

SENATE BILL 686

N1

(11r2023)

ENROLLED BILL

— *Judicial Proceedings/Environment and Transportation* —

Introduced by **Senator Smith**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Real Property – Condominiums, Homeowners Associations, and Cooperative**
3 **Housing Corporations – Virtual Meetings**

4 FOR the purpose of authorizing the governing body of a condominium, homeowners
5 association, or cooperative housing corporation to authorize certain meetings to be
6 conducted or attended by certain electronic means under certain circumstances;
7 authorizing certain individuals who attend a meeting by certain electronic means to
8 be deemed present for certain purposes; authorizing certain matters to be set for a
9 vote at a certain virtual meeting under certain circumstances; authorizing certain
10 members, unit owners, and lot owners who attend a meeting virtually to vote in a
11 certain manner under certain circumstances; authorizing certain members, unit
12 owners, and lot owners to vote by proxy in a certain manner under certain
13 circumstances; requiring the governing body of a condominium, homeowners
14 association, or cooperative housing corporation to comply with certain notice
15 requirements in order to conduct a virtual meeting; providing that nominations from

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.

Italics indicate opposite chamber/conference committee amendments.



1 the floor are not required at a certain virtual meeting under certain circumstances;
 2 providing that the inability of a certain individual to join a certain virtual meeting
 3 does not invalidate the meeting or actions taken at the meeting; and generally
 4 relating to condominiums, homeowners associations, and cooperative housing
 5 corporations.

6 BY adding to

7 Article – Corporations and Associations

8 Section 5–6B–25.1

9 Annotated Code of Maryland

10 (2014 Replacement Volume and 2020 Supplement)

11 BY adding to

12 Article – Real Property

13 Section 11–139.3 and 11B–113.6

14 Annotated Code of Maryland

15 (2015 Replacement Volume and 2020 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

17 That the Laws of Maryland read as follows:

18 **Article – Corporations and Associations**

19 **5–6B–25.1.**

20 (A) (1) ~~EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE OR~~
 21 NOTWITHSTANDING LANGUAGE CONTAINED IN THE GOVERNING DOCUMENTS OF
 22 THE COOPERATIVE HOUSING CORPORATION, THE BOARD OF DIRECTORS MAY
 23 AUTHORIZE ANY MEETINGS OF THE COOPERATIVE HOUSING CORPORATION, THE
 24 BOARD OF DIRECTORS, OR A COMMITTEE OF THE COOPERATIVE HOUSING
 25 CORPORATION TO BE CONDUCTED OR ATTENDED BY TELEPHONE CONFERENCE,
 26 VIDEO CONFERENCE, OR SIMILAR ELECTRONIC MEANS.

27 (2) IF A MEETING IS CONDUCTED BY TELEPHONE CONFERENCE,
 28 VIDEO CONFERENCE, OR SIMILAR ELECTRONIC MEANS, THE EQUIPMENT OR SYSTEM
 29 USED MUST PERMIT ANY MEMBER, BOARD MEMBER, OR COMMITTEE MEMBER IN
 30 ATTENDANCE TO HEAR AND BE HEARD BY ALL OTHER MEMBERS PARTICIPATING IN
 31 THE MEETING.

32 (3) A LINK OR INSTRUCTIONS ON HOW TO ACCESS THE MEETING BY
 33 TELEPHONE CONFERENCE, VIDEO CONFERENCE, OR SIMILAR ELECTRONIC MEANS
 34 SHALL BE INCLUDED IN THE NOTICE OF THE MEETING.

35 (4) NO SPECIFIC AUTHORIZATION FROM MEMBERS SHALL BE
 36 REQUIRED TO HOLD A MEETING ELECTRONICALLY.

1 (B) ANY MEMBER, BOARD MEMBER, OR COMMITTEE MEMBER ATTENDING A
2 MEETING BY TELEPHONE CONFERENCE, VIDEO CONFERENCE, OR SIMILAR
3 ELECTRONIC MEANS SHALL BE DEEMED PRESENT FOR QUORUM AND VOTING
4 PURPOSES.

