

SENATE BILL 226

P5

EMERGENCY BILL

2lr1559

By: **The President (By Request – Department of Legislative Services)**

Introduced and read first time: January 12, 2022

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Annual Curative Bill**

3 FOR the purpose of generally curing previous Acts of the General Assembly with possible
4 title defects; prohibiting a recorded covenant or restriction, a provision in a
5 declaration, or a provision in the bylaws or rules of a condominium association from
6 prohibiting or unreasonably restricting a certain owner from contracting with a
7 private entity for the collection of organic waste materials for composting at a
8 composting facility; prohibiting a recorded covenant or restriction, a provision in a
9 declaration, or a provision in the bylaws or rules of a homeowners association from
10 prohibiting or unreasonably restricting a certain owner from composting organic
11 waste materials for certain uses under certain circumstances or contracting with a
12 private entity for the collection of organic waste materials for composting at a
13 composting facility; and generally repealing and reenacting without amendments
14 certain Acts of the General Assembly that may be subject to possible title defects in
15 order to validate those Acts.

16 BY repealing and reenacting, without amendments,
17 Article – Real Property
18 Section 11–111.5(b) and 11B–111.9(b)
19 Annotated Code of Maryland
20 (2015 Replacement Volume and 2021 Supplement)

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

23 **Article – Real Property**

24 11–111.5.

25 (b) A recorded covenant or restriction, a provision in a declaration, or a provision
26 in the bylaws or rules of a condominium may not prohibit or unreasonably restrict a unit

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 owner from contracting with a private entity to collect organic waste materials from the
2 unit owner for composting at a composting facility.

3 11B-111.9.

4 (b) A recorded covenant or restriction, a provision in a declaration, or a provision
5 in the bylaws or rules of a homeowners association may not prohibit or unreasonably
6 restrict a lot owner from:

7 (1) Composting organic waste materials for the lot owner's personal or
8 household use, provided that the lot owner:

9 (i) Owns or has the right to exclusive use of the area where the
10 composting is conducted; and

11 (ii) Observes all laws, ordinances, and regulations of the State and
12 local jurisdiction that pertain to composting; or

13 (2) Contracting with a private entity to collect organic waste materials
14 from the lot owner for composting at a composting facility.

15 DRAFTER'S NOTE:

16 Error: Purpose paragraph of bill being cured failed to accurately describe the changes
17 made by the bill.

18 Occurred: Chapter 459 (House Bill 248) of the Acts of 2021.

19 SECTION 2. AND BE IT FURTHER ENACTED, That the Drafter's Notes contained
20 in this Act are not law and may not be considered to have been enacted as part of this Act.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
22 measure, is necessary for the immediate preservation of the public health or safety, has
23 been passed by a ye and nay vote supported by three-fifths of all the members elected to
24 each of the two Houses of the General Assembly, and shall take effect from the date it is
25 enacted.