

# HOUSE BILL 1129

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8lr0833  
CF SB 101

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By: **Delegates Rosenberg, Carter, and Oaks**  
Introduced and read first time: February 7, 2008  
Assigned to: Environmental Matters

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 19, 2008

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Real Property – Homeowners Associations – Amendment of**  
3 **Governing Documents**

4 FOR the purpose of authorizing the governing documents of certain homeowners  
5 associations to be amended by a certain percentage of votes and at a certain  
6 frequency, unless the governing document provides for a lower percentage and a  
7 greater frequency; defining a certain term; and generally relating to  
8 amendment of the governing documents of a homeowners association.

9 BY renumbering  
10 Article – Real Property  
11 Section 11B–116  
12 to be Section 11B–117  
13 Annotated Code of Maryland  
14 (2003 Replacement Volume and 2007 Supplement)

15 BY adding to  
16 Article – Real Property  
17 Section 11B–116  
18 Annotated Code of Maryland  
19 (2003 Replacement Volume and 2007 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That Section(s) 11B–116 of Article – Real Property of the Annotated  
22 Code of Maryland be renumbered to be Section(s) 11B–117.

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

3 **Article – Real Property**

4 **11B–116.**

5 (A) IN THIS SECTION, “GOVERNING DOCUMENT” INCLUDES:

6 (1) A DECLARATION;

7 (2) BYLAWS;

8 (3) A DEED AND AGREEMENT; AND

9 (4) RECORDED COVENANTS AND RESTRICTIONS.

10 (B) NOTWITHSTANDING THE PROVISIONS OF A GOVERNING DOCUMENT,  
11 A HOMEOWNERS ASSOCIATION CREATED BEFORE JANUARY 1, 1960, MAY AMEND  
12 THE GOVERNING DOCUMENT: ONCE EVERY 5 YEARS, OR MORE FREQUENTLY IF  
13 ALLOWED BY THE GOVERNING DOCUMENT, BY THE AFFIRMATIVE VOTE OF LOT  
14 OWNERS HAVING AT LEAST TWO–THIRDS OF THE VOTES IN THE DEVELOPMENT,  
15 OR BY A LOWER PERCENTAGE IF REQUIRED IN THE GOVERNING DOCUMENT.

16 ~~(1) UNLESS A LOWER PERCENTAGE IS REQUIRED IN THE~~  
17 ~~GOVERNING DOCUMENT, BY THE AFFIRMATIVE VOTE OF LOT OWNERS HAVING~~  
18 ~~AT LEAST TWO–THIRDS OF THE VOTES IN THE DEVELOPMENT; AND~~

19 ~~(2) UNLESS A GREATER FREQUENCY IS ALLOWED BY THE~~  
20 ~~GOVERNING DOCUMENT, AT LEAST ONCE EVERY 5 YEARS.~~

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2008.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.