

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

(II) USE OF THE ROADS, SIDEWALKS, AND OTHER COMMON AREAS OF THE HOMEOWNERS ASSOCIATION BY USERS OF THE FAMILY DAY CARE HOME.

(2) SUBJECT TO THE PROVISIONS OF SUBSECTIONS (D) AND (E)(1) OF THIS SECTION, THE OPERATION OF A FAMILY DAY CARE HOME SHALL BE:

(I) CONSIDERED A RESIDENTIAL ACTIVITY; AND

(II) A PERMITTED ACTIVITY.

(D) (1) (I) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A HOMEOWNERS ASSOCIATION MAY INCLUDE IN ITS DECLARATION, BYLAWS, OR RECORDED COVENANTS AND RESTRICTIONS A PROVISION EXPRESSLY PROHIBITING THE USE OF A RESIDENCE AS A FAMILY DAY CARE HOME.

(II) A PROVISION DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH EXPRESSLY PROHIBITING THE USE OF A RESIDENCE AS A FAMILY DAY CARE HOME SHALL APPLY TO AN EXISTING FAMILY DAY CARE HOME IN THE HOMEOWNERS ASSOCIATION.

(2) A PROVISION DESCRIBED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION EXPRESSLY PROHIBITING THE USE OF A RESIDENCE AS A FAMILY DAY CARE HOME MAY NOT BE ENFORCED UNLESS IT IS APPROVED BY A SIMPLE MAJORITY OF THE TOTAL ELIGIBLE VOTERS OF THE HOMEOWNERS ASSOCIATION UNDER THE VOTING PROCEDURES CONTAINED IN THE DECLARATION OF BYLAWS OF THE HOMEOWNERS ASSOCIATION.

(3) IF A HOMEOWNERS ASSOCIATION INCLUDES IN ITS DECLARATION, BYLAWS, OR RECORDED COVENANTS AND RESTRICTIONS A PROVISION PROHIBITING THE USE OF A RESIDENCE AS A FAMILY DAY CARE HOME, IT SHALL ALSO INCLUDE A PROVISION STATING THAT THE PROHIBITION MAY BE ELIMINATED AND FAMILY DAY CARE HOMES MAY BE APPROVED BY A SIMPLE MAJORITY OF THE TOTAL ELIGIBLE VOTERS OF THE HOMEOWNERS ASSOCIATION UNDER THE VOTING PROCEDURES CONTAINED IN THE DECLARATION OR BYLAWS OF THE HOMEOWNERS ASSOCIATION.

(4) IF A HOMEOWNERS ASSOCIATION INCLUDES IN ITS DECLARATION, BYLAWS, OR RECORDED COVENANTS AND RESTRICTIONS A PROVISION EXPRESSLY PROHIBITING THE USE OF A RESIDENCE AS A FAMILY DAY CARE HOME, THE PROHIBITION MAY BE ELIMINATED AND FAMILY DAY CARE MAY BE PERMITTED BY THE APPROVAL OF A SIMPLE MAJORITY OF THE TOTAL ELIGIBLE VOTERS OF THE HOMEOWNERS ASSOCIATION UNDER THE VOTING PROCEDURES CONTAINED IN THE DECLARATION OR BYLAWS OF THE HOMEOWNERS ASSOCIATION.