

Section 2-121

Annotated Code of Maryland

(1988 Replacement Volume and 1993 Supplement)

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

**Article – Real Property**

2-121.

(A) IN THIS SECTION, "FAMILY DAY CARE HOME" MEANS A UNIT:

(1) REGISTERED UNDER TITLE 5, SUBTITLE 5 OF THE FAMILY LAW ARTICLE; AND

(2) IN WHICH THE FAMILY DAY CARE PROVIDER OR ONE OR MORE OF THE CHILDREN CARED FOR RESIDES.

(B) THIS SECTION DOES NOT APPLY TO A RECORDED COVENANT OR RESTRICTION AFFECTING PROPERTY THAT IS:

(1) GOVERNED BY THE PROVISIONS OF TITLE 11B OF THIS ARTICLE;

(2) PART OF A CONDOMINIUM REGIME GOVERNED BY TITLE 11 OF THIS ARTICLE; OR

(3) PART OF A COOPERATIVE HOUSING CORPORATION.

(C) (1) A RECORDED COVENANT OR RESTRICTION IN A DEED 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 THE ESTABLISHMENT OR OPERATION OF FAMILY DAY CARE HOMES.

(2) THE OPERATION OF A FAMILY DAY CARE HOME SHALL BE CONSIDERED A RESIDENTIAL ACTIVITY FOR PURPOSES OF CONSTRUING A COVENANT OR RESTRICTION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

(D) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO:

(1) A BUILDING CONTAINING MORE THAN FOUR DWELLING UNITS LOCATED ON ONE PARCEL OF PROPERTY OR AT ONE LOCATION; OR

(2) A COVENANT OR RESTRICTION IMPOSED IN CONNECTION WITH A LOAN MADE OR PURCHASED BY THE COMMUNITY DEVELOPMENT ADMINISTRATION UNDER ARTICLE 83B, TITLE 2, SUBTITLE 2 OF THE CODE; OR

(3) A LEASE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed retroactively and shall be applied to all recorded covenants and restrictions subject to this Act.