

HOUSE BILL 1300

N1, C9

4lr0746

By: **Montgomery County Delegation**

Introduced and read first time: February 9, 2024

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Restriction on Use of Real Property – Limitation**

3 **MC 8–24**

4 FOR the purpose of providing that certain restrictions on use that prohibit the use of real
5 property in Montgomery County for housing units otherwise authorized under law
6 are void and unenforceable; applying this Act retroactively to restrictions on use
7 recorded before a certain date; and generally relating to restrictions on use of real
8 property in Montgomery County.

9 BY adding to

10 Article – Real Property

11 Section 2–126

12 Annotated Code of Maryland

13 (2023 Replacement Volume)

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

16 **Article – Real Property**

17 **2–126.**

18 **(A) IN THIS SECTION, “RESTRICTION ON USE” MEANS ANY COVENANT,**
19 **RESTRICTION, OR CONDITION CONTAINED IN:**

20 **(1) A DEED;**

21 **(2) A DECLARATION; OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) THE BYLAWS OR RULES OF A CONDOMINIUM OR HOMEOWNERS**
2 **ASSOCIATION.**

3 **(B) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.**

4 **(C) A RESTRICTION ON USE THAT PROHIBITS THE USE OF REAL PROPERTY**
5 **FOR HOUSING UNITS OTHERWISE AUTHORIZED UNDER LAW IS VOID AND**
6 **UNENFORCEABLE AS CONTRARY TO PUBLIC POLICY.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That, except as provided in Section
8 3 of this Act, this Act shall be construed to apply only prospectively and may not be applied
9 or interpreted to affect any restriction on use recorded before the effective date of this Act.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to
11 apply retroactively and shall be applied to and interpreted to affect any restriction on use
12 recorded before June 1, 1958.

13 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2024.