5 (C) (1) (I) ANY MATTER REQUIRING A VOTE OF THE COOPERATIVE
6 HOUSING CORPORATION MAY BE SET BY THE BOARD OF DIRECTORS FOR A VOTE AT
7 THE MEETING, AND A BALLOT MAY BE DELIVERED TO MEMBERS WITH NOTICE OF
8 THE MEETING.

9 (II) ONLY THOSE MEMBERS PRESENT DURING THE TELEPHONE
10 CONFERENCE, VIDEO CONFERENCE, OR SIMILAR ELECTRONIC MEETING SHALL BE
11 AUTHORIZED TO VOTE A BALLOT IN ACCORDANCE WITH THIS SUBSECTION.

12 (III) MEMBERS WHO ARE NOT PRESENT AT THE MEETING MAY:

13 1. VOTE BY PROXY IN ACCORDANCE WITH THE
14 REQUIREMENTS OF THE GOVERNING DOCUMENTS AND THIS TITLE; AND

15 2. BE CONSIDERED PRESENT FOR QUORUM PURPOSES
16 THROUGH THEIR PROXY.

17 (2) (I) THE BOARD OF DIRECTORS MAY SET A REASONABLE
18 DEADLINE FOR RETURN OF A BALLOT TO THE COOPERATIVE HOUSING
19 CORPORATION, INCLUDING RETURN BY ELECTRONIC TRANSMISSION.

20 (II) THE DEADLINE FOR RETURN OF THE BALLOT SHALL BE NOT
21 LATER THAN 24 HOURS AFTER THE CONCLUSION OF THE MEETING.

22 (D) ~~EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE OR~~
23 NOTWITHSTANDING LANGUAGE CONTAINED IN THE GOVERNING DOCUMENTS OF
24 THE COOPERATIVE HOUSING CORPORATION, NOMINATIONS FROM THE FLOOR AT
25 THE MEETING ARE NOT REQUIRED IF AT LEAST ONE CANDIDATE HAS BEEN
26 NOMINATED TO FILL EACH OPEN BOARD POSITION.

27 (E) THE INABILITY OF A MEMBER TO JOIN A MEETING DUE TO TECHNICAL
28 DIFFICULTIES WITH THE MEMBER'S TELEPHONE, COMPUTER, OR OTHER
29 ELECTRONIC DEVICE DOES NOT INVALIDATE THE MEETING OR ANY ACTION TAKEN
30 AT THE MEETING.

31 Article – Real Property

32 11-139.3.

1 (A) (1) ~~EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE OR~~
2 NOTWITHSTANDING LANGUAGE CONTAINED IN THE GOVERNING DOCUMENTS OF
3 THE COUNCIL OF UNIT OWNERS, THE BOARD OF DIRECTORS MAY AUTHORIZE ANY
4 MEETINGS OF THE COUNCIL OF UNIT OWNERS, THE BOARD OF DIRECTORS, OR A
5 COMMITTEE OF THE COUNCIL OF UNIT OWNERS OR THE BOARD OF DIRECTORS TO
6 BE CONDUCTED OR ATTENDED BY TELEPHONE CONFERENCE, VIDEO CONFERENCE,
7 OR SIMILAR ELECTRONIC MEANS.

8 (2) IF A MEETING IS CONDUCTED BY TELEPHONE CONFERENCE,
9 VIDEO CONFERENCE, OR SIMILAR ELECTRONIC MEANS, THE EQUIPMENT OR SYSTEM
10 USED MUST PERMIT ANY UNIT OWNER, BOARD MEMBER, OR COMMITTEE MEMBER IN
11 ATTENDANCE TO HEAR AND BE HEARD BY ALL OTHERS PARTICIPATING IN THE
12 MEETING.

