

SENATE BILL 865

N1, C1

4r3041
CF 4r2159

By: **Senator Benson**

Introduced and read first time: January 31, 2014

Assigned to: Judicial Proceedings

A BILL ENTITLED

AN ACT concerning

Maryland Cooperative Housing Act – Transparency Requirements and Member Rights

FOR the purpose of requiring certain meetings of a cooperative housing corporation to be open to the members of the cooperative housing corporation; requiring that members be given reasonable notice of certain meetings of the cooperative housing corporation; requiring the governing body of a cooperative housing corporation to provide a designated period of time during a meeting to allow members an opportunity to comment on certain matters, subject to certain rules and provisions of law; requiring the governing body of a cooperative housing corporation to convene a certain number of meetings each year at which the agenda is open to any matter relating to the cooperative housing corporation; specifying the reasons for which a cooperative housing corporation may hold a meeting in closed session; placing certain limitations on the actions that may be taken at a closed meeting of a cooperative housing corporation; requiring the minutes of a certain meeting of a cooperative housing corporation to include certain information relating to a closed meeting of the cooperative housing corporation; requiring a cooperative housing corporation to allow any member to distribute certain written information or materials in a certain place and in a certain manner; authorizing a cooperative housing corporation to place reasonable restrictions on the time of any distribution of written information or materials; authorizing the members of a cooperative housing corporation to meet in certain areas for certain purposes, subject to reasonable rules adopted by the governing body; requiring certain cooperative housing corporations to deposit into a certain depository certain disclosures on or before a certain date or within a certain time frame; providing that certain disclosures are unenforceable until the time they are deposited; establishing a cooperative housing corporation depository in the office of the clerk of the court in each county and the City of Baltimore; requiring the clerk of court to establish and maintain the depository for a certain purpose, consistent with certain duties of a clerk of court; describing the form, contents, and availability of the depository;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



authorizing the clerk of court to regulate the form and manner of documents deposited into the depository, to collect certain fees, and to adopt certain regulations to implement the depository; requiring the clerk of court to permit the deposit of copies of disclosures, however reproduced; requiring the State Court Administrator to establish certain fees in order to cover certain costs related to the depository; requiring the clerk of court to maintain a depository index and to file certain disclosures in a certain manner; providing that material contained in the depository may not be viewed as recorded under certain circumstances; authorizing a proprietary lease or the bylaws of a cooperative housing corporation to provide for certain late charges, subject to certain requirements and limitations; establishing a certain dispute settlement mechanism for certain complaints or demands arising between certain cooperative housing corporations and their members; prohibiting the governing body of a cooperative housing corporation from taking certain actions with respect to the rights of a member for a violation of certain rules or provisions, unless the governing body follows certain procedures; authorizing a member to appeal a certain decision of the governing body of a cooperative housing corporation to the courts of Maryland; authorizing the governing body or certain members of a cooperative housing corporation to sue a certain member for certain damages or for injunctive relief, under certain circumstances; authorizing a court to award certain fees to the prevailing party in a certain proceeding; providing that the failure of a governing body to enforce certain provisions is not a waiver of the right to enforce the provision on other occasions; prohibiting the governing body of a certain cooperative housing corporation from bringing an action to evict a member based on the failure of the member to pay certain assessments, except under certain circumstances; defining certain terms; and generally relating to cooperative housing corporations.

BY renumbering

Article – Corporations and Associations

Section 5–6B–18.1 through 5–6B–18.6 and 5–6B–19 and 5–6B–20, respectively to be Section 5–6B–22 through 5–6B–27 and 5–6B–33 and 5–6B–34, respectively

Annotated Code of Maryland

(2007 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Corporations and Associations

Section 5–6B–01 and 5–6B–27(d)

Annotated Code of Maryland

(2007 Replacement Volume and 2013 Supplement)

BY adding to

Article – Corporations and Associations

Section 5–6B–19 through 5–6B–21 and 5–6B–28 through 5–6B–32

Annotated Code of Maryland

(2007 Replacement Volume and 2013 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 5-6B-18.1 through 5-6B-18.6 and 5-6B-19 and 5-6B-20, respectively, of Article – Corporations and Associations of the Annotated Code of Maryland be renumbered to be Section(s) 5-6B-22 through 5-6B-27 and 5-6B-33 and 5-6B-34, respectively.

