

# HOUSE BILL 669

N1

8lr2338

---

By: **Delegate Beidle**

Introduced and read first time: January 31, 2018

Assigned to: Environment and Transportation

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2018

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Real Property – Homeowners Associations – ~~Definition of Lot~~ Number of**  
3 **Declarant Votes**

4 FOR the purpose of ~~altering the definition of “lot” in the Maryland Homeowners Association~~  
5 ~~Act; providing for the application of this Act~~ providing that a declarant has a certain  
6 number of votes when voting on a homeowners association matter under certain  
7 circumstances; and generally relating to homeowners associations.

8 ~~BY repealing and reenacting, without amendments,~~  
9 ~~Article – Real Property~~  
10 ~~Section 11B–101(a), (c), (d), (f), and (i)~~  
11 ~~Annotated Code of Maryland~~  
12 ~~(2015 Replacement Volume and 2017 Supplement)~~

13 ~~BY repealing and reenacting, with amendments,~~  
14 ~~Article – Real Property~~  
15 ~~Section 11B–101(j)~~  
16 ~~Annotated Code of Maryland~~  
17 ~~(2015 Replacement Volume and 2017 Supplement)~~

18 BY adding to  
19 Article – Real Property  
20 Section 11B–111.7  
21 Annotated Code of Maryland  
22 (2015 Replacement Volume and 2017 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 MARYLAND,  
2 That the Laws of Maryland read as follows:

3 **Article – Real Property**

4 ~~11B-101.~~

5 ~~(a) In this title the following words have the meanings indicated, unless the~~  
6 ~~context requires otherwise.~~

7 ~~(c) “Declarant” means any person who subjects property to a declaration.~~

8 ~~(d) (1) “Declaration” means an instrument, however denominated, recorded~~  
9 ~~among the land records of the county in which the property of the declarant is located, that~~  
10 ~~creates the authority for a homeowners association to impose on lots, or on the owners or~~  
11 ~~occupants of lots, or on another homeowners association, condominium, or cooperative~~  
12 ~~housing corporation any mandatory fee in connection with the provision of services or~~  
13 ~~otherwise for the benefit of some or all of the lots, the owners or occupants of lots, or the~~  
14 ~~common areas.~~

15 ~~(2) “Declaration” includes any amendment or supplement to the~~  
16 ~~instruments described in paragraph (1) of this subsection.~~

17 ~~(3) “Declaration” does not include a private right of way or similar~~  
18 ~~agreement unless it requires a mandatory fee payable annually or at more frequent~~  
19 ~~intervals.~~

20 ~~(f) (1) “Development” means property subject to a declaration.~~

21 ~~(2) “Development” includes property comprising a condominium or~~  
22 ~~cooperative housing corporation to the extent that the property is part of a development.~~

23 ~~(3) “Development” does not include a cooperative housing corporation or a~~  
24 ~~condominium.~~

25 ~~(i) (1) “Homeowners association” means a person having the authority to~~  
26 ~~enforce the provisions of a declaration.~~

27 ~~(2) “Homeowners association” includes an incorporated or unincorporated~~  
28 ~~association.~~

29 ~~(j) (1) “Lot” means any LEGALLY SUBDIVIDED plot or parcel of land on which~~  
30 ~~a dwelling is located or will be located within a development.~~

31 ~~(2) “Lot” includes a unit within a condominium or cooperative housing~~  
32 ~~corporation if the condominium or cooperative housing corporation is part of a development.~~

1 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to~~  
2 ~~apply retroactively and shall be applied to and interpreted to affect any development for~~  
3 ~~which a declaration was recorded before the effective date of this Act.~~

4 **11B-111.7.**

5 **NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR ANY PROVISION IN**  
6 **THE DECLARATION, BYLAWS, RULES, DEEDS, AGREEMENTS, OR RECORDED**  
7 **COVENANTS OR RESTRICTIONS OF A HOMEOWNERS ASSOCIATION, UNTIL THE TIME**  
8 **ALL LOTS IN A HOMEOWNERS ASSOCIATION HAVE BEEN SUBDIVIDED AND**  
9 **RECORDED IN THE LAND RECORDS OF THE COUNTY IN WHICH THE HOMEOWNERS**  
10 **ASSOCIATION IS LOCATED, THE DECLARANT, WHEN VOTING ON A HOMEOWNERS**  
11 **ASSOCIATION MATTER, SHALL HAVE A NUMBER OF VOTES THAT IS EQUAL TO THE**  
12 **NUMBER OF LOTS THAT:**

13 **(1) HAVE BEEN SUBDIVIDED AND RECORDED IN THE LAND RECORDS**  
14 **OF THE COUNTY IN WHICH THE HOMEOWNERS ASSOCIATION IS LOCATED; AND**

15 **(2) HAVE NOT BEEN SOLD TO MEMBERS OF THE PUBLIC.**

16 SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 ~~October~~ July 1, 2018.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.