

SB0224/540110/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 224
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Restrictions” in line 2 down through “Devices” in line 3 and substitute “Installation and Use of Clotheslines on Residential Property”; strike beginning with “authorizing” in line 4 down through “devices;” in line 23 and substitute “providing that a contract, deed, covenant, restriction, instrument, declaration, rule, bylaw, lease agreement, rental agreement, or any other document concerning the installation or use of clotheslines on certain residential property may not prohibit a homeowner or tenant from installing or using clotheslines on certain residential property; providing that a homeowner or tenant may not be prohibited from installing or using clotheslines on certain residential property, regardless of the terms in any contract, deed, covenant, restriction, instrument, declaration, rule, bylaw, lease agreement, rental agreement, or any other document concerning the installation or use of clotheslines on certain residential property; providing that this Act does not prohibit reasonable restrictions, for certain purposes, on the dimensions, placement, or appearance of clotheslines; requiring a landlord or the governing body of a condominium, homeowners association, or housing cooperative to hold a certain open meeting and provide certain advance notice of the open meeting before adopting a restriction concerning the installation or use of clotheslines on single-family property;”.

On page 2, in line 1, after “Act;” insert “defining certain terms;”; strike beginning with “use” in line 1 down through “tenants” in line 2 and substitute “installation and use of clotheslines on residential property”; and in line 5, strike “14-128.1” and substitute “14-130”.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 11 on page 2 through line 32 on page 3, inclusive, and substitute:

(Over)

“14-130.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) “SINGLE-FAMILY PROPERTY” INCLUDES:

1. A SINGLE-FAMILY DETACHED HOME;

2. A TOWNHOUSE; AND

3. A PROPERTY THAT IS SUBJECT TO:

A. TITLE 11 OF THIS ARTICLE;

B. TITLE 11B OF THIS ARTICLE; OR

C. TITLE 5, SUBTITLE 6B OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

(II) “SINGLE-FAMILY PROPERTY” DOES NOT INCLUDE PROPERTY THAT CONTAINS MORE THAN FOUR DWELLING UNITS.

(3) “TOWNHOUSE” MEANS A SINGLE-FAMILY DWELLING UNIT THAT IS CONSTRUCTED IN A HORIZONTAL SERIES OF ATTACHED UNITS WITH PROPERTY LINES SEPARATING THE UNITS.

(B) THIS SECTION DOES NOT APPLY TO A RESTRICTION CONCERNING THE INSTALLATION OR USE OF CLOTHESLINES ON HISTORIC PROPERTY THAT IS

LISTED IN, OR DETERMINED BY THE DIRECTOR OF THE MARYLAND HISTORICAL TRUST TO BE ELIGIBLE FOR INCLUSION IN, THE MARYLAND REGISTER OF HISTORIC PROPERTIES.

(C) A CONTRACT, DEED, COVENANT, RESTRICTION, INSTRUMENT, DECLARATION, RULE, BYLAW, LEASE AGREEMENT, RENTAL AGREEMENT, OR ANY OTHER DOCUMENT CONCERNING THE INSTALLATION OR USE OF CLOTHESLINES ON SINGLE-FAMILY PROPERTY MAY NOT PROHIBIT A HOMEOWNER OR TENANT FROM INSTALLING OR USING CLOTHESLINES ON SINGLE-FAMILY PROPERTY.

(D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR THE TERMS OF ANY CONTRACT, DEED, COVENANT, RESTRICTION, INSTRUMENT, DECLARATION, RULE, BYLAW, LEASE AGREEMENT, RENTAL AGREEMENT, OR ANY OTHER DOCUMENT CONCERNING THE INSTALLATION OR USE OF CLOTHESLINES ON SINGLE-FAMILY PROPERTY, A HOMEOWNER OR TENANT MAY NOT BE PROHIBITED FROM INSTALLING OR USING CLOTHESLINES ON SINGLE-FAMILY PROPERTY.

(E) THIS SECTION DOES NOT PROHIBIT REASONABLE RESTRICTIONS ON:

(1) THE DIMENSIONS, PLACEMENT, OR APPEARANCE OF CLOTHESLINES FOR THE PURPOSE OF PROTECTING AESTHETIC VALUES; OR

(2) THE PLACEMENT OF CLOTHESLINES FOR THE PURPOSE OF PROTECTING PERSONS OR PROPERTY IN THE EVENT OF FIRE OR OTHER EMERGENCIES.

(Over)

(F) BEFORE ADOPTING ANY RESTRICTION CONCERNING THE INSTALLATION OR USE OF CLOTHESLINES ON SINGLE-FAMILY PROPERTY, A LANDLORD OR THE GOVERNING BODY OF A CONDOMINIUM, HOMEOWNERS ASSOCIATION, OR HOUSING COOPERATIVE SHALL:

(1) HOLD AN OPEN MEETING ON THE PROPOSED RESTRICTION FOR THE PURPOSE OF PROVIDING AFFECTED HOMEOWNERS AND TENANTS AN OPPORTUNITY TO BE HEARD; AND

(2) PROVIDE ADVANCE NOTICE OF THE TIME AND PLACE OF THE OPEN MEETING BY PUBLISHING THE NOTICE:

(I) IN A COMMUNITY NEWSLETTER;

(II) ON A COMMUNITY BULLETIN BOARD;

(III) BY MEANS PROVIDED IN THE LEASE OR GOVERNING DOCUMENTS OF THE CONDOMINIUM, HOMEOWNERS ASSOCIATION, OR HOUSING COOPERATIVE; OR

(IV) BY OTHER MEANS REASONABLY CALCULATED TO INFORM THE AFFECTED HOMEOWNERS AND TENANTS.”.

On page 3, in line 33, strike “3.” and substitute “2.”.