

SENATE BILL 101

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8lr0834
CF 8lr0833

By: **Senator Gladden**

Introduced and read first time: January 16, 2008

Assigned to: Judicial Proceedings

A BILL ENTITLED

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

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

25 **Article – Real Property**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **11B-116.**

2 (A) **IN THIS SECTION, "GOVERNING DOCUMENT" INCLUDES:**

3 (1) **A DECLARATION;**

4 (2) **BYLAWS;**

5 (3) **A DEED AND AGREEMENT; AND**

6 (4) **RECORDED COVENANTS AND RESTRICTIONS.**

7 (B) **NOTWITHSTANDING THE PROVISIONS OF A GOVERNING DOCUMENT,**
8 **A HOMEOWNERS ASSOCIATION MAY AMEND THE GOVERNING DOCUMENT:**

9 (1) **UNLESS A LOWER PERCENTAGE IS REQUIRED IN THE**
10 **GOVERNING DOCUMENT, BY THE AFFIRMATIVE VOTE OF LOT OWNERS HAVING**
11 **AT LEAST TWO-THIRDS OF THE VOTES IN THE DEVELOPMENT; AND**

12 (2) **UNLESS A GREATER FREQUENCY IS ALLOWED BY THE**
13 **GOVERNING DOCUMENT, AT LEAST ONCE EVERY 5 YEARS.**

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