13 (3) A LINK OR INSTRUCTIONS ON HOW TO ACCESS THE MEETING BY
14 TELEPHONE CONFERENCE, VIDEO CONFERENCE, OR SIMILAR ELECTRONIC MEANS
15 SHALL BE INCLUDED IN THE NOTICE OF THE MEETING.

16 (4) NO SPECIFIC AUTHORIZATION FROM UNIT OWNERS SHALL BE
17 REQUIRED TO HOLD A MEETING ELECTRONICALLY.

18 (B) ANY UNIT OWNER, BOARD MEMBER, OR COMMITTEE MEMBER
19 ATTENDING A MEETING BY TELEPHONE CONFERENCE, VIDEO CONFERENCE, OR
20 SIMILAR ELECTRONIC MEANS SHALL BE DEEMED PRESENT FOR QUORUM AND
21 VOTING PURPOSES.

22 (C) (1) (I) ANY MATTER REQUIRING A VOTE OF THE COUNCIL OF UNIT
23 OWNERS MAY BE SET BY THE BOARD OF DIRECTORS FOR A VOTE AT THE MEETING,
24 AND A BALLOT MAY BE DELIVERED TO UNIT OWNERS WITH NOTICE OF THE MEETING.

25 (II) ONLY THOSE UNIT OWNERS PRESENT DURING THE
26 TELEPHONE CONFERENCE, VIDEO CONFERENCE, OR SIMILAR ELECTRONIC
27 MEETING SHALL BE AUTHORIZED TO VOTE BY BALLOT IN ACCORDANCE WITH THIS
28 SUBSECTION.

29 (III) UNIT OWNERS WHO ARE NOT PRESENT AT THE MEETING
30 MAY:

31 1. VOTE BY PROXY IN ACCORDANCE WITH THE
32 REQUIREMENTS OF THE GOVERNING DOCUMENTS AND THIS TITLE; AND

33 2. BE CONSIDERED PRESENT FOR QUORUM PURPOSES
34 THROUGH THEIR PROXY.

1 (2) (I) THE BOARD OF DIRECTORS MAY SET A REASONABLE
2 DEADLINE FOR RETURN OF A BALLOT TO THE COUNCIL OF UNIT OWNERS,
3 INCLUDING RETURN BY ELECTRONIC TRANSMISSION.

4 (II) THE DEADLINE FOR RETURN OF THE BALLOT SHALL BE NOT
5 LATER THAN 24 HOURS AFTER THE CONCLUSION OF THE MEETING.

6 (D) ~~EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE OR~~
7 NOTWITHSTANDING LANGUAGE CONTAINED IN THE GOVERNING DOCUMENTS OF
8 THE COUNCIL OF UNIT OWNERS, NOMINATIONS FROM THE FLOOR AT THE MEETING
9 ARE NOT REQUIRED IF LEAST ONE CANDIDATE HAS BEEN NOMINATED TO FILL EACH
10 OPEN BOARD POSITION.

11 (E) THE INABILITY OF A UNIT OWNER TO JOIN A MEETING DUE TO
12 TECHNICAL DIFFICULTIES WITH THE UNIT OWNER'S TELEPHONE, COMPUTER, OR
13 OTHER ELECTRONIC DEVICE DOES NOT INVALIDATE THE MEETING OR ANY ACTION
14 TAKEN AT THE MEETING.

15 **11B-113.6.**

16 (A) (1) ~~EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE OR~~
17 NOTWITHSTANDING LANGUAGE CONTAINED IN THE GOVERNING DOCUMENTS OF
18 THE HOMEOWNERS ASSOCIATION, THE GOVERNING BODY MAY AUTHORIZE
19 MEETINGS OF THE HOMEOWNERS ASSOCIATION, THE GOVERNING BODY, OR A
20 COMMITTEE OF THE HOMEOWNERS ASSOCIATION TO BE CONDUCTED OR ATTENDED
21 BY TELEPHONE CONFERENCE, VIDEO CONFERENCE, OR SIMILAR ELECTRONIC
22 MEANS.