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

Article – Corporations and Associations

5-6B-01.

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

(b) “Articles of incorporation” means the charter by which a cooperative housing corporation becomes incorporated under this article.

(c) “ASSESSMENT” MEANS ANY SHARE OF COMMON COSTS OR OTHER EXPENSE CHARGED TO A MEMBER BY A COOPERATIVE HOUSING CORPORATION.

[(c)] (D) “Blanket encumbrance” means any contract binding on a cooperative housing corporation and creating a lien or security interest or other encumbrance or imposing restrictions on any real or personal property owned by the cooperative housing corporation.

[(d)] (E) “Bylaws” means the document which details and governs the internal organization and operation of the cooperative housing corporation.

[(e)] (F) “Conversion” means the creation of a cooperative housing corporation from a property which was immediately previously a residential rental facility.

[(f)] (G) “Cooperative housing corporation” means a domestic or foreign corporation qualified in this State, either stock or nonstock, having only one class of stock or membership, in which each stockholder or member, by virtue of such ownership or membership, has a cooperative interest in the corporation.

[(g)] (H) “Cooperative interest” means the ownership interest in a cooperative housing corporation which is coupled with a possessory interest in real or personal property or both and evidenced by a membership certificate.

[(h)] (I) “Cooperative project” means all the real and personal property in this State owned or leased by the cooperative housing corporation for the primary purpose of residential use.

(J) “DEPOSITORY” MEANS THE COOPERATIVE HOUSING CORPORATION DEPOSITORY CREATED BY THE CLERK OF THE COURT OF EACH COUNTY AND THE CITY OF BALTIMORE WHERE A COOPERATIVE HOUSING CORPORATION MAY DEPOSIT INFORMATION AS REQUIRED BY THIS SUBTITLE.

[(i)] (K) (1) “Developer” means a person who:

(i) Owns an equitable interest, including a cooperative interest, in a unit prior to its initial sale to a member of the public;

(ii) Exercises control over cooperative interests before they are transferred to initial purchasers, excluding management agents and sales agents acting in their capacities as such; or

(iii) Receives a material portion of the sales proceeds, not including customary brokerage commissions or payment for indebtedness to an institutional banker, from the initial sale of a cooperative interest to a member of the public.

(2) “Developer” does not include a cooperative housing corporation.

[(j)] (L) “Electronic transmission” means any form of communication, not directly involving the physical transmission of paper, that creates a record that:

(1) May be retained, retrieved, and reviewed by a recipient of the communication; and

(2) May be reproduced directly in paper form by a recipient through an automated process.

(M) “GOVERNING BODY” MEANS THE BOARD OF DIRECTORS OR OTHER ENTITY ESTABLISHED TO GOVERN THE COOPERATIVE HOUSING CORPORATION.

[(k)] (N) “Initial purchaser” means a member of the public, not an affiliate of or a successor to the developer, who, for value, acquires a cooperative interest as part of the initial sale of a cooperative interest which is used for residential purposes.

[(l)] (O) “Initial sale” means the first transfer of a cooperative interest to an initial purchaser.

[(m)] (P) “Member” means a person who owns a cooperative interest.

[(n)] (Q) “Membership certificate” means:

- (1) A document, including a stock certificate issued by a cooperative housing corporation, evidencing ownership of a cooperative interest; or
- (2) If there is no other document which satisfies paragraph (1) of this subsection, a proprietary lease.

[(o)] (R) “Moving expenses” means costs incurred to:

- (1) Hire contractors, labor, trucks, or equipment for the transportation of personal property;
- (2) Pack and unpack personal property;
- (3) Disconnect and install personal property;
- (4) Insure personal property to be moved; and
- (5) Disconnect and reconnect utilities such as telephone service, gas, water, and electricity.

[(p)] (S) “No–impact home–based business” means a business that:

- (1) Is consistent with the residential character of the dwelling unit;
- (2) Is subordinate to the use of the dwelling unit for residential purposes and requires no external modifications that detract from the residential appearance of the dwelling unit;
- (3) Uses no equipment or process that creates noise, vibration, glare, fumes, odors, or electrical or electronic interference detectable by neighbors; and
- (4) Does not involve use, storage, or disposal of any grouping or classification of materials that the United States Secretary of Transportation or the State or any local governing body designates as a hazardous material.

