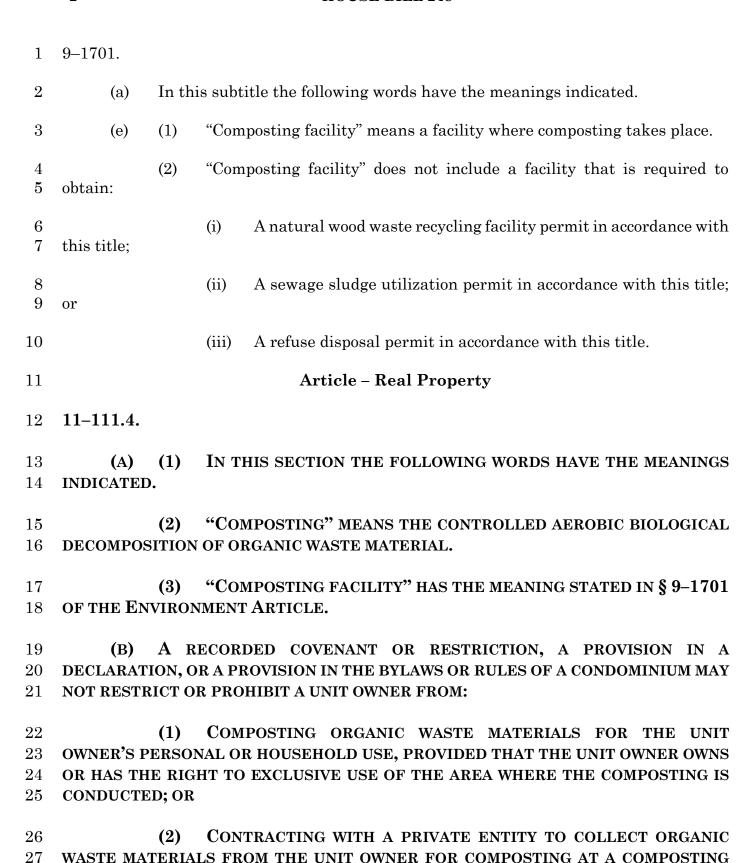
- 20 Article Real Property
- 21 Section 11–111.4 and 11B–111.8
- 22 Annotated Code of Maryland
- 23 (2015 Replacement Volume and 2020 Supplement)
- 24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 25 That the Laws of Maryland read as follows:

Article - Environment



28

FACILITY.



- 1 (C) A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A
- 2 DECLARATION, OR A PROVISION IN THE BYLAWS OR RULES OF A CONDOMINIUM
- 3 THAT UNREASONABLY IMPEDES THE ABILITY OF A PRIVATE ENTITY TO ACCESS THE
- 4 COMMON ELEMENTS FOR THE PURPOSE OF COLLECTING ORGANIC WASTE
- 5 MATERIALS FROM A UNIT OWNER SHALL BE INTERPRETED AS A RESTRICTION ON
- 6 THE UNIT OWNER'S RIGHT TO CONTRACT FOR PRIVATE COMPOSTING SERVICES
- 7 UNDER SUBSECTION (B)(2) OF THIS SECTION.
- 8 11B-111.8.
- 9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
- 10 **INDICATED.**
- 11 (2) "COMPOSTING" MEANS THE CONTROLLED AEROBIC BIOLOGICAL
- 12 DECOMPOSITION OF ORGANIC WASTE MATERIAL.
- 13 (3) "COMPOSTING FACILITY" HAS THE MEANING STATED IN § 9–1701
- 14 OF THE ENVIRONMENT ARTICLE.
- 15 (B) A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A
- 16 DECLARATION, OR A PROVISION IN THE BYLAWS OR RULES OF A HOMEOWNERS
- 17 ASSOCIATION MAY NOT RESTRICT OR PROHIBIT A LOT OWNER FROM:
- 18 (1) COMPOSTING ORGANIC WASTE MATERIALS FOR THE LOT OWNER'S
- 19 PERSONAL OR HOUSEHOLD USE, PROVIDED THAT THE LOT OWNER OWNS OR HAS
- 20 THE RIGHT TO EXCLUSIVE USE OF THE AREA WHERE THE COMPOSTING IS
- 21 CONDUCTED; OR
- 22 (2) CONTRACTING WITH A PRIVATE ENTITY TO COLLECT ORGANIC
- 23 WASTE MATERIALS FROM THE LOT OWNER FOR COMPOSTING AT A COMPOSTING
- 24 FACILITY.
- 25 (C) A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A
- 26 DECLARATION, OR A PROVISION IN THE BYLAWS OR RULES OF A HOMEOWNERS
- 27 ASSOCIATION THAT UNREASONABLY IMPEDES THE ABILITY OF A PRIVATE ENTITY TO
- 28 ACCESS THE COMMON ELEMENTS FOR THE PURPOSE OF COLLECTING ORGANIC
- 29 WASTE MATERIALS FROM A LOT OWNER SHALL BE INTERPRETED AS A RESTRICTION
- 30 ON THE LOT OWNER'S RIGHT TO CONTRACT FOR PRIVATE COMPOSTING SERVICES
- 31 UNDER SUBSECTION (B)(2) OF THIS SECTION.
- 32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 33 October 1, 2021.