

SENATE BILL 559

N1

9lr2228
CF HB 443

By: **Senator King**

Introduced and read first time: February 5, 2009

Assigned to: Judicial Proceedings

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

29 (2003 Replacement Volume and 2008 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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 **14-128.1.**

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

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

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

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

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

28 (D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
29 GOVERNING BODY OF A CONDOMINIUM, HOMEOWNERS ASSOCIATION, OR
30 HOUSING COOPERATIVE OR A LANDLORD MAY ADOPT REASONABLE RULES AND
31 REGULATIONS REGARDING TIMING, PLACEMENT, AND MANNER OF USE OF
32 CLOTHESLINES AND OTHER LAUNDRY DRYING DEVICES ON THE PROPERTY OF A
33 HOMEOWNER OR TENANT.

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

4 **(I) HOLD AN OPEN MEETING ON THE PROPOSED RULES**
5 **AND REGULATIONS FOR THE PURPOSE OF PROVIDING AFFECTED HOMEOWNERS**
6 **AND TENANTS AN OPPORTUNITY TO BE HEARD; AND**

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

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

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