

SENATE BILL 224

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0lr1091

By: **Senators King, Frosh, Garagiola, Kelley, Madaleno, Peters, Pugh, and Robey**

Introduced and read first time: January 21, 2010

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Restrictions – Clotheslines or Other Similar Laundry Drying**
3 **Devices**

4 FOR the purpose of authorizing a homeowner or tenant of certain residential property
5 to use a clothesline or other similar laundry drying device on the property of the
6 homeowner or tenant notwithstanding the terms of any contract, deed,
7 covenant, restriction, instrument, declaration, rule, bylaw, lease agreement,
8 rental agreement, or any other document concerning the use of clotheslines or
9 other similar laundry drying devices on the property under certain
10 circumstances; prohibiting the terms of any contract, deed, covenant,
11 restriction, instrument, declaration, rule, bylaw, lease agreement, rental
12 agreement, or any other document concerning the use of clotheslines or other
13 similar laundry drying devices by a homeowner or tenant from prohibiting or
14 restricting the right of a homeowner or tenant to use clotheslines or other
15 similar laundry drying devices under certain circumstances; authorizing the
16 governing body of a condominium, homeowners association, or housing
17 cooperative or a landlord to adopt reasonable rules and regulations regarding
18 the timing, placement, and manner of use of clotheslines and other similar
19 laundry drying devices; requiring the governing body of a condominium,
20 homeowners association, or housing cooperative, or a landlord to hold an open
21 meeting and provide advance notice of the open meeting before adopting
22 proposed rules and regulations regarding the timing, placement, and manner of
23 use of clotheslines and other similar laundry drying devices; providing for the
24 application of this Act; and generally relating to the use of clotheslines and
25 other similar laundry drying devices by homeowners and tenants.

26 BY adding to
27 Article – Real Property
28 Section 14–128.1
29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2003 Replacement Volume and 2009 Supplement)

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

4 **Article – Real Property**

5 **14-128.1.**

6 (A) (1) EXCEPT AS PROVIDED IN SUBSECTION (A)(2) OF THIS
7 SECTION, THIS SECTION APPLIES TO ANY SINGLE-FAMILY RESIDENTIAL
8 DWELLING OR TOWNHOUSE, INCLUDING PROPERTY THAT IS SUBJECT TO THE
9 PROVISIONS OF:

10 (I) TITLE 8, TITLE 8A, TITLE 11, TITLE 11A, OR TITLE 11B
11 OF THIS ARTICLE; OR

12 (II) TITLE 5, SUBTITLE 6B OF THE CORPORATIONS AND
13 ASSOCIATIONS ARTICLE.

14 (2) THIS SECTION DOES NOT APPLY TO A BUILDING THAT:

15 (I) CONTAINS MORE THAN FOUR DWELLING UNITS; AND

16 (II) IS USED EXCLUSIVELY FOR RENTAL PURPOSES.

17 (B) NOTWITHSTANDING THE TERMS OF ANY CONTRACT, DEED,
18 COVENANT, RESTRICTION, INSTRUMENT, DECLARATION, RULE, BYLAW, LEASE
19 AGREEMENT, RENTAL AGREEMENT, OR ANY OTHER DOCUMENT CONCERNING
20 THE USE OF A CLOTHESLINE OR OTHER SIMILAR LAUNDRY DRYING DEVICE BY A
21 HOMEOWNER OR TENANT ON RESIDENTIAL PROPERTY, A HOMEOWNER OR
22 TENANT MAY USE A CLOTHESLINE OR OTHER SIMILAR LAUNDRY DRYING DEVICE
23 ON THE PROPERTY OF THE HOMEOWNER OR TENANT SUBJECT TO REASONABLE
24 RULES AND REGULATIONS ADOPTED UNDER SUBSECTION (D) OF THIS SECTION.

25 (C) THE TERMS OF ANY CONTRACT, DEED, COVENANT, RESTRICTION,
26 INSTRUMENT, DECLARATION, RULE, BYLAW, LEASE AGREEMENT, RENTAL
27 AGREEMENT, OR ANY OTHER DOCUMENT CONCERNING THE USE OF A
28 CLOTHESLINE OR OTHER SIMILAR LAUNDRY DRYING DEVICE BY A HOMEOWNER
29 OR TENANT ON RESIDENTIAL PROPERTY MAY NOT PROHIBIT OR RESTRICT THE
30 RIGHT OF A HOMEOWNER OR TENANT TO USE A CLOTHESLINE OR OTHER
31 SIMILAR LAUNDRY DRYING DEVICE ON THE PROPERTY OF THE HOMEOWNER OR
32 TENANT, SUBJECT TO REASONABLE RULES AND REGULATIONS ADOPTED UNDER
33 SUBSECTION (D) OF THIS SECTION.

1 **(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
2 **GOVERNING BODY OF A CONDOMINIUM, HOMEOWNERS ASSOCIATION, OR**
3 **HOUSING COOPERATIVE OR A LANDLORD MAY ADOPT REASONABLE RULES AND**
4 **REGULATIONS REGARDING TIMING, PLACEMENT, AND MANNER OF USE OF**
5 **CLOTHESLINES AND OTHER SIMILAR LAUNDRY DRYING DEVICES ON THE**
6 **PROPERTY OF A HOMEOWNER OR TENANT.**

7 **(2) BEFORE ADOPTING ANY RULES AND REGULATIONS UNDER**
8 **THIS SUBSECTION, THE GOVERNING BODY OF THE CONDOMINIUM,**
9 **HOMEOWNERS ASSOCIATION, OR HOUSING COOPERATIVE OR THE LANDLORD**
10 **SHALL:**

11 **(I) HOLD AN OPEN MEETING ON THE PROPOSED RULES**
12 **AND REGULATIONS FOR THE PURPOSE OF PROVIDING AFFECTED HOMEOWNERS**
13 **AND TENANTS AN OPPORTUNITY TO BE HEARD; AND**

14 **(II) PROVIDE ADVANCE NOTICE OF THE TIME AND PLACE OF**
15 **THE OPEN MEETING BY PUBLISHING THE NOTICE IN A COMMUNITY**
16 **NEWSLETTER, ON A COMMUNITY BULLETIN BOARD, BY MEANS PROVIDED IN THE**
17 **DOCUMENTS GOVERNING THE CONDOMINIUM, HOMEOWNERS ASSOCIATION, OR**
18 **HOUSING COOPERATIVE, OR IN THE LEASE, OR BY OTHER MEANS REASONABLY**
19 **CALCULATED TO INFORM THE AFFECTED HOMEOWNERS AND TENANTS.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
21 construed to apply retroactively and shall be applied to and interpreted to affect,
22 regardless of the date of adoption or effectiveness, any contract, deed, covenant,
23 restriction, instrument, declaration, rule, bylaw, lease agreement, rental agreement,
24 or any other document limiting the use of clotheslines or other similar laundry drying
25 devices by a homeowner or tenant on residential property with four or fewer dwelling
26 units.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2010.