

HOUSE BILL 279

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0lr0860

By: **Delegates Hill and Feldmark**

Introduced and read first time: January 20, 2020

Assigned to: Environment and Transportation

Committee Report: Favorable

House action: Adopted

Read second time: March 6, 2020

CHAPTER _____

1 AN ACT concerning

2 **Real Property – Restrictions on Use – Low-Impact Landscaping**

3 FOR the purpose of prohibiting a certain restriction on use from imposing unreasonable
4 limitations on low-impact landscaping under certain circumstances; providing that
5 this Act may not be construed to prohibit a certain restriction on use from including
6 certain reasonable guidelines; exempting a certain restriction on use on certain
7 historic property from the applicability of this Act; defining certain terms; and
8 generally relating to restrictions on use and low-impact landscaping.

9 BY adding to

10 Article – Real Property

11 Section 2–124

12 Annotated Code of Maryland

13 (2015 Replacement Volume and 2019 Supplement)

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 **2–124.**

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

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.



(2) (I) “LOW-IMPACT LANDSCAPING” MEANS LANDSCAPING TECHNIQUES THAT CONSERVE WATER, LOWER MAINTENANCE COSTS, PROVIDE POLLUTION PREVENTION, AND CREATE HABITAT FOR WILDLIFE.

(II) “LOW-IMPACT LANDSCAPING” INCLUDES:

1. BIO-HABITAT GARDENS AND OTHER FEATURES DESIGNED TO ATTRACT WILDLIFE;

2. POLLINATOR GARDENS AND OTHER FEATURES DESIGNED TO ATTRACT POLLINATOR SPECIES;

3. RAIN GARDENS AND OTHER FEATURES THAT USE NATURAL BIOLOGICAL PRINCIPLES TO RETURN RAINWATER TO THE SOIL AND TO FILTER RAINWATER OF EXCESS NUTRIENTS; AND

4. XERISCAPING AND OTHER FORMS OF LANDSCAPING OR GARDENING THAT REDUCE OR ELIMINATE THE NEED FOR SUPPLEMENTAL WATER FROM IRRIGATION.

(3) “RESTRICTION ON USE” INCLUDES ANY COVENANT, RESTRICTION, OR CONDITION CONTAINED IN:

(I) A DEED;

(II) A DECLARATION;

(III) A CONTRACT;

(IV) THE BYLAWS OR RULES OF A CONDOMINIUM OR HOMEOWNERS ASSOCIATION;

(V) A SECURITY INSTRUMENT; OR

(VI) ANY OTHER INSTRUMENT AFFECTING:

1. THE TRANSFER OR SALE OF REAL PROPERTY; OR

2. ANY OTHER INTEREST IN REAL PROPERTY.

(B) (1) A RESTRICTION ON USE REGARDING LAND USE MAY NOT IMPOSE OR ACT TO IMPOSE UNREASONABLE LIMITATIONS ON LOW-IMPACT LANDSCAPING,

1 PROVIDED THAT THE PROPERTY OWNER OWNS OR HAS THE RIGHT TO EXCLUSIVE
2 USE OF THE PROPERTY.

3 (2) FOR PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION, AN
4 UNREASONABLE LIMITATION INCLUDES A LIMITATION THAT:

5 (I) SIGNIFICANTLY INCREASES THE COST OF LOW-IMPACT
6 LANDSCAPING;

7 (II) SIGNIFICANTLY DECREASES THE EFFICIENCY OF
8 LOW-IMPACT LANDSCAPING; OR

9 (III) REQUIRES CULTIVATED VEGETATION TO CONSIST IN
10 WHOLE OR IN PART OF TURF GRASS.

11 (C) NOTHING IN THIS SECTION MAY BE CONSTRUED TO PROHIBIT A
12 RESTRICTION ON USE FROM INCLUDING REASONABLE DESIGN AND AESTHETIC
13 GUIDELINES REGARDING THE TYPE, NUMBER, AND LOCATION OF LOW-IMPACT
14 LANDSCAPING FEATURES.

15 (D) THIS SECTION DOES NOT APPLY TO A RESTRICTION ON USE ON HISTORIC
16 PROPERTY THAT IS LISTED IN, OR DETERMINED BY THE DIRECTOR OF THE
17 MARYLAND HISTORICAL TRUST TO BE ELIGIBLE FOR INCLUSION IN, THE
18 MARYLAND REGISTER OF HISTORIC PROPERTIES.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2020.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.