

# HOUSE BILL 486

N1

8lr1844

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By: **Delegate Bobo**

Introduced and read first time: January 30, 2008

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Homeowners Associations – Meetings**

3 FOR the purpose of altering certain types of meetings of a homeowners association  
4 that shall be open to all members of the homeowners association to include a  
5 meeting called by another person or entity that is not a regularly scheduled  
6 meeting but is called to discuss certain matters relevant to the homeowners  
7 association; making stylistic changes; and generally relating to meetings of a  
8 homeowners association.

9 BY repealing and reenacting, without amendments,  
10 Article – Real Property  
11 Section 11B–101(a), (h), and (i)  
12 Annotated Code of Maryland  
13 (2003 Replacement Volume and 2007 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – Real Property  
16 Section 11B–111  
17 Annotated Code of Maryland  
18 (2003 Replacement Volume and 2007 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Real Property**

22 11B–101.

23 (a) In this title the following words have the meanings indicated, unless the  
24 context requires otherwise.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (h) "Governing body" means the homeowners association, board of directors,  
2 or other entity established to govern the development.

3 (i) (1) "Homeowners association" means a person having the authority to  
4 enforce the provisions of a declaration.

5 (2) "Homeowners association" includes an incorporated or  
6 unincorporated association.

7 11B-111.

8 Except as provided in this title, and notwithstanding anything contained in any  
9 of the documents of the homeowners association:

10 (1) Subject to the provisions of paragraph (4) of this section, all  
11 meetings of the homeowners association **SHALL BE OPEN TO ALL MEMBERS OF THE**  
12 **HOMEOWNERS ASSOCIATION OR THEIR AGENTS**, including meetings:

13 (I) [of] **OF THE** board of directors or other governing body of  
14 the homeowners association [or];

15 (II) **OF** a committee of the homeowners association[, shall be  
16 open to all members of the homeowners association or their agents]; **OR**

17 (III) **THAT ARE NOT REGULARLY SCHEDULED BUT ARE**  
18 **CALLED BY ANOTHER PERSON OR ENTITY TO DISCUSS MATTERS RELEVANT TO**  
19 **THE HOMEOWNERS ASSOCIATION**;

20 (2) All members of the homeowners association shall be given  
21 reasonable notice of all regularly scheduled open meetings of the homeowners  
22 association;

23 (3) (i) This paragraph does not apply to any meeting of a governing  
24 body that occurs at any time before the lot owners, other than the developer, have a  
25 majority of votes in the homeowners association, as provided in the declaration;

26 (ii) Subject to subparagraph (iii) of this paragraph and to  
27 reasonable rules adopted by a governing body, a governing body shall provide a  
28 designated period of time during a meeting to allow lot owners an opportunity to  
29 comment on any matter relating to the homeowners association;

30 (iii) During a meeting at which the agenda is limited to specific  
31 topics or at a special meeting, the lot owners' comments may be limited to the topics  
32 listed on the meeting agenda; and

1 (iv) The governing body shall convene at least one meeting each  
2 year at which the agenda is open to any matter relating to the homeowners  
3 association;

4 (4) A meeting of the board of directors or other governing body of the  
5 homeowners association or a committee of the homeowners association may be held in  
6 closed session only for the following purposes:

7 (i) Discussion of matters pertaining to employees and  
8 personnel;

9 (ii) Protection of the privacy or reputation of individuals in  
10 matters not related to the homeowners association's business;

11 (iii) Consultation with legal counsel;

12 (iv) Consultation with staff personnel, consultants, attorneys, or  
13 other persons in connection with pending or potential litigation;

14 (v) Investigative proceedings concerning possible or actual  
15 criminal misconduct;

16 (vi) Consideration of the terms or conditions of a business  
17 transaction in the negotiation stage if the disclosure could adversely affect the  
18 economic interests of the homeowners association;

19 (vii) Compliance with a specific constitutional, statutory, or  
20 judicially imposed requirement protecting particular proceedings or matters from  
21 public disclosure; or

22 (viii) On an individually recorded affirmative vote of two-thirds of  
23 the board or committee members present, some other exceptional reason so compelling  
24 as to override the general public policy in favor of open meetings; and

25 (5) If a meeting is held in closed session under paragraph (4) of this  
26 section:

27 (i) An action may not be taken and a matter may not be  
28 discussed if it is not permitted by paragraph (4) of this section; and

29 (ii) A statement of the time, place, and purpose of a closed  
30 meeting, the record of the vote of each board or committee member by which the  
31 meeting was closed, and the authority under this section for closing a meeting shall be  
32 included in the minutes of the next meeting of the board of directors or the committee  
33 of the homeowners association.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 June 1, 2008.