
By: **Senator Gladden**

Introduced and read first time: February 3, 2006

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property - Homeowners Association - Amendment of Declaration**

3 FOR the purpose of authorizing a homeowners association to amend its declaration,
4 bylaws, or deed of agreement with less than a unanimous vote if its governing
5 body and a certain percentage of its lot owners agree; establishing a certain
6 percentage as the minimum level of lot owners who must agree to the
7 amendment; providing for the construction of certain provisions of this Act; and
8 generally relating to the ability of a homeowners association to amend certain
9 instruments.

10 BY renumbering

11 Article - Real Property
12 Section 11B-115
13 to be Section 11B-116
14 Annotated Code of Maryland
15 (2003 Replacement Volume and 2005 Supplement)

16 BY adding to

17 Article - Real Property
18 Section 11B-115
19 Annotated Code of Maryland
20 (2003 Replacement Volume and 2005 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That Section(s) 11B-115 of Article - Real Property of the Annotated
23 Code of Maryland be renumbered to be Section(s) 11B-116.

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

1

Article - Real Property

2 11B-115.

3 (A) A HOMEOWNERS ASSOCIATION MAY AMEND ITS DECLARATION, BYLAWS,
4 OR DEED OF AGREEMENT WITH LESS THAN A UNANIMOUS VOTE IF ITS GOVERNING
5 BODY AND ITS LOT OWNERS DETERMINE IT IS NECESSARY.

6 (B) A MINIMUM OF 80% OF THE LOT OWNERS MUST AGREE TO THE
7 AMENDMENT.

8 (C) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO APPLY TO A
9 HOMEOWNERS ASSOCIATION IF THE PERCENTAGE OF LOT OWNERS WHO AGREE
10 DOES NOT MEET THE REQUIRED LEVEL IN SUBSECTION (B) OF THIS SECTION.

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2006.