

HOUSE BILL 942

C2

11r1851

By: **Delegate Beidle**

Introduced and read first time: February 11, 2011

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Common Interest Community Managers Act**

3 FOR the purpose of creating the State Board of Common Interest Community
4 Managers in the Department of Labor, Licensing, and Regulation; providing for
5 the composition of the Board and the appointment, terms, and expenses of the
6 Board members; providing for the election of certain officers, size of a Board
7 quorum, and meetings of the Board; establishing certain powers and duties of
8 the Board; requiring the Board to maintain a list of certain names and
9 addresses; requiring the Board to set certain fees by regulation, to publish a
10 certain fee schedule, and to pay certain fees to the Comptroller; requiring the
11 Comptroller to distribute certain fees to the State Board of Common Interest
12 Community Managers Fund; requiring an individual to be licensed by the Board
13 before the individual may act as a common interest community manager in the
14 State; establishing certain qualifications, examination requirements, and
15 experience requirements for a license; requiring common interest community
16 funds in the care of a licensee to be covered by a certain fidelity bond; providing
17 for the application for licenses; requiring licensees to maintain certain bank
18 accounts in a certain manner; authorizing the Board to establish certain
19 regulations to deny a license to an applicant, reprimand a licensee, suspend or
20 revoke a license, or impose certain penalties under certain circumstances;
21 establishing certain notice and hearing provisions; establishing the State Board
22 of Common Interest Community Managers Fund; providing for the purpose,
23 administration, composition, use, and audit of the Fund; requiring the
24 Secretary, in consultation with the Board, to calculate certain costs annually;
25 authorizing the Board to set certain fees, based on certain calculations; making
26 the Board subject to the Maryland Program Evaluation Act; providing for the
27 termination of certain provisions of this Act; specifying the terms of the initial
28 members of the Board; providing for the application of this Act; defining certain
29 terms; and generally relating to the State Board of Common Interest
30 Community Managers and the regulation of common interest community
31 managers.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY renumbering

2 Article – Business Regulation

3 Section 2–108(a)(10) through (34), respectively

4 to be Section 2–108(a)(11) through (35), respectively

5 Annotated Code of Maryland

6 (2010 Replacement Volume and 2010 Supplement)

7 BY renumbering

8 Article – State Government

9 Section 8–403(b)(13) through (68), respectively

10 to be Section 8–403(b)(14) through (69), respectively

11 Annotated Code of Maryland

12 (2009 Replacement Volume and 2010 Supplement)

13 BY adding to

14 Article – Business Occupations and Professions

15 Section 22–101 through 22–402 to be under the new title “Title 22. Common
16 Interest Community Managers”

17 Annotated Code of Maryland

18 (2010 Replacement Volume)

19 BY adding to

20 Article – Business Regulation

21 Section 2–106.7, 2–106.8, and 2–108(a)(10)

22 Annotated Code of Maryland

23 (2010 Replacement Volume and 2010 Supplement)

24 BY repealing and reenacting, without amendments,

25 Article – State Government

26 Section 8–403(a)

27 Annotated Code of Maryland

28 (2009 Replacement Volume and 2010 Supplement)

29 BY adding to

30 Article – State Government

31 Section 8–403(b)(13)

32 Annotated Code of Maryland

33 (2009 Replacement Volume and 2010 Supplement)

34 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
35 MARYLAND, That Section(s) 2–108(a)(10) through (34), respectively, of Article –
36 Business Regulation of the Annotated Code of Maryland be renumbered to be
37 Section(s) 2–108(a)(11) through (35), respectively.

38 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 8–403(b)(13)
39 through (68), respectively, of Article – State Government of the Annotated Code of
40 Maryland be renumbered to be Section(s) 8–403(b)(14) through (69), respectively.

