

(PRE-FILED)

By: **Delegate Kagan**
Requested: July 14, 1997
Introduced and read first time: January 14, 1998
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Condominiums, Homeowners Associations, and Cooperative Housing**
3 **Corporations - Political Speech**

4 FOR the purpose of specifying that a condominium, homeowners association, or
5 cooperative housing corporation may not prohibit a resident from displaying
6 certain political signs except in certain common places; and generally relating to
7 free political expression in condominiums, homeowners associations, and
8 cooperative housing corporations.

9 BY adding to
10 Article - Real Property
11 Section 11-111.2 and 11B-111.2
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 1997 Supplement)

14 BY adding to
15 Article - Corporations and Associations
16 Section 5-6B-18.1
17 Annotated Code of Maryland
18 (1993 Replacement Volume and 1997 Supplement)

19 Preamble

20 WHEREAS, The right to free speech is a fundamental right guaranteed to the
21 citizens of this State by both the United States Constitution and the Maryland
22 Declaration of Rights; and

23 WHEREAS, The right of political expression is one of the most basic rights of
24 free speech; and

25 WHEREAS, The restriction by homeowners associations, condominiums, and
26 cooperative housing corporations, of the political speech of its residents is contrary to
27 the principles of free speech; now, therefore,

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

3 **Article - Real Property**

4 11-111.2.

5 A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A DECLARATION, OR
6 A PROVISION OF THE BYLAWS OR RULES OF A CONDOMINIUM MAY NOT PROHIBIT
7 THE DISPLAY OF POLITICAL SIGNS OR OTHER CAMPAIGN-RELATED
8 ADVERTISEMENTS EXCEPT:

9 (1) IN COMMON ELEMENTS; AND

10 (2) AS PERMITTED BY LOCAL, STATE, AND FEDERAL LAW.

11 11B-111.2.

12 A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A DECLARATION, OR
13 A PROVISION OF THE BYLAWS OR RULES OF A HOMEOWNERS ASSOCIATION MAY NOT
14 PROHIBIT THE DISPLAY OF POLITICAL SIGNS OR OTHER CAMPAIGN-RELATED
15 ADVERTISEMENTS EXCEPT:

16 (1) IN COMMON AREAS; AND

17 (2) AS PERMITTED BY LOCAL, STATE, AND FEDERAL LAW.

18 **Article - Corporations and Associations**

19 5-6B-18.1.

20 A PROVISION IN A DECLARATION, OR A PROVISION IN THE BYLAWS OR RULES
21 OF A COOPERATIVE HOUSING CORPORATION MAY NOT RESTRICT THE DISPLAY OF
22 POLITICAL SIGNS OR OTHER CAMPAIGN-RELATED ADVERTISEMENTS EXCEPT:

23 (1) IN COMMON PROPERTY; AND

24 (2) AS PERMITTED BY LOCAL, STATE, AND FEDERAL LAW.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
26 effect October 1, 1998.