[(q)] (T) (1) “Proprietary lease” means an agreement with the cooperative housing corporation under which a member has an exclusive possessory interest in a unit and a possessory interest in common with other members in that portion of a cooperative project not constituting units and which creates a legal relationship of landlord and tenant between the cooperative housing corporation and the member, respectively.

(2) “Proprietary lease” includes, if there is no other document that satisfies paragraph (1) of this subsection, a membership certificate.

~~[(r)]~~ (U) “Residential rental facility” means property containing at least 10 dwelling units leased for residential purposes.

~~[(s)]~~ (V) “Unit” means a portion of the cooperative project leased for exclusive occupancy by a member under a proprietary lease.

5-6B-19.

(A) THIS SECTION APPLIES TO ANY MEETING OF A COOPERATIVE HOUSING CORPORATION, THE GOVERNING BODY OF A COOPERATIVE HOUSING CORPORATION, OR A COMMITTEE OF A COOPERATIVE HOUSING CORPORATION, NOTWITHSTANDING ANYTHING CONTAINED IN THE DOCUMENTS OF THE COOPERATIVE HOUSING CORPORATION.

(B) SUBJECT TO THE PROVISIONS OF SUBSECTION (E) OF THIS SECTION, ALL MEETINGS OF THE COOPERATIVE HOUSING CORPORATION SHALL BE OPEN TO THE MEMBERS OF THE COOPERATIVE HOUSING CORPORATION OR THEIR AGENTS.

(C) ALL MEMBERS SHALL BE GIVEN REASONABLE NOTICE OF ALL REGULARLY SCHEDULED OPEN MEETINGS OF THE COOPERATIVE HOUSING CORPORATION.

(D) (1) THIS SUBSECTION DOES NOT APPLY TO A MEETING OF A GOVERNING BODY THAT OCCURS AT ANY TIME BEFORE THE MEMBERS, OTHER THAN THE DEVELOPER, HAVE A MAJORITY OF VOTES IN THE COOPERATIVE HOUSING CORPORATION.

(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION AND TO REASONABLE RULES ADOPTED BY A GOVERNING BODY, A GOVERNING BODY SHALL PROVIDE A DESIGNATED PERIOD OF TIME DURING A MEETING TO ALLOW MEMBERS AN OPPORTUNITY TO COMMENT ON ANY MATTER RELATING TO THE COOPERATIVE HOUSING CORPORATION.

(3) DURING A MEETING AT WHICH THE AGENDA IS LIMITED TO SPECIFIC TOPICS OR AT A SPECIAL MEETING, THE COMMENTS OF MEMBERS MAY BE LIMITED TO THE TOPICS LISTED ON THE MEETING AGENDA.

(4) THE GOVERNING BODY SHALL CONVENE AT LEAST ONE MEETING EACH YEAR AT WHICH THE AGENDA IS OPEN TO ANY MATTER RELATING TO THE COOPERATIVE HOUSING CORPORATION.

(E) (1) A MEETING OF A COOPERATIVE HOUSING CORPORATION MAY BE HELD IN CLOSED SESSION ONLY FOR THE PURPOSE OF:

(I) DISCUSSING MATTERS PERTAINING TO EMPLOYEES AND PERSONNEL;

(II) PROTECTING THE PRIVACY OR REPUTATION OF INDIVIDUALS IN MATTERS NOT RELATED TO THE BUSINESS OF THE COOPERATIVE HOUSING CORPORATION;

(III) CONSULTING WITH LEGAL COUNSEL ON LEGAL MATTERS;

(IV) CONSULTING WITH STAFF PERSONNEL, CONSULTANTS, ATTORNEYS, BOARD MEMBERS, OR OTHER PERSONS IN CONNECTION WITH PENDING OR POTENTIAL LITIGATION OR OTHER LEGAL MATTERS;

(V) CONDUCTING INVESTIGATIVE PROCEEDINGS CONCERNING POSSIBLE OR ACTUAL CRIMINAL MISCONDUCT;