23 (2) IF A MEETING IS CONDUCTED BY TELEPHONE CONFERENCE,
24 VIDEO CONFERENCE, OR SIMILAR ELECTRONIC MEANS, THE EQUIPMENT OR SYSTEM
25 USED MUST PERMIT ANY LOT OWNER, BOARD MEMBER, OR COMMITTEE MEMBER IN
26 ATTENDANCE TO HEAR AND BE HEARD BY ALL OTHERS PARTICIPATING IN THE
27 MEETING.

28 (3) A LINK OR INSTRUCTIONS ON HOW TO ACCESS THE MEETING BY
29 TELEPHONE CONFERENCE, VIDEO CONFERENCE, OR SIMILAR ELECTRONIC MEANS
30 SHALL BE INCLUDED IN THE NOTICE OF THE MEETING.

31 (4) NO SPECIFIC AUTHORIZATION FROM LOT OWNERS SHALL BE
32 REQUIRED TO HOLD A MEETING ELECTRONICALLY.

33 (B) ANY LOT OWNER, BOARD MEMBER, OR COMMITTEE MEMBER
34 ATTENDING A MEETING BY TELEPHONE CONFERENCE, VIDEO CONFERENCE, OR

1 SIMILAR ELECTRONIC MEANS SHALL BE DEEMED PRESENT FOR QUORUM AND
2 VOTING PURPOSES.

3 (C) (1) (I) ANY MATTER REQUIRING A VOTE OF THE HOMEOWNERS
4 ASSOCIATION MAY BE SET BY THE GOVERNING BODY FOR A VOTE AT THE MEETING,
5 AND A BALLOT MAY BE DELIVERED TO MEMBERS WITH NOTICE OF THE MEETING.

6 (II) ONLY THOSE LOT OWNERS PRESENT DURING THE
7 TELEPHONE CONFERENCE, VIDEO CONFERENCE, OR SIMILAR ELECTRONIC
8 MEETING SHALL BE AUTHORIZED TO VOTE A BALLOT IN ACCORDANCE WITH THIS
9 SUBSECTION.

10 (III) LOT OWNERS WHO ARE NOT PRESENT AT THE MEETING
11 MAY:

12 1. VOTE BY PROXY IN ACCORDANCE WITH THE
13 REQUIREMENTS OF THE GOVERNING DOCUMENTS AND THIS TITLE; AND

14 2. BE CONSIDERED PRESENT FOR QUORUM PURPOSES
15 THROUGH THEIR PROXY.

16 (2) (I) THE GOVERNING BODY MAY SET A REASONABLE DEADLINE
17 FOR RETURN OF A BALLOT TO THE HOMEOWNERS ASSOCIATION, INCLUDING
18 RETURN BY ELECTRONIC TRANSMISSION.

19 (II) THE DEADLINE FOR RETURN OF THE BALLOT SHALL BE NOT
20 LATER THAN 24 HOURS AFTER THE CONCLUSION OF THE MEETING.

21 (D) ~~EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE OR~~
22 NOTWITHSTANDING LANGUAGE CONTAINED IN THE GOVERNING DOCUMENTS OF
23 THE HOMEOWNERS ASSOCIATION, NOMINATIONS FROM THE FLOOR AT THE
24 MEETING ARE NOT REQUIRED IF LEAST ONE CANDIDATE HAS BEEN NOMINATED TO
25 FILL EACH OPEN POSITION IN THE GOVERNING BODY.

26 (E) THE INABILITY OF A LOT OWNER TO JOIN A MEETING DUE TO
27 TECHNICAL DIFFICULTIES WITH THE LOT OWNER'S TELEPHONE, COMPUTER, OR
28 OTHER ELECTRONIC DEVICE DOES NOT INVALIDATE THE MEETING OR ANY ACTION
29 TAKEN AT THE MEETING.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 ~~October~~ June 1, 2021.