

HOUSE BILL 51

N1, L6, M3
HB 197/09 – ENV

(PRE-FILED)

0lr1000

By: **Delegate G. Clagett and Delegate Montgomery**

Requested: November 11, 2009

Introduced and read first time: January 13, 2010

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 6, 2010

CHAPTER _____

1 AN ACT concerning

2 **Real Property – Installation and Use of Clotheslines on Residential Property**

3 FOR the purpose of ~~providing that a certain provision of this Act regarding the~~
4 ~~regulation of clotheslines by a local legislative body applies to charter counties~~
5 ~~and Baltimore City; prohibiting a local legislative body from prohibiting the~~
6 ~~installation or use of clotheslines on certain residential property;~~ providing that
7 a contract, deed, covenant, restriction, instrument, declaration, rule, bylaw,
8 lease agreement, rental agreement, or any other document concerning the
9 installation or use of clotheslines on certain residential property may not
10 prohibit a homeowner or tenant from installing or using clotheslines on certain
11 residential property; providing that a homeowner or tenant may not be
12 prohibited from installing or using clotheslines on certain residential property,
13 regardless of the terms in any contract, deed, covenant, restriction, instrument,
14 declaration, rule, bylaw, lease agreement, rental agreement, or any other
15 document concerning the installation or use of clotheslines on certain
16 residential property; providing that this Act does not prohibit reasonable
17 restrictions, for certain purposes, on the dimensions, placement, or appearance
18 of clotheslines; requiring a landlord or the governing body of a condominium,
19 homeowners association, or housing cooperative to hold a certain open meeting
20 and provide certain advance notice of the open meeting before adopting a
21 restriction concerning the installation or use of clotheslines on single-family
22 property; providing for the application of this Act; defining certain terms; and
23 generally relating to residential property and the placement ~~the installation and~~
24 use of clotheslines on residential property.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~BY repealing and reenacting, with amendments,~~
 2 ~~Article 66B—Land Use~~
 3 ~~Section 1.03(b) and 2.13(b)~~
 4 ~~Annotated Code of Maryland~~
 5 ~~(2003 Replacement Volume and 2009 Supplement)~~

6 ~~BY adding to~~
 7 ~~Article 66B—Land Use~~
 8 ~~Section 4.01.1~~
 9 ~~Annotated Code of Maryland~~
 10 ~~(2003 Replacement Volume and 2009 Supplement)~~

11 BY adding to
 12 Article – Real Property
 13 Section 14–130
 14 Annotated Code of Maryland
 15 (2003 Replacement Volume and 2009 Supplement)

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

18 ~~Article 66B—Land Use~~

19 ~~1.03.~~

20 ~~(b) The following sections of this article apply to a charter county:~~

21 ~~(1) § 1.00(j) (Definition of “sensitive areas”);~~

22 ~~(2) § 1.01 (Visions);~~

23 ~~(3) § 1.02 (Consistency with plans);~~

24 ~~(4) § 1.03 (Charter county—Comprehensive plans);~~

25 ~~(5) § 3.02(h) (Planning Commission—Education);~~

26 ~~(6) § 3.09 (Annual report—Preparation and filing);~~

27 ~~(7) § 3.10 (Annual report—Smart Growth goals, measures, and~~
 28 ~~indicators);~~

29 ~~(8) § 4.01(b)(2) (Regulation of bicycle parking);~~

30 ~~(9) § 4.01.1 (REGULATION OF CLOTHESLINES);~~

- 1 ~~[(9)] (10) § 4.07(i) (Board of Appeals — Education);~~
- 2 ~~[(10)] (11) § 5.03(d) (Easements for burial sites);~~
- 3 ~~[(11)] (12) § 7.02 (Civil penalty for zoning violation);~~
- 4 ~~[(12)] (13) § 10.01 (Adequate Public Facilities Ordinances);~~
- 5 ~~[(13)] (14) § 11.01 (Transfer of Development Rights);~~
- 6 ~~[(14)] (15) § 12.01 (Inclusionary Zoning);~~
- 7 ~~[(15)] (16) Except in Montgomery County or Prince George's County, §~~
8 ~~13.01 (Development rights and responsibilities agreements);~~
- 9 ~~[(16)] (17) For Baltimore County only, § 14.02; and~~
- 10 ~~[(17)] (18) For Howard County only, § 14.06.1.~~
- 11 ~~2.13.~~
- 12 ~~(b) The following sections of this article apply to Baltimore City:~~
- 13 ~~(1) § 1.00(j) (Definition of “sensitive areas”);~~
- 14 ~~(2) § 1.01 (Visions);~~
- 15 ~~(3) § 1.02 (Consistency with plans);~~
- 16 ~~(4) § 1.03 (Charter county — Comprehensive plans);~~
- 17 ~~(5) § 3.02(h) (Planning Commission — Education);~~
- 18 ~~(6) § 3.09 (Annual report — Preparation and filing);~~
- 19 ~~(7) § 3.10 (Annual report — Smart Growth goals, measures, and~~
20 ~~indicators);~~
- 21 ~~(8) § 4.01(b)(2) (Regulation of bicycle parking);~~
- 22 ~~**(9) § 4.01.1 (REGULATION OF CLOTHESLINES);**~~
- 23 ~~[(9)] (10) § 4.07(i) (Board of Appeals — Education);~~
- 24 ~~[(10)] (11) § 5.03(d) (Easements for burial sites);~~

