HOUSE BILL 548

N1 4lr2210
CF 4lr1475

By: **Delegate Beidle**
Introduced and read first time: January 29, 2014
Assigned to: Environmental Matters

A BILL ENTITLED

AN ACT concerning

Condominium Boards of Directors – Membership – Prohibition on Married Couples

FOR the purpose of prohibiting the qualifications established for members of a condominium board of directors from authorizing two individuals who are married to each other to serve as members of the board at the same time; making a conforming change to provisions relating to nominating candidates for a board of directors; providing for the application of this Act; and generally relating to condominium board membership qualifications and married couples.

BY repealing and reenacting, without amendments,
Article – Real Property
Section 11–109(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–109(b) and (c)(13)
Annotated Code of Maryland
(2010 Replacement Volume and 2013 Supplement)

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

Article – Real Property

11–109.

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

(a) The affairs of the condominium shall be governed by a council of unit owners which, even if unincorporated, is constituted a legal entity for all purposes. The council of unit owners shall be comprised of all unit owners.

(b) **(1)** **[**The**]** **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** bylaws may authorize or provide for the delegation of any power of the council of unit owners to a board of directors, officers, managing agent, or other person for the purpose of carrying out the responsibilities of the council of unit owners.

(2) THE QUALIFICATIONS ESTABLISHED FOR MEMBERS OF A BOARD OF DIRECTORS TO WHICH A COUNCIL OF UNIT OWNERS HAS DELEGATED POWER UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT AUTHORIZE TWO INDIVIDUALS WHO ARE MARRIED TO EACH OTHER TO SERVE AS MEMBERS OF THE BOARD AT THE SAME TIME, REGARDLESS OF WHETHER BOTH INDIVIDUALS ARE UNIT OWNERS.

(c) (13) Unless otherwise provided in the bylaws **AND EXCEPT AS PROVIDED IN SUBSECTION (B)(2) OF THIS SECTION**, a unit owner may nominate himself or any other person to be an officer or member of the board of directors. A call for nominations shall be sent to all unit owners not less than 45 days before notice of an election is sent. Only nominations made at least 15 days before notice of an election shall be listed on the election ballot. Candidates shall be listed on the ballot in alphabetical order, with no indicated candidate preference. Nominations may be made from the floor at the meeting at which the election to the board is held.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any condominium board of directors elected before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.