

HOUSE BILL 567

N1

3lr2129

By: **Delegate R. Lewis**

Introduced and read first time: February 3, 2023

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Residential Property – Affordable Housing Land Trusts – Authority to Establish**
3 **Condominium Regimes**

4 FOR the purpose of authorizing a condominium regime to be established on certain
5 property owned by an affordable housing land trust; and generally relating to the
6 authority to establish condominium regimes.

7 BY repealing and reenacting, with amendments,
8 Article – Real Property
9 Section 11–102(a)
10 Annotated Code of Maryland
11 (2015 Replacement Volume and 2022 Supplement)

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

14 **Article – Real Property**

15 11–102.

16 (a) (1) The fee simple owner or lessee under a lease that exceeds 60 years of
17 any property in the State may subject the property to a condominium regime by recording
18 among the land records of the county where the property is located, a declaration, bylaws,
19 and condominium plat that comply with the requirements specified in this title.

20 (2) (i) Notwithstanding the provisions of paragraph (1) of this
21 subsection, a leasehold estate may not be subjected to a condominium regime if it is used
22 for residential purposes unless the State, a county that has adopted charter home rule
23 under Article XI–A of the Maryland Constitution, a municipal corporation, AN
24 **AFFORDABLE HOUSING LAND TRUST AS DEFINED IN § 14–501 OF THIS ARTICLE**, or,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 subject to the provisions of subparagraph (ii) of this paragraph, the Washington
2 Metropolitan Area Transit Authority is the owner of the reversionary fee simple estate.

3 (ii) The Washington Metropolitan Area Transit Authority may
4 establish a leasehold estate for a condominium regime that is used for residential purposes
5 under subparagraph (i) of this paragraph if, when the initial term of the lease expires, there
6 is a provision in the lease that allows the lessee to automatically renew the lease for another
7 term.

8 (3) Notwithstanding paragraph (2) of this subsection or any declaration,
9 rule, or bylaw, a developer or any other person may not be prohibited from granting a
10 leasehold estate in an individual unit used for residential purposes.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2023.