

(A) -- A PROVISION OF THE DECLARATION, RECORDED COVENANTS AND RESTRICTIONS, BYLAWS, OR RULES OF A HOMEOWNERS ASSOCIATION THAT PROHIBITS OR RESTRICTS COMMERCIAL OR BUSINESS ACTIVITY MAY NOT BE CONSTRUED TO PROHIBIT THE PROVIDING OF FAMILY DAY CARE SERVICES REGISTERED UNDER PART V OF TITLE 5, SUBTITLE 5 OF THE FAMILY LAW ARTICLE ON A LOT BY:

(1) -- THE OWNER OF THE LOT, OR

(2) -- A TENANT WHO:

(i) -- IS LEASING THE LOT IN CONFORMITY WITH ALL OTHER APPLICABLE REQUIREMENTS OF THE DECLARATION, RECORDED COVENANTS AND RESTRICTIONS, BYLAWS, AND RULES, AND

(ii) -- HAS WRITTEN APPROVAL FROM THE OWNER OF THE LOT.

(B) -- A HOMEOWNERS ASSOCIATION MAY NOT DISCRIMINATE AGAINST A LOT USED AS A FAMILY DAY CARE HOME IN THE ENFORCEMENT OF THE DECLARATION, RECORDED COVENANTS AND RESTRICTIONS, BYLAWS, OR RULES OF THE ASSOCIATION.

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

(2) "DAY CARE PROVIDER" MEANS THE ADULT WHO HAS PRIMARY RESPONSIBILITY FOR THE OPERATION OF A FAMILY DAY CARE HOME.

(3) "FAMILY DAY CARE HOME" MEANS A UNIT REGISTERED UNDER TITLE 5, SUBTITLE 5 OF THE FAMILY LAW ARTICLE.

(B) THIS SECTION DOES NOT APPLY TO A CONDOMINIUM THAT IS LIMITED TO HOUSING FOR OLDER PERSONS, AS DEFINED UNDER THE FEDERAL FAIR HOUSING ACT.

(C) (1) SUBJECT TO THE PROVISIONS OF SUBSECTIONS (D) AND (E)(1) OF THIS SECTION, A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A DECLARATION, OR A PROVISION OF THE BYLAWS OR RULES OF A CONDOMINIUM THAT PROHIBITS OR RESTRICTS COMMERCIAL OR BUSINESS ACTIVITY IN GENERAL, BUT DOES NOT EXPRESSLY APPLY TO FAMILY DAY CARE HOMES, MAY NOT BE CONSTRUED TO PROHIBIT OR RESTRICT:

(I) THE ESTABLISHMENT AND OPERATION OF FAMILY DAY CARE HOMES; OR

(II) USE OF THE ROADS, SIDEWALKS, AND OTHER COMMON ELEMENTS OF THE CONDOMINIUM BY USERS OF THE FAMILY DAY CARE HOME.