

SENATE BILL 532

N1

11r2272
CF HB 99

By: **Senators Currie and Benson**

Introduced and read first time: February 4, 2011

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 22, 2011

CHAPTER _____

1 AN ACT concerning

2 **Real Property – Homeowners Association Elections – Enforcement by the**
3 **Division of Consumer Protection**

4 FOR the purpose of ~~providing that a violation of a provision of the governing~~
5 ~~documents of a homeowners association that regulates procedures for the~~
6 ~~election of the governing body of the association is within the enforcement~~
7 ~~duties and powers of~~ authorizing a lot owner who believes that the board of
8 directors or other governing body of a homeowners association has failed to
9 comply with the election procedures provisions of the governing documents of
10 the homeowners association to submit the dispute to the Division of Consumer
11 Protection of the Office of the Attorney General if the provisions concern certain
12 elements of the election procedures; and generally relating to enforcement of the
13 election procedures of a homeowners association.

14 BY repealing and reenacting, ~~with~~ without amendments,
15 Article – Real Property
16 Section 11B–115(c)
17 Annotated Code of Maryland
18 (2010 Replacement Volume and 2010 Supplement)

19 BY adding to
20 Article – Real Property
21 Section 11B–115.1
22 Annotated Code of Maryland
23 (2010 Replacement Volume and 2010 Supplement)

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

3 **Article – Real Property**

4 11B–115.

5 (c) (1) ~~¶~~ ~~To the extent that a~~ ~~¶~~ ~~A violation~~ ~~¶~~ ~~of any provision of this title~~
6 ~~affects a consumer, that violation shall be~~ ~~¶~~ ~~is~~ ~~within the scope of the enforcement~~
7 ~~duties and powers of the Division of Consumer Protection of the Office of the Attorney~~
8 ~~General, as described in Title 13 of the Commercial Law Article,~~ ~~IF THE VIOLATION~~
9 ~~IS OF:~~

10 ~~(I) ANY PROVISION OF THIS TITLE, TO THE EXTENT THAT~~
11 ~~THE VIOLATION AFFECTS A CONSUMER; OR~~

12 ~~(H) A PROVISION OF THE GOVERNING DOCUMENTS OF A~~
13 ~~HOMEOWNERS ASSOCIATION THAT REGULATES PROCEDURES FOR THE~~
14 ~~ELECTION OF THE GOVERNING BODY OF THE HOMEOWNERS ASSOCIATION.~~

15 (2) The provisions of this title shall otherwise be enforced by each unit
16 of State government within the scope of the authority of the unit.

17 **11B–115.1.**

18 **A LOT OWNER WHO BELIEVES THAT THE BOARD OF DIRECTORS OR OTHER**
19 **GOVERNING BODY OF A HOMEOWNERS ASSOCIATION HAS FAILED TO COMPLY**
20 **WITH THE ELECTION PROCEDURES PROVISIONS OF THE GOVERNING**
21 **DOCUMENTS OF THE HOMEOWNERS ASSOCIATION MAY SUBMIT THE DISPUTE TO**
22 **THE DIVISION OF CONSUMER PROTECTION OF THE OFFICE OF THE ATTORNEY**
23 **GENERAL IF THE PROVISIONS CONCERN:**

24 **(1) NOTICE ABOUT THE DATE, TIME, AND PLACE FOR THE**
25 **ELECTION OF THE BOARD OF DIRECTORS OR OTHER GOVERNING BODY;**

26 **(2) THE MANNER IN WHICH A CALL IS MADE FOR NOMINATIONS**
27 **FOR THE BOARD OF DIRECTORS OR OTHER GOVERNING BODY;**

28 **(3) THE FORMAT OF THE ELECTION BALLOT;**

29 **(4) THE FORMAT, PROVISION, AND USE OF PROXIES DURING THE**
30 **ELECTION PROCESS; OR**

1 **(5) THE MANNER IN WHICH A QUORUM IS DETERMINED FOR**
2 **ELECTION PURPOSES.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2011.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.