

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.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A HOMEOWNERS ASSOCIATION MAY DELETE A RECORDED COVENANT OR RESTRICTION THAT RESTRICTS OWNERSHIP BASED ON RACE ~~OR~~, RELIGIOUS BELIEF, OR NATIONAL ORIGIN FROM THE DEEDS OR OTHER DECLARATIONS OF PROPERTY IN THE DEVELOPMENT IF AT LEAST 85% OF THE LOT OWNERS IN THE DEVELOPMENT AGREE TO THE DELETION OF THE RECORDED COVENANT OR RESTRICTION FROM THE DEEDS OR OTHER DECLARATIONS.

(C) IF THE DEEDS OR OTHER DECLARATIONS OF PROPERTY IN THE DEVELOPMENT EXPRESSLY PROVIDE FOR A METHOD OF AMENDMENT OR DELETION OF A RECORDED COVENANT OR RESTRICTION, A RECORDED COVENANT OR RESTRICTION THAT RESTRICTS OWNERSHIP BASED ON RACE ~~OR~~, RELIGIOUS BELIEF, OR NATIONAL ORIGIN MAY BE DELETED AS PROVIDED FOR IN THE DEEDS OR DECLARATIONS OR IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.