

HOUSE BILL 248

N1

1lr1040

(PRE-FILED)

By: **Delegate Shetty**

Requested: October 20, 2020

Introduced and read first time: January 13, 2021

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Condominiums and Homeowners Associations – Rights and Restrictions –**
3 **Composting**

4 FOR the purpose of prohibiting a recorded covenant or restriction, a provision in a
5 declaration, or a provision in the bylaws or rules of a condominium or a homeowners
6 association from restricting or prohibiting a certain owner from composting organic
7 waste materials for certain uses under certain circumstances or contracting with a
8 private entity for the collection of organic waste materials for composting at a
9 composting facility; providing for the interpretation of a certain covenant, restriction,
10 or provision that unreasonably impedes the ability of a private entity to access
11 certain common elements for the purpose of collecting certain organic waste
12 materials; defining certain terms; and generally relating to condominiums and
13 homeowners associations.

14 BY repealing and reenacting, without amendments,
15 Article – Environment
16 Section 9–1701(a) and (e)
17 Annotated Code of Maryland
18 (2014 Replacement Volume and 2020 Supplement)

19 BY adding to
20 Article – Real Property
21 Section 11–111.4 and 11B–111.8
22 Annotated Code of Maryland
23 (2015 Replacement Volume and 2020 Supplement)

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

26 **Article – Environment**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 9-1701.

2 (a) In this subtitle the following words have the meanings indicated.

3 (e) (1) "Composting facility" means a facility where composting takes place.

4 (2) "Composting facility" does not include a facility that is required to
5 obtain:

6 (i) A natural wood waste recycling facility permit in accordance with
7 this title;

8 (ii) A sewage sludge utilization permit in accordance with this title;
9 or

10 (iii) A refuse disposal permit in accordance with this title.

11 **Article – Real Property**

12 **11-111.4.**

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

15 **(2) "COMPOSTING" MEANS THE CONTROLLED AEROBIC BIOLOGICAL**
16 **DECOMPOSITION OF ORGANIC WASTE MATERIAL.**

17 **(3) "COMPOSTING FACILITY" HAS THE MEANING STATED IN § 9-1701**
18 **OF THE ENVIRONMENT ARTICLE.**

19 **(B) A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A**
20 **DECLARATION, OR A PROVISION IN THE BYLAWS OR RULES OF A CONDOMINIUM MAY**
21 **NOT RESTRICT OR PROHIBIT A UNIT OWNER FROM:**

22 **(1) COMPOSTING ORGANIC WASTE MATERIALS FOR THE UNIT**
23 **OWNER'S PERSONAL OR HOUSEHOLD USE, PROVIDED THAT THE UNIT OWNER OWNS**
24 **OR HAS THE RIGHT TO EXCLUSIVE USE OF THE AREA WHERE THE COMPOSTING IS**
25 **CONDUCTED; OR**

26 **(2) CONTRACTING WITH A PRIVATE ENTITY TO COLLECT ORGANIC**
27 **WASTE MATERIALS FROM THE UNIT OWNER FOR COMPOSTING AT A COMPOSTING**
28 **FACILITY.**

1 (C) A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A
2 DECLARATION, OR A PROVISION IN THE BYLAWS OR RULES OF A CONDOMINIUM
3 THAT UNREASONABLY IMPEDES THE ABILITY OF A PRIVATE ENTITY TO ACCESS THE
4 COMMON ELEMENTS FOR THE PURPOSE OF COLLECTING ORGANIC WASTE
5 MATERIALS FROM A UNIT OWNER SHALL BE INTERPRETED AS A RESTRICTION ON
6 THE UNIT OWNER'S RIGHT TO CONTRACT FOR PRIVATE COMPOSTING SERVICES
7 UNDER SUBSECTION (B)(2) OF THIS SECTION.

8 11B-111.8.

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

11 (2) "COMPOSTING" MEANS THE CONTROLLED AEROBIC BIOLOGICAL
12 DECOMPOSITION OF ORGANIC WASTE MATERIAL.

13 (3) "COMPOSTING FACILITY" HAS THE MEANING STATED IN § 9-1701
14 OF THE ENVIRONMENT ARTICLE.

15 (B) A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A
16 DECLARATION, OR A PROVISION IN THE BYLAWS OR RULES OF A HOMEOWNERS
17 ASSOCIATION MAY NOT RESTRICT OR PROHIBIT A LOT OWNER FROM:

18 (1) COMPOSTING ORGANIC WASTE MATERIALS FOR THE LOT OWNER'S
19 PERSONAL OR HOUSEHOLD USE, PROVIDED THAT THE LOT OWNER OWNS OR HAS
20 THE RIGHT TO EXCLUSIVE USE OF THE AREA WHERE THE COMPOSTING IS
21 CONDUCTED; OR

22 (2) CONTRACTING WITH A PRIVATE ENTITY TO COLLECT ORGANIC
23 WASTE MATERIALS FROM THE LOT OWNER FOR COMPOSTING AT A COMPOSTING
24 FACILITY.

25 (C) A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A
26 DECLARATION, OR A PROVISION IN THE BYLAWS OR RULES OF A HOMEOWNERS
27 ASSOCIATION THAT UNREASONABLY IMPEDES THE ABILITY OF A PRIVATE ENTITY TO
28 ACCESS THE COMMON ELEMENTS FOR THE PURPOSE OF COLLECTING ORGANIC
29 WASTE MATERIALS FROM A LOT OWNER SHALL BE INTERPRETED AS A RESTRICTION
30 ON THE LOT OWNER'S RIGHT TO CONTRACT FOR PRIVATE COMPOSTING SERVICES
31 UNDER SUBSECTION (B)(2) OF THIS SECTION.

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