1 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
2 read as follows:

3 **Article – Business Occupations and Professions**

4 **TITLE 22. COMMON INTEREST COMMUNITY MANAGERS.**

5 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

6 **22-101.**

7 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (B) “ASSOCIATION” MEANS A COMMON INTEREST COMMUNITY
10 ASSOCIATION.

11 (C) “BOARD” MEANS THE STATE BOARD OF COMMON INTEREST
12 COMMUNITY MANAGERS.

13 (D) “COMMON INTEREST COMMUNITY” MEANS:

14 (1) A CONDOMINIUM AS DEFINED IN § 11-101 OF THE REAL
15 PROPERTY ARTICLE;

16 (2) A COOPERATIVE HOUSING CORPORATION AS DEFINED IN §
17 5-6B-01 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE; AND

18 (3) A HOMEOWNERS ASSOCIATION AS DEFINED IN § 11B-101 OF
19 THE REAL PROPERTY ARTICLE.

20 (E) “COMMON INTEREST COMMUNITY ASSOCIATION” MEANS AN
21 ASSOCIATION IN WHICH MEMBERSHIP IS A CONDITION OF OWNERSHIP OR
22 SHAREHOLDER INTEREST IN A RESIDENTIAL UNIT THAT IS PART OF A COMMON
23 INTEREST COMMUNITY.

24 (F) “COMMON INTEREST COMMUNITY MANAGER” MEANS AN
25 INDIVIDUAL WHO FOR CONSIDERATION PROVIDES MANAGEMENT SERVICES TO A
26 COMMON INTEREST COMMUNITY OR WHO REPRESENTS THE INDIVIDUAL AS
27 HAVING THE AUTHORITY TO ACT IN THE CAPACITY OF PROVIDING MANAGEMENT
28 SERVICES TO A COMMON INTEREST COMMUNITY.

1 **(G) “LICENSE” MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A**
2 **LICENSE ISSUED BY THE BOARD TO ACT AS A COMMON INTEREST COMMUNITY**
3 **MANAGER.**

4 **(H) “PROVIDE MANAGEMENT SERVICES” MEANS:**

5 **(1) TO ACT WITH THE AUTHORITY OF AN ASSOCIATION IN ITS**
6 **BUSINESS, LEGAL, FINANCIAL, OR OTHER TRANSACTIONS WITH ASSOCIATION**
7 **MEMBERS AND NONMEMBERS;**

8 **(2) TO EXECUTE THE RESOLUTIONS AND DECISIONS OF AN**
9 **ASSOCIATION OR, WITH THE AUTHORITY OF THE ASSOCIATION, TO ENFORCE**
10 **THE RIGHTS OF THE ASSOCIATION SECURED BY STATUTE, CONTRACT,**
11 **COVENANT, RULE, OR BYLAW;**

12 **(3) TO COLLECT, DISBURSE, OR OTHERWISE EXERCISE DOMINION**
13 **OR CONTROL OVER MONEY OR OTHER PROPERTY BELONGING TO AN**
14 **ASSOCIATION;**

15 **(4) TO PREPARE BUDGETS, FINANCIAL STATEMENTS, OR OTHER**
16 **FINANCIAL REPORTS FOR AN ASSOCIATION;**

17 **(5) TO ARRANGE, CONDUCT, OR COORDINATE MEETINGS OF AN**
18 **ASSOCIATION OR THE GOVERNING BODY OF AN ASSOCIATION;**

19 **(6) TO NEGOTIATE CONTRACTS OR OTHERWISE COORDINATE OR**
20 **ARRANGE FOR SERVICES OR THE PURCHASE OF PROPERTY AND GOODS FOR OR**
21 **ON BEHALF OF AN ASSOCIATION; OR**

22 **(7) TO OFFER OR SOLICIT TO PERFORM ANY OF THE ACTS OR**
23 **SERVICES LISTED IN ITEMS (1) THROUGH (6) OF THIS SUBSECTION ON BEHALF**
24 **OF AN ASSOCIATION.**

