

HOUSE BILL 183

N1

71r0594

By: **Delegates McConkey, Beidle, Cane, and Weir**

Introduced and read first time: January 26, 2007

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Maryland Homeowners Association Act – Enforcement**
3 **Authority of Division of Consumer Protection**

4 FOR the purpose of providing that violation of any provision of the Maryland
5 Homeowners Association Act is within the scope of the enforcement duties and
6 powers of the Division of Consumer Protection of the Office of the Attorney
7 General; authorizing a county or municipal corporation to adopt a law,
8 ordinance, or regulation for a certain purpose in a certain manner; requiring a
9 county or municipal corporation to forward a copy of a certain law, ordinance, or
10 regulation to a certain depository; defining a certain term; and generally
11 relating to the authority of the Division of Consumer Protection to enforce the
12 Maryland Homeowners Association Act.

13 BY renumbering

14 Article – Real Property
15 Section 11B–115
16 to be Section 11B–116
17 Annotated Code of Maryland
18 (2003 Replacement Volume and 2006 Supplement)

19 BY adding to

20 Article – Real Property
21 Section 11B–115
22 Annotated Code of Maryland
23 (2003 Replacement Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

6 **Article – Real Property**

7 **11B-115.**

8 (A) (1) IN THIS SECTION, “CONSUMER” MEANS AN ACTUAL OR
9 PROSPECTIVE PURCHASER, LESSEE, ASSIGNEE, OR RECIPIENT OF A LOT IN A
10 DEVELOPMENT.

11 (2) “CONSUMER” INCLUDES A CO-OBLIGOR OR SURETY FOR A
12 CONSUMER.

13 (B) THIS SECTION IS INTENDED TO PROVIDE MINIMUM STANDARDS FOR
14 PROTECTION OF CONSUMERS IN THE STATE.

15 (C) (1) TO THE EXTENT THAT A VIOLATION OF ANY PROVISION OF
16 THIS TITLE AFFECTS A CONSUMER, THAT VIOLATION SHALL BE WITHIN THE
17 SCOPE OF THE ENFORCEMENT DUTIES AND POWERS OF THE DIVISION OF
18 CONSUMER PROTECTION OF THE OFFICE OF THE ATTORNEY GENERAL, AS
19 DESCRIBED IN TITLE 13 OF THE COMMERCIAL LAW ARTICLE.

20 (2) THE PROVISIONS OF THIS TITLE SHALL OTHERWISE BE
21 ENFORCED BY EACH UNIT OF STATE GOVERNMENT WITHIN THE SCOPE OF THE
22 AUTHORITY OF THE UNIT.

23 (D) (1) A COUNTY OR MUNICIPAL CORPORATION MAY ADOPT A LAW,
24 ORDINANCE, OR REGULATION FOR THE PROTECTION OF A CONSUMER TO THE
25 EXTENT AND IN THE MANNER PROVIDED FOR UNDER § 13-103 OF THE
26 COMMERCIAL LAW ARTICLE.

27 (2) WITHIN 30 DAYS OF THE EFFECTIVE DATE OF A LAW,
28 ORDINANCE, OR REGULATION ADOPTED UNDER THIS SUBSECTION THAT IS
29 EXPRESSLY APPLICABLE TO A DEVELOPMENT, THE COUNTY OR MUNICIPAL
30 CORPORATION SHALL FORWARD A COPY OF THE LAW, ORDINANCE, OR
31 REGULATION TO THE HOMEOWNERS ASSOCIATION DEPOSITORY IN THE OFFICE

1 **OF THE CLERK OF THE COURT IN THE COUNTY WHERE THE DEVELOPMENT IS**
2 **LOCATED.**

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2007.