

CHAPTER 145

(House Bill 1129)

AN ACT concerning

Real Property – Homeowners Associations – Amendment of Governing Documents

FOR the purpose of authorizing the governing documents of certain homeowners associations to be amended by a certain percentage of votes and at a certain frequency, unless the governing document provides for a lower percentage and a greater frequency; defining a certain term; and generally relating to amendment of the governing documents of a homeowners association.

BY renumbering

Article – Real Property

Section 11B–116

to be Section 11B–117

Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)

BY adding to

Article – Real Property

Section 11B–116

Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 11B–116 of Article – Real Property of the Annotated Code of Maryland be renumbered to be Section(s) 11B–117.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Real Property

11B–116.

(A) IN THIS SECTION, “GOVERNING DOCUMENT” INCLUDES:

(1) A DECLARATION;

(2) BYLAWS;

- (3) A DEED AND AGREEMENT; AND
- (4) RECORDED COVENANTS AND RESTRICTIONS.

(B) NOTWITHSTANDING THE PROVISIONS OF A GOVERNING DOCUMENT, A HOMEOWNERS ASSOCIATION CREATED BEFORE JANUARY 1, 1960, MAY AMEND THE GOVERNING DOCUMENT; ONCE EVERY 5 YEARS, OR MORE FREQUENTLY IF ALLOWED BY THE GOVERNING DOCUMENT, BY THE AFFIRMATIVE VOTE OF LOT OWNERS HAVING AT LEAST TWO-THIRDS OF THE VOTES IN THE DEVELOPMENT, OR BY A LOWER PERCENTAGE IF REQUIRED IN THE GOVERNING DOCUMENT.

~~(1) UNLESS A LOWER PERCENTAGE IS REQUIRED IN THE GOVERNING DOCUMENT, BY THE AFFIRMATIVE VOTE OF LOT OWNERS HAVING AT LEAST TWO-THIRDS OF THE VOTES IN THE DEVELOPMENT; AND~~

~~(2) UNLESS A GREATER FREQUENCY IS ALLOWED BY THE GOVERNING DOCUMENT, AT LEAST ONCE EVERY 5 YEARS.~~

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, April 24, 2008.