25 **22-102.**

26 **THIS TITLE DOES NOT PROHIBIT:**

27 **(1) A RESIDENT OF A COMMON INTEREST COMMUNITY WHO ACTS**
28 **WITHOUT COMPENSATION FROM PROVIDING MANAGEMENT SERVICES FOR THAT**
29 **COMMON INTEREST COMMUNITY;**

30 **(2) A MEMBER OF THE GOVERNING BOARD OF AN ASSOCIATION**
31 **WHO ACTS WITHOUT COMPENSATION FROM PROVIDING MANAGEMENT**
32 **SERVICES FOR THAT ASSOCIATION’S COMMON INTEREST COMMUNITY;**

1 **(3) AN ATTORNEY AT LAW FROM REPRESENTING AN ASSOCIATION**
2 **OR A COMMON INTEREST COMMUNITY MANAGER IN ANY BUSINESS THAT**
3 **CONSTITUTES THE PRACTICE OF LAW;**

4 **(4) A CERTIFIED PUBLIC ACCOUNTANT FROM PROVIDING**
5 **BOOKKEEPING OR ACCOUNTING SERVICES TO AN ASSOCIATION OR A COMMON**
6 **INTEREST COMMUNITY MANAGER;**

7 **(5) A REAL ESTATE BROKER OR SALESPERSON FROM SELLING,**
8 **LEASING, RENTING, OR MANAGING INDIVIDUAL LOTS OR UNITS WITHIN A**
9 **COMMON INTEREST COMMUNITY;**

10 **(6) A PERSON WHO ACTS AS A RECEIVER OR TRUSTEE IN**
11 **BANKRUPTCY IN THE PERFORMANCE OF DUTIES OR A PERSON WHO ACTS**
12 **UNDER A COURT ORDER FROM PROVIDING MANAGEMENT SERVICES FOR A**
13 **COMMON INTEREST COMMUNITY; OR**

14 **(7) A DECLARANT FROM PROVIDING MANAGEMENT SERVICES FOR**
15 **A COMMON INTEREST COMMUNITY.**

16 **SUBTITLE 2. STATE BOARD OF COMMON INTEREST COMMUNITY MANAGERS.**

17 **22-201.**

18 **THERE IS A STATE BOARD OF COMMON INTEREST COMMUNITY**
19 **MANAGERS IN THE DEPARTMENT.**

20 **22-202.**

21 **(A) (1) THE BOARD CONSISTS OF 11 MEMBERS.**

22 **(2) OF THE 11 MEMBERS OF THE BOARD:**

23 **(I) 6 SHALL BE LICENSED COMMON INTEREST COMMUNITY**
24 **MANAGERS;**

25 **(II) 1 SHALL BE A MARYLAND ATTORNEY WHOSE PRACTICE**
26 **INCLUDES THE REPRESENTATION OF ASSOCIATIONS;**

27 **(III) 1 SHALL BE A CERTIFIED PUBLIC ACCOUNTANT WHOSE**
28 **PRACTICE INCLUDES PROVIDING SERVICES TO ASSOCIATIONS;**

1 (IV) 1 SHALL BE A DEVELOPER OF A COMMON INTEREST
2 COMMUNITY IN THE STATE; AND

3 (V) 2 SHALL BE CONSUMER MEMBERS WHO OWN PROPERTY
4 IN A COMMON INTEREST COMMUNITY WITH A COMMON INTEREST COMMUNITY
5 ASSOCIATION IN THE STATE.

6 (3) THE GOVERNOR SHALL APPOINT THE MEMBERS WITH THE
7 ADVICE OF THE SECRETARY.

8 (B) EACH MEMBER OF THE BOARD SHALL BE:

9 (1) A CITIZEN OF THE UNITED STATES; AND

10 (2) A RESIDENT OF THE STATE.

11 (C) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL
12 TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND
13 CONSTITUTION.

14 (D) (1) THE TERM OF A MEMBER IS 3 YEARS AND BEGINS ON JULY 1.

