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THE MARYLAND HOUSE OF DELEGATES
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HB 182 Real Property - Unlawfully Restrictive Covenants - Modification by Municipalities

Chair Barve, Vice Chair Stein, and members of the Environment and Transportation Committee, I'm here to present HB 182- Real Property - Unlawfully Restrictive Covenants - Modification by Municipalities.

I was approached by the Town of Washington Grove during the interim, when they realized that there were antiquated covenants on the books that had racist restrictions on who could own property. There were enough of these covenants that going through one by one to amend them would be time consuming and expensive.

In 2004, Senator Gladden sponsored SB 692 - Homeowners Associations - Recorded Covenants or Restrictions - Deletion of Ownership Restrictions Based on Race, Religious Belief, or National Origin, which allowed HOAs to do a bulk removal of these covenants. Similar to SB 692, HB 182 is enabling legislation that would give this ability to municipalities.

The municipalities, if they found these records and wanted to address them en masse, would be required to provide adequate written notice, at least 30 days before, to residents, and residents would have the option to decline such action. Unlawful restrictions here include race, religious belief, and national origin.

These covenants, as you know, are dead language having no weight of law, and either in spite of or because of their status, continue to live indefinitely within the deeds of older properties in our state. This legislation would allow municipalities to remove this language in bulk and with little to no effort or disruption to the individual property owner.

If we, as a state, have declared it unlawful to have such discriminatory restrictions on ownership of property, then we need to make it as easy as possible to remedy these covenants. I respectfully ask the committee for a favorable report on HB 182.