

SB0287/730414/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 287
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “Receivership” and substitute “Court Appointment of Receiver”; and strike beginning with the first “certain” in line 4 down through “receiver;” in line 19 and substitute “not less than a certain number of unit owners to petition a certain circuit court to appoint a receiver if a council of unit owners fails to fill certain vacancies on the board of directors under the Maryland Condominium Act; requiring the unit owners to mail a certain notice; requiring the unit owners to post a certain notice in a certain manner; providing that the unit owners may proceed with the petition under certain circumstances; providing that a certain receiver may not reside in or own a unit in a certain condominium; providing that a certain receiver shall have certain powers and duties; providing for the term of service of a receiver; providing that the salary of a certain receiver, certain court costs, and certain attorney’s fees are common expenses; authorizing not less than a certain number of owners of certain lots to petition a certain circuit court to appoint a receiver if a homeowners association fails to fill certain vacancies on the governing body under the Maryland Homeowners Association Act; requiring the lot owners to mail a certain notice; providing that the lot owners may proceed with the petition under certain circumstances; providing that a certain receiver may not reside in or own a lot in a certain development;”.

On page 2, in line 1, strike “an independent” and substitute “a”.

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 12 on page 2 through line 20 on page 5, inclusive, and substitute:

“(A) IF THE COUNCIL OF UNIT OWNERS FAILS TO FILL VACANCIES ON THE BOARD OF DIRECTORS SUFFICIENT TO CONSTITUTE A QUORUM IN

(Over)

ACCORDANCE WITH THE BYLAWS, THREE OR MORE UNIT OWNERS MAY PETITION THE CIRCUIT COURT FOR THE COUNTY WHERE THE CONDOMINIUM IS LOCATED TO APPOINT A RECEIVER TO MANAGE THE AFFAIRS OF THE COUNCIL OF UNIT OWNERS.

(B) (1) AT LEAST 30 DAYS BEFORE PETITIONING THE CIRCUIT COURT, THE UNIT OWNERS ACTING UNDER THE AUTHORITY GRANTED BY SUBSECTION (A) OF THIS SECTION SHALL MAIL TO THE COUNCIL OF UNIT OWNERS A NOTICE DESCRIBING THE PETITION AND THE PROPOSED ACTION.

(2) THE UNIT OWNERS SHALL POST A COPY OF THE NOTICE IN A CONSPICUOUS PLACE ON THE CONDOMINIUM PROPERTY.

(C) IF THE COUNCIL OF UNIT OWNERS FAILS TO FILL VACANCIES SUFFICIENT TO CONSTITUTE A QUORUM WITHIN THE NOTICE PERIOD, THE UNIT OWNERS MAY PROCEED WITH THE PETITION.

(D) A RECEIVER APPOINTED BY A COURT UNDER THIS SECTION MAY NOT RESIDE IN OR OWN A UNIT IN THE CONDOMINIUM GOVERNED BY THE COUNCIL OF UNIT OWNERS.

(E) (1) A RECEIVER APPOINTED UNDER THIS SECTION SHALL HAVE ALL POWERS AND DUTIES OF A DULY CONSTITUTED BOARD OF DIRECTORS.

(2) THE RECEIVER SHALL SERVE UNTIL THE COUNCIL OF UNIT OWNERS FILLS VACANCIES ON THE BOARD OF DIRECTORS SUFFICIENT TO CONSTITUTE A QUORUM.

(F) THE SALARY OF THE RECEIVER, COURT COSTS, AND REASONABLE ATTORNEY'S FEES ARE COMMON EXPENSES.

11B-111.5.

(A) IF A HOMEOWNERS ASSOCIATION FAILS TO FILL VACANCIES ON THE GOVERNING BODY SUFFICIENT TO CONSTITUTE A QUORUM IN ACCORDANCE WITH THE BYLAWS, THREE OR MORE OWNERS OF LOTS MAY PETITION THE CIRCUIT COURT FOR THE COUNTY WHERE THE CONDOMINIUM IS LOCATED TO APPOINT A RECEIVER TO MANAGE THE AFFAIRS OF THE HOMEOWNERS ASSOCIATION.

(B) (1) AT LEAST 30 DAYS BEFORE PETITIONING THE CIRCUIT COURT, THE LOT OWNERS ACTING UNDER THE AUTHORITY GRANTED BY SUBSECTION (A) OF THIS SECTION SHALL MAIL TO THE GOVERNING BODY A NOTICE DESCRIBING THE PETITION AND THE PROPOSED ACTION.

(2) THE LOT OWNERS SHALL MAIL A COPY OF THE NOTICE TO THE OWNER OF EACH LOT IN THE DEVELOPMENT.

(C) IF THE GOVERNING BODY FAILS TO FILL VACANCIES SUFFICIENT TO CONSTITUTE A QUORUM WITHIN THE NOTICE PERIOD, THE LOT OWNERS MAY PROCEED WITH THE PETITION.

(D) A RECEIVER APPOINTED BY A COURT UNDER THIS SECTION MAY NOT RESIDE IN OR OWN A LOT IN THE DEVELOPMENT GOVERNED BY THE HOMEOWNERS ASSOCIATION.

(E) (1) A RECEIVER APPOINTED UNDER THIS SECTION SHALL HAVE ALL POWERS AND DUTIES OF A DULY CONSTITUTED GOVERNING BODY.

(Over)

(2) THE RECEIVER SHALL SERVE UNTIL THE HOMEOWNERS ASSOCIATION FILLS VACANCIES ON THE GOVERNING BODY SUFFICIENT TO CONSTITUTE A QUORUM.

(F) THE SALARY OF THE RECEIVER, COURT COSTS, AND REASONABLE ATTORNEY'S FEES ARE EXPENSES OF THE HOMEOWNERS ASSOCIATION."