

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL NO. 38

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Kach and Kagan” and substitute “Kach, Kagan, and O’Donnell”; in line 4, after “purposes” insert “and under certain circumstances”; in line 4, strike “assemble” and substitute “meet”; strike beginning with “requiring” in line 5 down through “matters” in line 7 and substitute “requiring certain governing bodies and committees of condominiums to allow unit owners to comment on certain matters during certain meetings, subject to certain rules; requiring certain governing bodies and committees of homeowners associations to allow property owners to comment on certain matters during certain meetings, subject to certain rules”; and in line 8, strike “and circulate petitions at” and substitute “in”.

AMENDMENT NO. 2

On page 2, strike beginning with “THE” in line 19 down through “CONDOMINIUM” in line 20 and substitute “THE COUNCIL OF UNIT OWNERS, BOARD OF DIRECTORS, ANY COMMITTEE OF THE COUNCIL OF UNIT OWNERS OR BOARD OF DIRECTORS, OR THOSE OFFICERS, MANAGING AGENTS, OR OTHER PERSONS TO WHOM AUTHORITY IS DELEGATED IN ACCORDANCE WITH § 11-109(B) OF THIS TITLE”.

On page 4, in line 16, strike “OR COMMITTEE”.

AMENDMENT NO. 3

On page 3, strike beginning with “SUBJECT” in line 33 down through the period in line 38 and substitute:

“(1) THIS SUBSECTION DOES NOT APPLY TO ANY MEETINGS OF UNIT OWNERS OCCURRING AT ANY TIME BEFORE THE UNIT OWNERS ELECT OFFICERS OR A BOARD OF DIRECTORS IN ACCORDANCE WITH § 11-109(C)(16) OF THIS TITLE.

(Over)

(2) SUBJECT TO REASONABLE RULES ADOPTED BY THE GOVERNING BODY UNDER § 11-111 OF THIS SUBTITLE, UNIT OWNERS MAY MEET FOR THE PURPOSE OF CONSIDERING AND DISCUSSING THE OPERATION OF AND MATTERS RELATING TO THE OPERATION OF THE CONDOMINIUM IN ANY COMMON ELEMENTS OR IN ANY BUILDING OR FACILITY IN THE COMMON ELEMENTS THAT THE GOVERNING BODY OF THE CONDOMINIUM USES FOR SCHEDULED MEETINGS.”.

On page 4, strike in their entirety lines 18 through 22, inclusive, and substitute:

“(7) (I) THIS PARAGRAPH DOES NOT APPLY TO ANY MEETING OF THE COUNCIL OF UNIT OWNERS THAT OCCURS AT ANY TIME BEFORE THE MEETING AT WHICH THE UNIT OWNERS ELECT OFFICERS OR A BOARD OF DIRECTORS IN ACCORDANCE WITH PARAGRAPH (16) OF THIS SUBSECTION.

(II) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH AND TO REASONABLE RULES ADOPTED BY THE GOVERNING BODY UNDER § 11-111 OF THIS SUBTITLE, A GOVERNING BODY SHALL PROVIDE A DESIGNATED PERIOD OF TIME DURING A MEETING TO ALLOW UNIT OWNERS AN OPPORTUNITY TO COMMENT ON ANY MATTER RELATING TO THE CONDOMINIUM.

(III) DURING A MEETING AT WHICH THE AGENDA IS LIMITED TO SPECIFIC TOPICS OR AT A SPECIAL MEETING, THE UNIT OWNERS’ COMMENTS MAY BE LIMITED TO THE TOPICS LISTED ON THE MEETING AGENDA.

(IV) THE GOVERNING BODY SHALL CONVENE AT LEAST ONE MEETING EACH YEAR AT WHICH THE AGENDA IS OPEN TO ANY MATTER RELATING TO THE CONDOMINIUM.”.

On page 7, strike in their entirety lines 26 through 29, inclusive, and substitute:

“(3)(I) THIS PARAGRAPH DOES NOT APPLY TO ANY MEETING OF A HOMEOWNERS ASSOCIATION THAT OCCURS AT ANY TIME BEFORE THE LOT OWNERS, OTHER THAN THE DEVELOPER, HAVE A MAJORITY OF VOTES IN THE HOMEOWNERS ASSOCIATION, AS PROVIDED IN THE DECLARATION;

(II) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH AND TO REASONABLE RULES ADOPTED BY A GOVERNING BODY, A GOVERNING BODY SHALL PROVIDE A DESIGNATED PERIOD OF TIME DURING A MEETING TO ALLOW LOT OWNERS AN OPPORTUNITY TO COMMENT ON ANY MATTER RELATING TO THE HOMEOWNERS ASSOCIATION;

(III) DURING A MEETING AT WHICH THE AGENDA IS LIMITED TO SPECIFIC TOPICS OR AT A SPECIAL MEETING, THE LOT OWNERS' COMMENTS MAY BE LIMITED TO THE TOPICS LISTED ON THE MEETING AGENDA; AND

(IV) THE GOVERNING BODY SHALL CONVENE AT LEAST ONE MEETING EACH YEAR AT WHICH THE AGENDA IS OPEN TO ANY MATTER RELATING TO THE HOMEOWNERS ASSOCIATION;”.

