
By: **Charles County Delegation**

Introduced and read first time: February 7, 2003

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Charles County - Homeowners Association Commission - Resolution of**
3 **Covenant Disputes**

4 FOR the purpose of authorizing a code home rule county in Southern Maryland to
5 establish a homeowners association commission with the authority to hear and
6 resolve disputes regarding the enforcement of the recorded covenants or
7 restrictions of a homeowners association by providing alternative dispute
8 resolution services under certain circumstances; and generally relating to the
9 resolution of homeowners association covenant disputes in Charles County.

10 BY repealing and reenacting, with amendments,
11 Article - Real Property
12 Section 11B-104
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 2002 Supplement)

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

17 **Article - Real Property**

18 11B-104.

19 (a) The provisions of all laws, ordinances, and regulations concerning building
20 codes or zoning shall have full force and effect to the extent that they apply to a
21 development and shall be construed and applied with reference to the overall nature
22 and use of the property without regard to whether the property is part of a
23 development.

24 (b) A local government may not enact any law, ordinance, or regulation which
25 would:

26 (1) Impose a burden or restriction on property which is part of a
27 development because it is part of a development;

1 (2) Require that additional disclosures relating to the development be
2 made to purchasers of lots within the development, other than the disclosures
3 required by § 11B-105, § 11B-106, or § 11B-107 of this title;

4 (3) Provide that the disclosures required by § 11B-105, § 11B-106, or §
5 11B-107 of this title be registered or otherwise subject to the approval of any
6 governmental agency;

7 (4) Provide that additional cancellation rights be provided to purchasers,
8 other than the cancellation rights under § 11B-108(b) and (c) of this title;

9 (5) Create additional implied warranties or require additional express
10 warranties on improvements to common areas other than those warranties described
11 in § 11B-110 of this title; or

12 (6) Expand the open meeting requirements of § 11B-111 of this title or
13 open record requirements of § 11B-112 of this title.

14 (C) SUBJECT TO THE PROVISIONS OF THIS TITLE, A CODE HOME RULE
15 COUNTY LOCATED IN THE SOUTHERN MARYLAND CLASS, AS IDENTIFIED IN ARTICLE
16 25B, § 2 OF THE CODE, MAY ESTABLISH A HOMEOWNERS ASSOCIATION COMMISSION
17 WITH THE AUTHORITY TO HEAR AND RESOLVE DISPUTES BETWEEN A HOMEOWNERS
18 ASSOCIATION AND A HOMEOWNER REGARDING THE ENFORCEMENT OF THE
19 RECORDED COVENANTS OR RESTRICTIONS OF THE HOMEOWNERS ASSOCIATION BY
20 PROVIDING ALTERNATIVE DISPUTE RESOLUTION SERVICES, INCLUDING BINDING
21 ARBITRATION.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2003.