~~[(11)] (12) § 7.02 (Civil penalty for zoning violation);~~

~~[(12)] (13) § 10.01 (Adequate Public Facilities Ordinances);~~

~~[(13)] (14) § 11.01 (Transfer of Development Rights);~~

~~[(14)] (15) § 12.01 (Inclusionary Zoning); and~~

~~[(15)] (16) § 13.01 (Development Rights and Responsibilities Agreements);~~

~~4.01.1.~~

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

~~(2) (i) "SINGLE FAMILY HOME" MEANS:~~

~~1. A SINGLE FAMILY DETACHED HOME; OR~~

~~2. A TOWNHOUSE.~~

~~(ii) "SINGLE FAMILY HOME" DOES NOT INCLUDE A UNIT IN A CONDOMINIUM OR COOPERATIVE HOUSING CORPORATION.~~

~~(3) "SINGLE FAMILY PROPERTY" MEANS THE PLOT OR PARCEL OF LAND ON WHICH A SINGLE FAMILY HOME IS LOCATED AND THAT IS WITHIN THE EXCLUSIVE USE OR CONTROL OF THE HOMEOWNER OR TENANT.~~

~~(4) "TOWNHOUSE" MEANS A SINGLE FAMILY DWELLING UNIT THAT IS CONSTRUCTED IN A HORIZONTAL SERIES OF ATTACHED UNITS WITH PROPERTY LINES SEPARATING THE UNITS.~~

~~(B) A LOCAL LEGISLATIVE BODY MAY NOT PROHIBIT THE INSTALLATION OR USE OF CLOTHESLINES ON SINGLE FAMILY PROPERTY.~~

~~(C) 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.~~

1 Article – Real Property

2 14-130.

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

5 ~~(2)~~ ~~(1)~~ ~~“SINGLE-FAMILY HOME” MEANS:~~

6 1. ~~A SINGLE-FAMILY DETACHED HOME; OR~~

7 2. ~~A TOWNHOUSE.~~

8 ~~(II) “SINGLE-FAMILY HOME” DOES NOT INCLUDE A UNIT IN~~
9 ~~A CONDOMINIUM OR COOPERATIVE HOUSING CORPORATION.~~

10 ~~(3)~~ ~~(2)~~ ~~(I) “SINGLE-FAMILY PROPERTY” MEANS THE PLOT~~
11 ~~OR PARCEL OF LAND ON WHICH A SINGLE-FAMILY HOME IS LOCATED AND THAT~~
12 ~~IS WITHIN THE EXCLUSIVE USE OR CONTROL OF THE HOMEOWNER OR TENANT~~
13 ~~INCLUDES:~~

14 1. A SINGLE-FAMILY DETACHED HOME;

15 2. A TOWNHOUSE; AND

16 3. A PROPERTY THAT IS SUBJECT TO:

17 A. TITLE 11 OF THIS ARTICLE;

18 B. TITLE 11B OF THIS ARTICLE; OR

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

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

23 ~~(4)~~ ~~(3)~~ ~~“TOWNHOUSE” MEANS A SINGLE-FAMILY DWELLING~~
24 ~~UNIT THAT IS CONSTRUCTED IN A HORIZONTAL SERIES OF ATTACHED UNITS~~
25 ~~WITH PROPERTY LINES SEPARATING THE UNITS.~~

26 (B) THIS SECTION DOES NOT APPLY TO A RESTRICTION CONCERNING
27 THE INSTALLATION OR USE OF CLOTHESLINES ON HISTORIC PROPERTY THAT IS
28 LISTED IN, OR DETERMINED BY THE DIRECTOR OF THE MARYLAND HISTORICAL

1 TRUST TO BE ELIGIBLE FOR INCLUSION IN, THE MARYLAND REGISTER OF
 2 HISTORIC PROPERTIES.

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

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

16 ~~(D)~~ (E) THIS SECTION DOES NOT PROHIBIT REASONABLE
 17 RESTRICTIONS ON:

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

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

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

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

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

32 (i) IN A COMMUNITY NEWSLETTER;

33 (ii) ON A COMMUNITY BULLETIN BOARD;

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

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

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.