

(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 SUBSECTION (D)(1) 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:

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

(2) USE BY CUSTOMERS OF THE FAMILY DAY CARE HOME AND CHILDREN ATTENDING THE FAMILY DAY CARE HOME OF THE ROADS, SIDEWALKS, AND OTHER COMMON AREAS OF THE DEVELOPMENT NECESSARY FOR ORDINARY INGRESS AND EGRESS TO THE FAMILY DAY CARE HOME.

(D) EXCEPT FOR THOSE COMMON AREAS DESCRIBED UNDER SUBSECTION (E)(2) OF THIS SECTION, A CONDOMINIUM MAY REQUIRE A DAY CARE PROVIDER TO PAY REASONABLE USER FEES FOR THE USE OF THE COMMON AREAS BY THE CHILDREN OF THE FAMILY DAY CARE HOME.

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

(2) SUBJECT TO THE PROVISIONS OF SUBSECTION 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.

(E)(1) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION, A CONDOMINIUM MAY INCLUDE IN ITS RECORDED COVENANTS AND RESTRICTIONS, BYLAWS, RULES, OR DECLARATION A PROVISION EXPRESSLY PROHIBITING THE USE OF A RESIDENCE AS A FAMILY DAY CARE HOME.

(2)(1) IN ORDER TO BE EFFECTIVE, A PROVISION IN THE BYLAWS OR RULES OF A HOMEOWNERS ASSOCIATION PROHIBITING THE USE OF UNITS AS FAMILY DAY CARE HOMES SHALL BE APPROVED BY THE ELIGIBLE VOTERS OF THE CONDOMINIUM BY A SIMPLE MAJORITY OF THE VOTES CAST.

(11) THE VOTE UNDER SUBPARAGRAPH (1) OF THIS PARAGRAPH SHALL BE CONDUCTED IN ACCORDANCE WITH THE TERMS OF THE BYLAWS AND RULES, EXCEPT THAT THE ELIGIBLE VOTERS SHALL BE ENTITLED TO VOTE BY ORDINARY MAIL.