

House Bill 803

AN ACT concerning

Homeowners Associations - Family Day Care Homes

FOR the purpose of prohibiting a homeowners association from prohibiting the use of a residence as a family day care home until the lot owners, other than the developer, have a certain percentage of the votes in the homeowners association; specifying that the approval of certain provisions expressly prohibiting the use of a residence as a family day care home or no-impact home-based business by a simple majority of the total eligible voters does not include the developer; repealing a provision of law that regulates a certain number of family day care homes operating in the homeowners association; and generally relating to family day care homes and homeowners associations.

BY repealing and reenacting, with amendments,

Article - Real Property

Section 11B-111.1

Annotated Code of Maryland

(1996 Replacement Volume and 1998 Supplement)

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

Article - Real Property

11B-111.1.

(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.

(4) "No-impact home-based business" means a business that:

(i) Is consistent with the residential character of the dwelling unit;

(ii) Is subordinate to the use of the dwelling unit for residential purposes and requires no external modifications that detract from the residential appearance of the dwelling unit;

(iii) Uses no equipment or process that creates noise, vibration, glare, fumes, odors, or electrical or electronic interference detectable by neighbors or that causes an increase of common expenses that can be solely and directly attributable to a no-impact home-based business; and