

# HOUSE BILL 443

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9lr0506

CF 9lr2228

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By: **Delegates Montgomery, Barkley, Beidle, Boteler, Cane, Carr, Feldman, Glenn, Gutierrez, Hucker, Lee, Manno, Riley, F. Turner, V. Turner, and Waldstreicher**

Introduced and read first time: February 4, 2009

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Restrictions – Clotheslines or Other Laundry Drying Devices**

3 FOR the purpose of authorizing a homeowner or tenant to use a clothesline or other  
4 laundry drying device on the property of the homeowner or tenant  
5 notwithstanding the terms of any contract, deed, covenant, restriction,  
6 instrument, declaration, rule, bylaw, lease agreement, rental agreement, or any  
7 other document concerning the use of clotheslines or other laundry drying  
8 devices on the property; prohibiting the terms of any contract, deed, covenant,  
9 restriction, instrument, declaration, rule, bylaw, lease agreement, rental  
10 agreement, or any other document concerning the use of clotheslines or other  
11 laundry drying devices by a homeowner or tenant on residential property from  
12 prohibiting or restricting the right of a homeowner or tenant to use clotheslines  
13 or other laundry drying devices; authorizing the governing body of a  
14 condominium, homeowners association, or housing cooperative or a landlord to  
15 adopt reasonable rules and regulations regarding the timing, placement, and  
16 manner of use of clotheslines and other laundry drying devices; requiring the  
17 governing body of a condominium, homeowners association, or housing  
18 cooperative, or a landlord to hold an open meeting before adopting proposed  
19 rules and regulations regarding the timing, placement, and manner of use of  
20 clotheslines and other laundry drying devices; requiring the governing body of a  
21 condominium, homeowners association, or housing cooperative or a landlord to  
22 provide advance notice of the open meeting; providing for the application of this  
23 Act; and generally relating to the use of clotheslines and other laundry drying  
24 devices by homeowners and tenants.

25 BY adding to

26 Article – Real Property

27 Section 14–128.1

28 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2003 Replacement Volume and 2008 Supplement)

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

4 **Article – Real Property**

5 **14-128.1.**

6 (A) THIS SECTION APPLIES TO ANY RESIDENTIAL PROPERTY,  
7 INCLUDING PROPERTY THAT IS SUBJECT TO THE PROVISIONS OF:

8 (1) TITLE 8, TITLE 8A, TITLE 11, TITLE 11A, OR TITLE 11B OF  
9 THIS ARTICLE; OR

10 (2) TITLE 5, SUBTITLE 6B OF THE CORPORATIONS AND  
11 ASSOCIATIONS ARTICLE.

12 (B) THIS SECTION DOES NOT APPLY TO A RESIDENTIAL PROPERTY:

13 (1) WITH 5 OR MORE DWELLING UNITS; AND

14 (2) WHICH IS USED EXCLUSIVELY FOR RENTAL PURPOSES.

15 (C) NOTWITHSTANDING THE TERMS OF ANY CONTRACT, DEED,  
16 COVENANT, RESTRICTION, INSTRUMENT, DECLARATION, RULE, BYLAW, LEASE  
17 AGREEMENT, RENTAL AGREEMENT, OR ANY OTHER DOCUMENT CONCERNING  
18 THE USE OF A CLOTHESLINE OR OTHER LAUNDRY DRYING DEVICE BY A  
19 HOMEOWNER OR TENANT ON RESIDENTIAL PROPERTY, A HOMEOWNER OR  
20 TENANT MAY USE A CLOTHESLINE OR OTHER LAUNDRY DRYING DEVICE ON THE  
21 PROPERTY OF THE HOMEOWNER OR TENANT SUBJECT TO REASONABLE RULES  
22 AND REGULATIONS ADOPTED UNDER SUBSECTION (E) OF THIS SECTION.

23 (D) THE TERMS OF ANY CONTRACT, DEED, COVENANT, RESTRICTION,  
24 INSTRUMENT, DECLARATION, RULE, BYLAW, LEASE AGREEMENT, RENTAL  
25 AGREEMENT, OR ANY OTHER DOCUMENT CONCERNING THE USE OF A  
26 CLOTHESLINE OR OTHER LAUNDRY DRYING DEVICE BY A HOMEOWNER OR  
27 TENANT ON RESIDENTIAL PROPERTY MAY NOT PROHIBIT OR RESTRICT THE  
28 RIGHT OF A HOMEOWNER OR TENANT TO USE A CLOTHESLINE OR OTHER  
29 LAUNDRY DRYING DEVICE ON THE PROPERTY OF THE HOMEOWNER OR TENANT,  
30 SUBJECT TO REASONABLE RULES AND REGULATIONS ADOPTED UNDER  
31 SUBSECTION (D) OF THIS SECTION.

32 (E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE  
33 GOVERNING BODY OF A CONDOMINIUM, HOMEOWNERS ASSOCIATION, OR

1 HOUSING COOPERATIVE OR A LANDLORD MAY ADOPT REASONABLE RULES AND  
2 REGULATIONS REGARDING TIMING, PLACEMENT, AND MANNER OF USE OF  
3 CLOTHESLINES AND OTHER LAUNDRY DRYING DEVICES ON THE PROPERTY OF A  
4 HOMEOWNER OR TENANT.

5 (2) BEFORE ADOPTING ANY RULES OR REGULATIONS UNDER THIS  
6 SUBSECTION, THE GOVERNING BODY OF THE CONDOMINIUM, HOMEOWNERS  
7 ASSOCIATION, OR HOUSING COOPERATIVE OR THE LANDLORD SHALL:

8 (I) HOLD AN OPEN MEETING ON THE PROPOSED RULES  
9 AND REGULATIONS FOR THE PURPOSE OF PROVIDING AFFECTED HOMEOWNERS  
10 AND TENANTS AN OPPORTUNITY TO BE HEARD; AND

11 (II) PROVIDE ADVANCE NOTICE OF THE TIME AND PLACE OF  
12 THE OPEN MEETING BY PUBLISHING THE NOTICE IN A COMMUNITY  
13 NEWSLETTER, ON A COMMUNITY BULLETIN BOARD, BY MEANS PROVIDED IN THE  
14 DOCUMENTS GOVERNING THE CONDOMINIUM, HOMEOWNERS ASSOCIATION, OR  
15 HOUSING COOPERATIVE, OR IN THE LEASE, OR BY OTHER MEANS REASONABLY  
16 CALCULATED TO INFORM THE AFFECTED HOMEOWNERS AND TENANTS.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
18 construed to apply retroactively and shall be applied to and interpreted to affect,  
19 regardless of the date of adoption or effectiveness, any contract, deed, covenant,  
20 restriction, instrument, declaration, rule, bylaw, lease agreement, rental agreement,  
21 or any other document concerning the use of clotheslines or other laundry drying  
22 devices by a homeowner or tenant on residential property.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2009.