

Chapter 143

(House Bill 1347)

AN ACT concerning

Real Property – Impermissible Restrictions on Use – Portable Basketball Apparatuses

FOR the purpose of prohibiting a certain restriction on use regarding land from imposing unreasonable limitations on the location and use of a portable basketball apparatus under certain circumstances; exempting a certain restriction on use regarding certain historic property from the applicability of this Act; defining certain terms; and generally relating to restrictions on use regarding land and portable basketball apparatuses.

BY adding to
Article – Real Property
Section 2–124
Annotated Code of Maryland
(2015 Replacement Volume and 2020 Supplement)

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

Article – Real Property

2–124.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “PORTABLE BASKETBALL APPARATUS” MEANS A PORTABLE APPARATUS OR DEVICE DESIGNED FOR RECREATIONAL USE IN CONJUNCTION WITH THE GAME OF BASKETBALL.

(3) “RESTRICTION ON USE” INCLUDES ANY COVENANT, RESTRICTION, OR CONDITION CONTAINED IN:

(I) A DEED;

(II) A DECLARATION;

(III) A CONTRACT;

(IV) THE BYLAWS OR RULES OF A CONDOMINIUM OR HOMEOWNERS ASSOCIATION;

(V) A SECURITY INSTRUMENT; OR

(VI) ANY OTHER INSTRUMENT AFFECTING:

1. THE TRANSFER OR SALE OF REAL PROPERTY; OR

2. ANY OTHER INTEREST IN REAL PROPERTY.

(B) (1) A RESTRICTION ON USE REGARDING LAND USE MAY NOT IMPOSE OR ACT TO IMPOSE AN UNREASONABLE LIMITATION ON THE LOCATION AND USE OF A PORTABLE BASKETBALL APPARATUS, PROVIDED THAT THE PROPERTY OWNER OWNS OR HAS THE RIGHT TO EXCLUSIVE USE OF THE AREA IN WHICH PLACEMENT AND USE OF THE PORTABLE BASKETBALL APPARATUS IS TO OCCUR.

(2) FOR PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION, AN UNREASONABLE LIMITATION INCLUDES A LIMITATION THAT:

(I) SIGNIFICANTLY INCREASES THE COST OF USING A PORTABLE BASKETBALL APPARATUS; OR

(II) SIGNIFICANTLY DECREASES THE ABILITY TO USE A PORTABLE BASKETBALL APPARATUS AS DESIGNED AND INTENDED.

(C) THIS SECTION DOES NOT APPLY TO A RESTRICTION ON USE ON HISTORIC PROPERTY THAT IS LISTED IN, OR DETERMINED BY THE DIRECTOR OF THE MARYLAND HISTORICAL TRUST TO BE ELIGIBLE FOR INCLUSION IN, THE MARYLAND REGISTER OF HISTORIC PROPERTIES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.

Approved by the Governor, May 18, 2021.