On page 9, strike in their entirety lines 4 through 8, inclusive, and substitute:

“(A) THIS SECTION DOES NOT APPLY TO ANY MEETINGS OF LOT OWNERS OCCURRING AT ANY TIME BEFORE THE LOT OWNERS, OTHER THAN THE DEVELOPER, HAVE A MAJORITY OF THE VOTES IN THE HOMEOWNERS ASSOCIATION, AS PROVIDED IN THE DECLARATION.

(B) SUBJECT TO REASONABLE RULES ADOPTED BY THE GOVERNING BODY, LOT OWNERS MAY MEET FOR THE PURPOSE OF CONSIDERING AND DISCUSSING THE OPERATION OF AND MATTERS RELATING TO THE OPERATION OF THE HOMEOWNERS ASSOCIATION IN ANY COMMON AREAS OR IN ANY BUILDING OR FACILITY IN THE COMMON AREAS THAT THE GOVERNING BODY OF THE HOMEOWNERS ASSOCIATION USES FOR SCHEDULED MEETINGS.”.

AMENDMENT NO. 4

On page 5, strike in their entirety lines 24 through 39, inclusive, and substitute:

“(A) THIS SECTION DOES NOT APPLY TO THE DISTRIBUTION OF INFORMATION

(Over)

OR MATERIALS AT ANY TIME BEFORE THE UNIT OWNERS ELECT OFFICERS OR A BOARD OF DIRECTORS IN ACCORDANCE WITH § 11-109(C)(16) OF THIS TITLE.

(B) IN THIS SECTION, THE DOOR-TO-DOOR DISTRIBUTION OF ANY OF THE FOLLOWING INFORMATION OR MATERIALS MAY NOT BE CONSIDERED A DISTRIBUTION FOR PURPOSES OF DETERMINING THE MANNER IN WHICH A GOVERNING BODY DISTRIBUTES INFORMATION OR MATERIALS UNDER THIS SECTION:

(1) ANY INFORMATION OR MATERIALS REFLECTING THE ASSESSMENTS IMPOSED ON UNIT OWNERS IN ACCORDANCE WITH A RECORDED COVENANT, THE DECLARATION, BYLAW, OR RULE OF THE CONDOMINIUM; AND

(2) ANY MEETING NOTICES OF THE GOVERNING BODY.

(C) EXCEPT FOR REASONABLE RESTRICTIONS TO THE TIME OF DISTRIBUTION, A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A DECLARATION, OR A PROVISION OF THE BYLAWS OR RULES OF A CONDOMINIUM MAY NOT RESTRICT A UNIT OWNER FROM DISTRIBUTING WRITTEN INFORMATION OR MATERIALS REGARDING THE OPERATION OF OR MATTERS RELATING TO THE OPERATION OF THE CONDOMINIUM IN ANY MANNER OR PLACE THAT THE GOVERNING BODY DISTRIBUTES WRITTEN INFORMATION OR MATERIALS.”.

On pages 8 and 9, strike in their entirety the lines beginning with line 24 on page 8 through line 2 on page 9 and substitute:

“(A) THIS SECTION DOES NOT APPLY TO THE DISTRIBUTION OF INFORMATION OR MATERIALS AT ANY TIME BEFORE THE LOT OWNERS, OTHER THAN THE DEVELOPER, HAVE A MAJORITY OF VOTES IN THE HOMEOWNERS ASSOCIATION, AS PROVIDED IN THE DECLARATION.

(B) IN THIS SECTION, THE DOOR-TO-DOOR DISTRIBUTION OF ANY OF THE FOLLOWING INFORMATION OR MATERIALS MAY NOT BE CONSIDERED A DISTRIBUTION FOR PURPOSES OF DETERMINING THE MANNER IN WHICH A

GOVERNING BODY DISTRIBUTES INFORMATION UNDER THIS SECTION:

(1) ANY INFORMATION OR MATERIALS REFLECTING THE ASSESSMENTS IMPOSED ON LOT OWNERS IN ACCORDANCE WITH A RECORDED COVENANT, THE DECLARATION, BYLAW, OR RULE OF THE HOMEOWNERS ASSOCIATION; AND

(2) ANY MEETING NOTICES OF THE GOVERNING BODY.

(C) EXCEPT FOR REASONABLE RESTRICTIONS TO THE TIME OF DISTRIBUTION, A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A DECLARATION, OR A PROVISION OF THE BYLAWS OR RULES OF A HOMEOWNERS ASSOCIATION MAY NOT RESTRICT A LOT OWNER FROM DISTRIBUTING WRITTEN INFORMATION OR MATERIALS REGARDING THE OPERATION OF OR MATTERS RELATING TO THE OPERATION OF THE HOMEOWNERS ASSOCIATION IN ANY MANNER OR PLACE THAT THE GOVERNING BODY DISTRIBUTES WRITTEN INFORMATION OR MATERIALS.”.