(VI) CONSIDERING THE TERMS OR CONDITIONS OF A BUSINESS TRANSACTION IN THE NEGOTIATION STAGE IF THE DISCLOSURE COULD ADVERSELY AFFECT THE ECONOMIC INTERESTS OF THE COOPERATIVE HOUSING CORPORATION;

(VII) COMPLYING WITH A SPECIFIC CONSTITUTIONAL, STATUTORY, OR JUDICIALLY IMPOSED REQUIREMENT PROTECTING PARTICULAR PROCEEDINGS OR MATTERS FROM PUBLIC DISCLOSURE; OR

(VIII) DISCUSSING INDIVIDUAL OWNER ASSESSMENT ACCOUNTS.

(2) IF A MEETING IS HELD IN CLOSED SESSION UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(I) AN ACTION MAY NOT BE TAKEN AND A MATTER MAY NOT BE DISCUSSED IF IT IS NOT PERMITTED BY PARAGRAPH (1) OF THIS SUBSECTION; AND

(II) THE MINUTES OF THE NEXT MEETING OF THE COOPERATIVE HOUSING CORPORATION SHALL INCLUDE:

1. A STATEMENT OF THE TIME, PLACE, AND PURPOSE OF A CLOSED MEETING;

2. A RECORD OF THE VOTE OF EACH BOARD OR COMMITTEE MEMBER BY WHICH THE MEETING WAS CLOSED; AND

3. A STATEMENT OF THE AUTHORITY UNDER THIS SUBSECTION FOR CLOSING THE MEETING.

5-6B-20.

(A) THIS SECTION DOES NOT APPLY TO THE DISTRIBUTION OF INFORMATION OR MATERIALS AT ANY TIME BEFORE THE MEMBERS, OTHER THAN THE DEVELOPER, HAVE A MAJORITY OF VOTES IN THE COOPERATIVE HOUSING CORPORATION.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A COOPERATIVE HOUSING CORPORATION SHALL ALLOW ANY MEMBER TO DISTRIBUTE WRITTEN INFORMATION OR MATERIALS REGARDING MATTERS RELATING TO THE OPERATION OF THE COOPERATIVE HOUSING CORPORATION IN THE SAME PLACE AND MANNER AS THE GOVERNING BODY DISTRIBUTES WRITTEN INFORMATION OR MATERIALS OTHER THAN:

(1) INFORMATION OR MATERIALS REFLECTING ASSESSMENTS IMPOSED ON MEMBERS THAT THE GOVERNING BODY DISTRIBUTES DOOR-TO-DOOR; OR

(2) MEETING NOTICES THAT THE GOVERNING BODY DISTRIBUTES DOOR-TO-DOOR.

(C) A COOPERATIVE HOUSING CORPORATION MAY PLACE REASONABLE RESTRICTIONS ON THE TIME OF ANY DISTRIBUTION OF WRITTEN INFORMATION OR MATERIALS.

5-6B-21.

(A) THIS SECTION DOES NOT APPLY TO ANY MEETINGS OF MEMBERS OCCURRING AT ANY TIME BEFORE THE MEMBERS, OTHER THAN THE DEVELOPER, HAVE A MAJORITY OF THE VOTES IN THE COOPERATIVE HOUSING CORPORATION.

(B) SUBJECT TO REASONABLE RULES ADOPTED BY THE GOVERNING BODY, MEMBERS MAY MEET FOR THE PURPOSE OF CONSIDERING AND DISCUSSING MATTERS RELATING TO THE OPERATION OF THE COOPERATIVE HOUSING CORPORATION IN THE AREA THAT THE GOVERNING BODY OF THE COOPERATIVE HOUSING CORPORATION USES FOR SCHEDULED MEETINGS.

5-6B-27.

(d) A copy of the fidelity insurance policy or fidelity bond shall be included in the books and records kept and made available by or on behalf of the cooperative housing corporation under [§ 5-6B-18.5] **§ 5-6B-26** of this subtitle.

5-6B-28.

(A) (1) ON OR BEFORE DECEMBER 31, 2015, EACH COOPERATIVE HOUSING CORPORATION THAT WAS IN EXISTENCE ON JUNE 30, 2015, SHALL DEPOSIT IN THE DEPOSITORY ALL DISCLOSURES REQUIRED BY PARAGRAPH (3) OF THIS SUBSECTION.

