

Department of Legislative Services

Maryland General Assembly

2007 Session

FISCAL AND POLICY NOTE

Senate Bill 221

(Senator Frosh)

Judicial Proceedings

Environmental Matters

Maryland Condominium Act - Application and Preemption of Certain Laws

This bill provides that the provisions of all laws, ordinances, and regulations concerning the development or subdivision of land have full force and effect to the extent they apply to property subjected to a condominium regime under the Maryland Condominium Act. However, a law, ordinance, or regulation concerning the development or subdivision of land may not establish requirements or standards for a condominium unless the requirement or standard is uniformly applicable to all land and improvements of the same kind or character not subject to the Condominium Act. The bill also provides that the Act does not preempt local laws, ordinances, and regulations governing the development or subdivision of land.

Fiscal Summary

State Effect: The bill would not substantively change State activities or operations and would not directly affect State finances.

Local Effect: Any changes in local government permitting activity could be handled with existing budgeted resources.

Small Business Effect: Potential minimal.

Analysis

Current Law: The provisions of all laws, ordinances, and regulations concerning building codes or zoning have full force and effect to the extent that they apply to

property subjected to a condominium regime. These provisions must be construed and applied to the overall nature and use of the property, regardless of the form of ownership.

A law, ordinance, or regulation concerning building codes or zoning may not establish a requirement or standard governing the use, location, placement, or construction of any land or improvements under the Condominium Act unless the requirement or standard is uniformly applicable to all land and improvements of the same kind or character that are not governed by the Act.

Generally, a county, city, or other jurisdiction may not enact a law, ordinance, or other regulation that would impose a burden or restriction on a condominium that is not imposed on all other property of similar character not subjected to a condominium regime. Further, the Condominium Act preempts local laws, ordinances, or regulations.

Background: Land subject to a condominium regime under the Condominium Act may include more than a traditional apartment-style building. Other types of condominium developments include townhouses and land developments akin to a traditional subdivision or mixed-use development, also known as a “land condominium.”

In a land condominium, the condominium’s units would be like a lot in a subdivision. A mixed-use development may include retail, hotel, residential, and other types of uses; it may also have units that are themselves condominiums, known as level 2 condominiums. A developer may choose one of these forms of condominiums rather than a traditional subdivision because of differing permit approval processes (including lot-line and setback requirements) and suitability of the ownership interests that eventual buyers will have. A developer may also choose a land condominium to avoid the local subdivision process.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Secretary of State, Wicomico County, Allegany County, Prince George’s County, Department of Legislative Services

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m/jr

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