

CHAPTER 593

(House Bill 183)

AN ACT concerning

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

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

BY renumbering

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

BY adding to

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

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

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

Article – Real Property

11B-115.

(A) (1) IN THIS SECTION, "CONSUMER" MEANS AN ACTUAL OR PROSPECTIVE PURCHASER, LESSEE, ASSIGNEE, OR RECIPIENT OF A LOT IN A DEVELOPMENT.

(2) "CONSUMER" INCLUDES A CO-OBLIGOR OR SURETY FOR A CONSUMER.

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

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

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

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

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

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

Approved by the Governor, May 17, 2007.