

# SENATE BILL 570

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By: **Senator West**

Introduced and read first time: January 31, 2020

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 5, 2020

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Real Property – Notice of Easements, Covenants, Restrictions, and Conditions –**  
3 **Recordation**

4 FOR the purpose of authorizing notice of certain easements, covenants, restrictions, and  
5 conditions to be recorded in the land records of the county in which the property  
6 interest is located; specifying the information required to be provided in the notice;  
7 requiring that the notice be indexed for recording in a certain manner; providing that  
8 failure to record a notice in accordance with this Act does not impair the rights or  
9 interests of the holder of ~~an~~ a certain easement, ~~a~~ covenant, ~~a~~ restriction, or ~~a~~  
10 condition or waive, release, or otherwise affect certain obligations; and generally  
11 relating to easements, covenants, restrictions, and conditions.

12 BY adding to  
13 Article – Real Property  
14 Section 3–102.1  
15 Annotated Code of Maryland  
16 (2015 Replacement Volume and 2019 Supplement)

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

19 **Article – Real Property**

20 **3–102.1.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (A) IF A RECORDED EASEMENT, ~~A COVENANT, A RESTRICTION, OR A~~  
2 COVENANT, RESTRICTION, OR CONDITION HAS BEEN GRANTED, DEVISED,  
3 DEDICATED, RESERVED, OR DONATED TO, OR OTHERWISE AFFECTS AN INTEREST IN,  
4 REAL PROPERTY, A NOTICE OF THE EASEMENT, COVENANT, RESTRICTION, OR  
5 CONDITION MAY BE RECORDED IN THE LAND RECORDS OF THE COUNTY IN WHICH  
6 THE PROPERTY INTEREST IS LOCATED.

7 (B) A NOTICE RECORDED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

8 (1) STATE, IF KNOWN, THE NAME AND CURRENT ADDRESS OF THE:

9 (I) THE CURRENT HOLDER OF THE EASEMENT, COVENANT,  
10 RESTRICTION, OR CONDITION; AND

11 (II) ANY NEIGHBORHOOD ASSOCIATION RELEVANT TO THE  
12 EASEMENT, COVENANT, RESTRICTION, OR CONDITION;

13 (2) CONTAIN A STATEMENT THAT THE EASEMENT, COVENANT,  
14 RESTRICTION, OR CONDITION IS STILL IN EFFECT AS OF THE DATE OF THE NOTICE;

15 (3) CONTAIN THE RECORDING INFORMATION FOR THE ~~ORIGINAL~~  
16 EASEMENT, COVENANT, RESTRICTION, OR CONDITION AND THE RECORDING  
17 INFORMATION FOR ANY ASSOCIATED AMENDMENT OR CORRECTIVE DOCUMENT;  
18 AND

19 (4) STATE, AS OF THE DATE OF THE NOTICE, THE NAME OF THE FEE  
20 SIMPLE OWNER AND, IF APPLICABLE, A LEASEHOLD OWNER OF THE LAND  
21 ENCUMBERED BY THE ~~ORIGINAL~~ EASEMENT, COVENANT, RESTRICTION, OR  
22 CONDITION AS OF THE DATE OF THE NOTICE AND, IF APPLICABLE AND KNOWN:

23 (I) THE OWNER OF ANY RECORDED LEASEHOLD ESTATE OR  
24 HOLDER OF ANY OTHER REAL PROPERTY INTEREST IN LAND ENCUMBERED BY THE  
25 EASEMENT, COVENANT, RESTRICTION, OR CONDITION; AND

26 (II) ANY NEIGHBORHOOD ASSOCIATION RELEVANT TO THE  
27 LAND ENCUMBERED BY THE EASEMENT, COVENANT, RESTRICTION, OR CONDITION.

28 (C) A NOTICE RECORDED UNDER SUBSECTION (A) OF THIS SECTION SHALL  
29 BE INDEXED AMONG THE LAND RECORDS UNDER THE NAME OF:

30 (1) THE HOLDER OF THE EASEMENT, COVENANT, RESTRICTION, OR  
31 CONDITION; AND

1           **(2) THE FEE SIMPLE OWNER ~~AND, IF APPLICABLE, A LEASEHOLD~~**  
2 **~~OWNER~~ OF THE LAND ENCUMBERED BY THE ~~ORIGINAL~~ EASEMENT, COVENANT,**  
3 **RESTRICTION, OR CONDITION, AS SPECIFIED IN THE NOTICE AND, IF APPLICABLE**  
4 **AND KNOWN:**

5                   **(I) THE OWNER OF ANY RECORDED LEASEHOLD ESTATE OR**  
6 **HOLDER OF ANY OTHER REAL PROPERTY INTEREST IN LAND ENCUMBERED BY THE**  
7 **EASEMENT, COVENANT, RESTRICTION, OR CONDITION; AND**

8                   **(II) ANY NEIGHBORHOOD ASSOCIATION RELEVANT TO LAND**  
9 **ENCUMBERED BY THE EASEMENT, COVENANT, RESTRICTION, OR CONDITION.**

10           **(D) FAILURE TO RECORD A NOTICE IN ACCORDANCE WITH THE**  
11 **REQUIREMENTS OF THIS SECTION DOES NOT ~~IMPAIR:~~**

12                   **(1) IMPAIR THE RIGHTS OR INTERESTS OF THE HOLDER OF AN**  
13 **EASEMENT, A COVENANT, A RESTRICTION, OR A CONDITION; OR**

14                   **(2) WAIVE, RELEASE, OR OTHERWISE AFFECT THE OBLIGATIONS OF**  
15 **ANY PERSON HOLDING A REAL PROPERTY INTEREST BURDENED BY THE EASEMENT,**  
16 **COVENANT, RESTRICTION, OR CONDITION.**

17           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2020.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.