

SENATE BILL 221

N1

71r0370

By: **Senator Frosh**

Introduced and read first time: January 29, 2007

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Condominium Act – Application and Preemption of Certain Laws**

3 FOR the purpose of providing for the application and effect of certain laws, ordinances,
4 and regulations concerning the development or subdivision of land on property
5 subjected to a condominium regime; establishing that the Maryland
6 Condominium Act does not preempt certain local laws, ordinances, and
7 regulations; making stylistic changes; and generally relating to the application
8 of certain laws to property subjected to a condominium regime.

9 BY repealing and reenacting, with amendments,
10 Article – Real Property
11 Section 11–122
12 Annotated Code of Maryland
13 (2003 Replacement Volume and 2006 Supplement)

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

16 **Article – Real Property**

17 11–122.

18 (a) The provisions of all laws, ordinances, and regulations concerning
19 building codes, [or] zoning, **OR THE DEVELOPMENT OR SUBDIVISION OF LAND** shall
20 have full force and effect to the extent that they apply to property which is subjected to
21 a condominium regime and shall be construed and applied with reference to the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 overall nature and use of the property without regard to the form of ownership. A law,
2 ordinance, or regulation concerning building codes, [or] zoning, **OR THE**
3 **DEVELOPMENT OR SUBDIVISION OF LAND** may not establish any requirement or
4 standard governing the use, location, placement, or construction of any land and
5 improvements which are submitted to the provisions of this title, unless the
6 requirement or standard is uniformly applicable to all land and improvements of the
7 same kind or character not submitted to the provisions of this title.

8 (b) Except as otherwise provided in this title, a county, city, or other
9 jurisdiction may not enact any law, ordinance, or regulation which would impose a
10 burden or restriction on a condominium that is not imposed on all other property of
11 similar character not subjected to a condominium regime. Any such law, ordinance, or
12 regulation[,] is void. Except as otherwise expressly provided in **THIS SECTION AND §§**
13 **11–130, 11–138, 11–139, and 11–140** of this title, the provisions of this title are
14 statewide in their effect. [Any] **EXCEPT FOR LOCAL LAWS, ORDINANCES, AND**
15 **REGULATIONS GOVERNING THE DEVELOPMENT OR SUBDIVISION OF LAND, ANY**
16 law, ordinance, or regulation enacted by a county, city, or other jurisdiction is
17 preempted by the subject and material of this title.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2007.