(2) EACH COOPERATIVE HOUSING CORPORATION ESTABLISHED AFTER JUNE 30, 2015, SHALL DEPOSIT IN THE DEPOSITORY ALL DISCLOSURES REQUIRED BY PARAGRAPH (3) OF THIS SUBSECTION BY THE LATER OF THE DATE 30 DAYS FOLLOWING THE ESTABLISHMENT OR DECEMBER 31, 2015.

(3) THE DISCLOSURES REQUIRED TO BE DEPOSITED UNDER THIS SUBSECTION INCLUDE:

(I) THE CONTENTS OF THE PUBLIC OFFERING STATEMENT, AS REQUIRED UNDER § 5-6B-02(B) OF THIS SUBTITLE; AND

(II) THE CONTENTS OF PROPRIETARY LEASE AGREEMENTS ISSUED BY THE COOPERATIVE HOUSING CORPORATION.

(B) BEGINNING JANUARY 1, 2016, WITHIN 30 DAYS AFTER THE ADOPTION OF OR AMENDMENT TO ANY OF THE DISCLOSURES REQUIRED BY THIS TITLE TO BE DEPOSITED IN THE DEPOSITORY, A COOPERATIVE HOUSING CORPORATION SHALL DEPOSIT THE ADOPTED OR AMENDED DISCLOSURES IN THE DEPOSITORY.

(C) ANY DISCLOSURE REQUIRED TO BE DEPOSITED BY THIS SECTION SHALL BE UNENFORCEABLE UNTIL THE TIME THAT IT IS DEPOSITED.

5-6B-29.

(A) THERE IS A COOPERATIVE HOUSING CORPORATION DEPOSITORY IN THE OFFICE OF THE CLERK OF THE COURT IN EACH COUNTY AND THE CITY OF BALTIMORE.

(B) CONSISTENT WITH THE DUTIES OF A CLERK OF A COURT AS ENUMERATED IN § 2-201 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE, THE CLERK OF THE COURT SHALL ESTABLISH AND THEREAFTER MAINTAIN A DEPOSITORY FOR THE PURPOSE OF MAKING AVAILABLE TO THE PUBLIC ON REQUEST THE INFORMATION TO BE DEPOSITED BY COOPERATIVE HOUSING CORPORATIONS.

(C) THE DEPOSITORY SHALL:

(1) BE ESTABLISHED AND MAINTAINED IN EACH COUNTY AND THE CITY OF BALTIMORE AS A DOCUMENT FILE SEPARATE FROM THE LAND RECORDS OF THE COUNTY OR CITY;

(2) CONTAIN A RECORD OF THE NAMES OF ALL COOPERATIVE HOUSING CORPORATIONS FOR EACH COUNTY AND THE CITY OF BALTIMORE;

(3) CONTAIN ALL DISCLOSURES DEPOSITED BY A COOPERATIVE HOUSING CORPORATION; AND

(4) BE AVAILABLE TO THE PUBLIC FOR VIEWING AND FOR OBTAINING COPIES DURING THE REGULAR BUSINESS HOURS OF THE OFFICE OF THE CLERK.

(D) (1) THE CLERK OF THE COURT IS AUTHORIZED TO REGULATE THE FORM AND MANNER OF DOCUMENTS DEPOSITED INTO THE DEPOSITORY AND TO COLLECT FEES FOR A DEPOSIT.

(2) THE CLERK OF THE COURT SHALL PERMIT THE DEPOSIT OF COPIES OF DISCLOSURES, HOWEVER REPRODUCED.

(3) THE CLERK OF THE COURT MAY ADOPT REGULATIONS AS NECESSARY OR DESIRABLE TO IMPLEMENT THE DEPOSITORY.

(4) THE STATE COURT ADMINISTRATOR SHALL ESTABLISH, SO AS TO COVER THE REASONABLE AND ORDINARY EXPENSES OF MAINTAINING THE DEPOSITORY, THE AMOUNT OF THE FEES THAT THE CLERK OF THE COURT MAY CHARGE FOR DEPOSITS IN THE DEPOSITORY.

