



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

March 8, 2024

TO: The Honorable Marc Korman
Chair, Environment and Transportation Committee

FROM: Marc Elrich
County Executive

RE: HB 1300, *Montgomery County – Restriction on Use of Real Property – Limitation*

House Bill 1300 would void and render unenforceable a restriction on use in a deed, declaration, or the bylaws or rules of a condominium or homeowners association that prohibits the use of real property for housing units otherwise authorized under law in Montgomery County. The bill would void such restrictions that were recorded before June 1, 1958, and those that would be recorded after October 1, 2024. The bill would void all such restrictions in any deed or declaration for real property and is not limited to restrictions contained in a deed or declaration for properties in a condominium or homeowners association.

While I support the intent of the bill to reduce barriers to housing production in Montgomery County, I do not support House Bill 1300 as a means to achieve this laudable goal. There is a question of the meaning of “use of real property” and “housing units” under Section 2-126(c) the bill. Do these terms mean a restriction on short term rentals would be void? If so, the bill could result in significant changes to communities that homeowners would have no recourse against by allowing for uses of real property for housing units such as for short terms rentals or accessory dwelling units.

Further, the effective dates of the bill do not adequately safeguard against a condominium or homeowners association taking the exact actions the bill seeks to address between now and when the bill would go into effect on October 1, 2024. Additionally, it is unclear why the retroactive effective date of June 1, 1958, has been chosen- ostensibly that is the beginning of the modern era of comprehensive planning in the County, however, the bill ultimately deals with restrictive covenants and not planning and zoning. I believe further clarity is needed to explain these dates. For these reasons, I respectfully request an unfavorable report on House Bill 1300.

cc: Members of the Environment and Transportation Committee