

SENATE BILL 101

N1

(8lr0834)

ENROLLED BILL

—Judicial Proceedings / Environmental Matters—

Introduced by **Senator Gladden**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

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

10 BY renumbering
11 Article – Real Property
12 Section 11B–116
13 to be Section 11B–117
14 Annotated Code of Maryland

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.

Italics indicate opposite chamber / conference committee amendments.



1 (2003 Replacement Volume and 2007 Supplement)

2 BY adding to
 3 Article – Real Property
 4 Section 11B–116
 5 Annotated Code of Maryland
 6 (2003 Replacement Volume and 2007 Supplement)

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

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

12 **Article – Real Property**

13 **11B–116.**

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

- 15 (1) A DECLARATION;
 16 (2) BYLAWS;
 17 (3) A DEED AND AGREEMENT; AND
 18 (4) RECORDED COVENANTS AND RESTRICTIONS.

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

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

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

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