(5) (I) THE CLERK OF THE COURT SHALL MAINTAIN A DEPOSITORY INDEX; AND

(II) ALL DISCLOSURES SHALL BE FILED UNDER THE NAME OF THE COOPERATIVE HOUSING CORPORATION.

(E) MATERIAL CONTAINED IN THE DEPOSITORY MAY NOT BE VIEWED AS RECORDED UNDER TITLE 3 OF THE REAL PROPERTY ARTICLE.

5-6B-30.

(A) SUBJECT TO THE REQUIREMENTS OF THIS SECTION, A PROPRIETARY LEASE OR THE BYLAWS OF A COOPERATIVE HOUSING CORPORATION MAY PROVIDE FOR A LATE CHARGE OF NO MORE THAN \$15 OR ONE-TENTH OF THE TOTAL AMOUNT OF ANY DELINQUENT ASSESSMENT OR INSTALLMENT OWED BY A MEMBER, WHICHEVER IS GREATER.

(B) A LATE CHARGE MAY NOT BE IMPOSED MORE THAN ONCE FOR THE SAME DELINQUENT ASSESSMENT OR INSTALLMENT.

(C) A LATE CHARGE MAY ONLY BE IMPOSED IF THE DELINQUENCY HAS CONTINUED FOR A PERIOD OF 15 DAYS OR MORE.

5-6B-31.

(A) THE DISPUTE SETTLEMENT MECHANISM PROVIDED BY THIS SECTION APPLIES TO ANY COMPLAINT OR DEMAND FORMALLY ARISING ON OR AFTER JANUARY 1, 2015, UNLESS THE BYLAWS OF THE COOPERATIVE HOUSING CORPORATION OR THE PROPRIETARY LEASE OF THE MEMBER WHO ARE PARTIES TO THE DISPUTE STATE OTHERWISE.

(B) (1) EXCEPT AS PROVIDED IN THIS SUBSECTION, A GOVERNING BODY MAY NOT IMPOSE A FINE, SUSPEND VOTING, BRING AN ACTION TO EVICT, OR INFRINGE ON ANY OTHER RIGHTS OF A MEMBER FOR A VIOLATION OF:

(I) THE RULES OF THE COOPERATIVE HOUSING CORPORATION; OR

(II) THE PROVISIONS OF THE MEMBER'S PROPRIETARY LEASE.

(2) THE GOVERNING BODY SHALL SERVE THE MEMBER WITH A WRITTEN DEMAND TO CEASE AND DESIST FROM THE ALLEGED VIOLATION SPECIFYING:

(I) THE ALLEGED VIOLATION;

(II) THE ACTION REQUIRED TO ABATE THE VIOLATION; AND

(III) 1. A TIME PERIOD OF NOT LESS THAN 10 DAYS DURING WHICH THE VIOLATION MAY BE ABATED WITHOUT FURTHER SANCTION IF THE VIOLATION IS A CONTINUING ONE; OR

2. A STATEMENT THAT ANY FURTHER VIOLATION OF THE SAME RULE MAY RESULT IN THE IMPOSITION OF SANCTION AFTER NOTICE AND HEARING IF THE VIOLATION IS NOT CONTINUING.

(3) (I) IF THE VIOLATION CONTINUES PAST THE PERIOD SPECIFIED UNDER PARAGRAPH (2)(III)1 OF THIS SUBSECTION, OR IF THE SAME RULE IS VIOLATED SUBSEQUENTLY, THE GOVERNING BODY SHALL SERVE THE MEMBER WITH WRITTEN NOTICE OF A HEARING TO BE HELD BY THE GOVERNING BODY IN SESSION.

(II) THE HEARING NOTICE SHALL SPECIFY:

1. THE NATURE OF THE ALLEGED VIOLATION;
2. THE TIME AND PLACE OF THE HEARING, WHICH TIME MAY BE NOT LESS THAN 10 DAYS FROM THE GIVING OF THE NOTICE;
3. AN INVITATION TO ATTEND THE HEARING AND PRODUCE ANY STATEMENT, EVIDENCE, AND WITNESSES ON BEHALF OF THE MEMBER; AND
4. THE PROPOSED SANCTION TO BE IMPOSED.

