

HOUSE BILL 183

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71r0594

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

Introduced and read first time: January 26, 2007

Assigned to: Environmental Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 7, 2007

CHAPTER _____

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Real Property
 2 Section 11B–115
 3 Annotated Code of Maryland
 4 (2003 Replacement Volume and 2006 Supplement)

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

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

10 **Article – Real Property**

11 **11B–115.**

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

15 (2) “CONSUMER” INCLUDES A CO–OBLIGOR OR SURETY FOR A
 16 CONSUMER.

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

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

24 (2) THE PROVISIONS OF THIS TITLE SHALL OTHERWISE BE
 25 ENFORCED BY EACH UNIT OF STATE GOVERNMENT WITHIN THE SCOPE OF THE
 26 AUTHORITY OF THE UNIT.

27 (D) (1) A COUNTY OR MUNICIPAL CORPORATION MAY ADOPT A LAW,
 28 ORDINANCE, OR REGULATION FOR THE PROTECTION OF A CONSUMER TO THE
 29 EXTENT AND IN THE MANNER PROVIDED FOR UNDER § 13–103 OF THE
 30 COMMERCIAL LAW ARTICLE.

1 **(2) WITHIN 30 DAYS OF THE EFFECTIVE DATE OF A LAW,**
2 **ORDINANCE, OR REGULATION ADOPTED UNDER THIS SUBSECTION THAT IS**
3 **EXPRESSLY APPLICABLE TO A DEVELOPMENT, THE COUNTY OR MUNICIPAL**
4 **CORPORATION SHALL FORWARD A COPY OF THE LAW, ORDINANCE, OR**
5 **REGULATION TO THE HOMEOWNERS ASSOCIATION DEPOSITORY IN THE OFFICE**
6 **OF THE CLERK OF THE COURT IN THE COUNTY WHERE THE DEVELOPMENT IS**
7 **LOCATED.**

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.