

~~lot owners have agreed to that provides for the deletion of a certain recorded covenant or restriction under certain circumstances; specifying that certain provisions apply to covenants and restrictions even if the covenant or restriction is part of a uniform general scheme or plan of development providing for the application of this Act; and generally relating to recorded covenants or restrictions of a homeowners association that restrict ownership on the basis of race or, religious belief, or national origin.~~

BY adding to

Article – Real Property

Section 11B–113.1

Annotated Code of Maryland

(2003 Replacement Volume and 2003 Supplement)

Preamble

WHEREAS, There exists in Maryland property burdened by restrictive covenants based on race or, religious belief, or national origin that run with the land; and

WHEREAS, The Supreme Court in *Shelley v. Kraemer*, 334 U.S. 1 (1948), held that judicial enforcement of a restrictive covenant based on race would constitute state action, and therefore would violate the Fourteenth Amendment to the U.S. Constitution; and

WHEREAS, The federal Fair Housing Act prohibits discrimination in the sale, rental, and financing of dwellings based on race, religion, sex, handicap, familial status, or national origin; and

WHEREAS, Under common law, unless the covenants or other restrictions expressly provide to the contrary, covenants that run with the land may only be removed by a unanimous vote of the land owners of each parcel of land burdened or benefitted by the covenant or other restrictions; and

WHEREAS, In order to facilitate the removal of restrictive covenants based on race or, religious belief, or national origin, a change in common law regarding the removal or alteration of such covenants would be beneficial; now, therefore,

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

Article – Real Property

11B–113.1.

(A) THIS SECTION APPLIES TO ANY RECORDED COVENANT OR RESTRICTION THAT RESTRICTS OWNERSHIP BASED ON RACE OR, RELIGIOUS BELIEF, OR NATIONAL ORIGIN, INCLUDING A COVENANT OR RESTRICTION THAT IS PART OF A UNIFORM GENERAL SCHEME OR PLAN OF DEVELOPMENT.