

HOUSE BILL 1347

N1

1lr3021

By: **Delegate Barve**

Introduced and read first time: February 12, 2021

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Impermissible Restrictions on Use – Portable Basketball**
3 **Apparatuses**

4 FOR the purpose of prohibiting a certain restriction on use regarding land from imposing
5 unreasonable limitations on the location and use of a portable basketball apparatus
6 under certain circumstances; exempting a certain restriction on use regarding
7 certain historic property from the applicability of this Act; defining certain terms;
8 and generally relating to restrictions on use regarding land and portable basketball
9 apparatuses.

10 BY adding to

11 Article – Real Property

12 Section 2–124

13 Annotated Code of Maryland

14 (2015 Replacement Volume and 2020 Supplement)

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

17 **Article – Real Property**

18 **2–124.**

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

21 **(2) “PORTABLE BASKETBALL APPARATUS” MEANS A PORTABLE**
22 **APPARATUS OR DEVICE DESIGNED FOR RECREATIONAL USE IN CONJUNCTION WITH**
23 **THE GAME OF BASKETBALL.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) "RESTRICTION ON USE" INCLUDES ANY COVENANT,**
2 **RESTRICTION, OR CONDITION CONTAINED IN:**

3 **(I) A DEED;**

4 **(II) A DECLARATION;**

5 **(III) A CONTRACT;**

6 **(IV) THE BYLAWS OR RULES OF A CONDOMINIUM OR**
7 **HOMEOWNERS ASSOCIATION;**

8 **(V) A SECURITY INSTRUMENT; OR**

9 **(VI) ANY OTHER INSTRUMENT AFFECTING:**

10 **1. THE TRANSFER OR SALE OF REAL PROPERTY; OR**

11 **2. ANY OTHER INTEREST IN REAL PROPERTY.**

12 **(B) (1) A RESTRICTION ON USE REGARDING LAND USE MAY NOT IMPOSE**
13 **OR ACT TO IMPOSE AN UNREASONABLE LIMITATION ON THE LOCATION AND USE OF**
14 **A PORTABLE BASKETBALL APPARATUS, PROVIDED THAT THE PROPERTY OWNER**
15 **OWNS OR HAS THE RIGHT TO EXCLUSIVE USE OF THE AREA IN WHICH PLACEMENT**
16 **AND USE OF THE PORTABLE BASKETBALL APPARATUS IS TO OCCUR.**

17 **(2) FOR PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION, AN**
18 **UNREASONABLE LIMITATION INCLUDES A LIMITATION THAT:**

19 **(I) SIGNIFICANTLY INCREASES THE COST OF USING A**
20 **PORTABLE BASKETBALL APPARATUS; OR**

21 **(II) SIGNIFICANTLY DECREASES THE ABILITY TO USE A**
22 **PORTABLE BASKETBALL APPARATUS AS DESIGNED AND INTENDED.**

23 **(C) THIS SECTION DOES NOT APPLY TO A RESTRICTION ON USE ON HISTORIC**
24 **PROPERTY THAT IS LISTED IN, OR DETERMINED BY THE DIRECTOR OF THE**
25 **MARYLAND HISTORICAL TRUST TO BE ELIGIBLE FOR INCLUSION IN, THE**
26 **MARYLAND REGISTER OF HISTORIC PROPERTIES.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2021.