

(b) (1) ~~This section does~~ THE PROVISIONS OF THIS SECTION RELATING TO FAMILY DAY CARE HOMES DO not apply to a homeowners association that is limited to housing for older persons, as defined under the federal Fair Housing Act.

~~(2) THE PROVISIONS OF THIS SECTION RELATING TO HOME BASED BUSINESSES DO NOT APPLY TO PROPERTIES SUBJECT TO COVENANTS ENFORCEABLE BY THE COLUMBIA ASSOCIATION OR COMMUNITY ASSOCIATIONS FOR THE VILLAGES OF COLUMBIA IN HOWARD COUNTY. THE PROVISIONS OF THIS SECTION RELATING TO NO-IMPACT HOME-BASED BUSINESSES DO NOT APPLY TO A HOMEOWNERS ASSOCIATION THAT HAS ADOPTED, PRIOR TO JULY 1, 1999, PROCEDURES IN ACCORDANCE WITH ITS COVENANTS, DECLARATION, OR BYLAWS FOR THE PROHIBITION OR REGULATION OF NO-IMPACT HOME-BASED BUSINESSES.~~

(c) (1) Subject to the provisions of 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 homeowners association that prohibits or restricts commercial or business activity in general, but does not expressly apply to family day care homes OR NO-IMPACT HOME-BASED BUSINESSES, may not be construed to prohibit or restrict:

(i) The establishment and operation of family day care homes OR NO-IMPACT HOME-BASED BUSINESSES; or

(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 OR NO-IMPACT HOME-BASED BUSINESS 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 OR NO-IMPACT HOME-BASED BUSINESS.

(ii) A provision described under subparagraph (i) of this paragraph expressly prohibiting the use of a residence as a family day care home OR NO-IMPACT HOME-BASED BUSINESS shall apply to an existing family day care home OR NO-IMPACT HOME-BASED BUSINESS 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 OR NO-IMPACT HOME-BASED BUSINESS 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 or 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 OR NO-IMPACT HOME-BASED BUSINESS, it shall also include a