(4) (I) THE GOVERNING BODY SHALL HOLD A HEARING ON THE ALLEGED VIOLATION IN EXECUTIVE SESSION, IN ACCORDANCE WITH THE NOTICE PROVIDED UNDER PARAGRAPH (3) OF THIS SUBSECTION.

(II) AT THE HEARING, THE MEMBER SHALL HAVE THE RIGHT TO PRESENT EVIDENCE AND TO PRESENT AND CROSS-EXAMINE WITNESSES REGARDING THE ALLEGED VIOLATION.

(III) PRIOR TO IMPOSING ANY SANCTION ON THE MEMBER, THE GOVERNING BODY SHALL PLACE IN THE MINUTES OF THE MEETING PROOF OF THE NOTICE PROVIDED TO THE MEMBER UNDER PARAGRAPH (3) OF THIS SUBSECTION, WHICH SHALL INCLUDE:

1. A COPY OF THE NOTICE, TOGETHER WITH A STATEMENT OF THE DATE AND MANNER OF THE DELIVERY OF THE NOTICE; OR

2. A STATEMENT THAT THE MEMBER IN FACT APPEARED AT THE HEARING.

(IV) THE GOVERNING BODY SHALL PLACE IN THE MINUTES OF THE MEETING THE RESULTS OF THE HEARING AND THE SANCTION, IF ANY, IMPOSED ON THE MEMBER.

(C) A MEMBER MAY APPEAL A DECISION OF A GOVERNING BODY MADE IN ACCORDANCE WITH THE DISPUTE SETTLEMENT PROCEDURE DESCRIBED IN THIS SECTION TO THE COURTS OF MARYLAND.

(D) (1) IF A MEMBER FAILS TO COMPLY WITH THIS SUBTITLE, THE BYLAWS OF A COOPERATIVE HOUSING CORPORATION, OR A DECISION RENDERED BY THE GOVERNING BODY IN ACCORDANCE WITH THIS SECTION, THE GOVERNING BODY OR ANY OTHER MEMBER OF THE COOPERATIVE HOUSING CORPORATION MAY SUE THE MEMBER FOR ANY DAMAGES CAUSED BY THE FAILURE OR FOR INJUNCTIVE RELIEF.

(2) THE PREVAILING PARTY IN A PROCEEDING AUTHORIZED UNDER THIS SUBSECTION IS ENTITLED TO AN AWARD FOR COUNSEL FEES AS DETERMINED BY COURT.

(E) THE FAILURE OF A GOVERNING BODY TO ENFORCE A PROVISION OF THIS TITLE, THE PROPRIETARY LEASE OF A MEMBER, OR THE BYLAWS OF THE COOPERATIVE HOUSING CORPORATION ON ANY OCCASION IS NOT A WAIVER OF THE RIGHT TO ENFORCE THE PROVISION ON ANY OTHER OCCASION.

5-6B-32.

(A) THIS SECTION APPLIES ONLY TO A COOPERATIVE PROJECT THAT IS NO LONGER SUBJECT TO A MORTGAGE OR DEED OF TRUST.

(B) NOTWITHSTANDING THE ARTICLES OF INCORPORATION, BYLAWS, OR REGULATIONS OF A COOPERATIVE HOUSING CORPORATION OR THE PROPRIETARY LEASE OF ANY MEMBER, A GOVERNING BODY MAY NOT BRING AN ACTION TO EVICT A MEMBER BASED SOLELY ON THE FAILURE OF THE MEMBER TO PAY ASSESSMENTS OWED TO THE COOPERATIVE HOUSING CORPORATION UNLESS:

(1) THE MEMBER HAS BEEN DELINQUENT IN PAYING ASSESSMENTS FOR A PERIOD OF 6 MONTHS OR MORE;

(2) THE GOVERNING BODY HAS GIVEN THE MEMBER NOTICE AND AN OPPORTUNITY TO BE HEARD REGARDING THE DELINQUENCY, CONSISTENT WITH § 5-6B-31 OF THIS SUBTITLE;

(3) THE GOVERNING BODY HAS GIVEN THE MEMBER AN OPPORTUNITY TO CURE THE DELINQUENCY; AND

(4) THE MEMBER HAS FAILED TO CURE THE DELINQUENCY.

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