15 (2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED
16 BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2011.

17 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE
18 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

19 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN
20 SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS
21 APPOINTED AND QUALIFIES.

22 (5) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE
23 TERMS.

24 22-203.

25 (A) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIR
26 AND VICE CHAIR.

27 (B) THE TERM OF THE CHAIR AND VICE CHAIR IS 1 YEAR.

28 22-204.

1 **(A) A MAJORITY OF THE MEMBERS THEN SERVING ON THE BOARD IS A**
2 **QUORUM.**

3 **(B) THE BOARD SHALL DETERMINE THE TIMES AND PLACES OF ITS**
4 **MEETINGS.**

5 **(C) EACH MEMBER OF THE BOARD IS ENTITLED TO:**

6 **(1) COMPENSATION IN ACCORDANCE WITH THE STATE BUDGET;**
7 **AND**

8 **(2) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD**
9 **STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

10 **(D) THE BOARD MAY EMPLOY STAFF IN ACCORDANCE WITH THE STATE**
11 **BUDGET.**

12 **22-205.**

13 **(A) IN ADDITION TO ANY POWERS SET FORTH ELSEWHERE, THE BOARD**
14 **MAY ADOPT:**

15 **(1) BYLAWS AS NECESSARY TO DO THE BUSINESS OF THE BOARD;**
16 **AND**

17 **(2) REGULATIONS TO CARRY OUT THIS TITLE.**

18 **(B) IN ADDITION TO ANY DUTIES SET FORTH ELSEWHERE, THE BOARD**
19 **SHALL:**

20 **(1) ADMINISTER AND ENFORCE THIS TITLE;**

21 **(2) ADOPT REGULATIONS NECESSARY TO CARRY OUT THIS TITLE;**

22 **(3) ADOPT REGULATIONS TO ESTABLISH QUALIFICATIONS FOR**
23 **THE ISSUANCE AND RENEWAL OF LICENSES UNDER THIS TITLE;**

24 **(4) ADOPT REGULATIONS TO ESTABLISH STANDARDS OF**
25 **CONDUCT FOR COMMON INTEREST COMMUNITY MANAGERS;**

26 **(5) APPROVE CRITERIA FOR TRAINING PROGRAMS FOR COMMON**
27 **INTEREST COMMUNITY MANAGERS;**

28 **(6) KEEP A RECORD OF ITS PROCEEDINGS; AND**

1 **(7) ESTABLISH REQUIREMENTS FOR APPROPRIATE TRAINING**
2 **AND EDUCATIONAL CREDENTIALS OF COMMON INTEREST COMMUNITY**
3 **MANAGERS, INCLUDING EXPERIENCE AND PROFESSIONAL DESIGNATION**
4 **REQUIREMENTS.**

5 **22-206.**

6 **(A) THE BOARD SHALL MAINTAIN A LIST OF THE NAMES AND MAILING**
7 **ADDRESSES OF ALL LICENSE HOLDERS.**

8 **(B) THE BOARD MAY RELEASE THE LIST OF LICENSE HOLDERS TO THE**
9 **PUBLIC.**

10 **(C) EACH LICENSE HOLDER SHALL DESIGNATE A MAILING ADDRESS AT**
11 **THE TIME OF ISSUANCE OF THE ORIGINAL LICENSE AND ON THE RENEWAL OF**
12 **THE LICENSE.**

13 **(D) A LICENSE HOLDER SHALL NOTIFY THE BOARD OF A CHANGE OF**
14 **ADDRESS WITHIN 60 DAYS AFTER THE CHANGE.**

15 **22-207.**

16 **(A) (1) THE BOARD MAY SET BY REGULATION REASONABLE FEES FOR**
17 **ITS SERVICES.**

18 **(2) THE FEES CHARGED SHALL BE:**

19 **(I) SET TO PRODUCE FUNDS TO APPROXIMATE THE COST**
20 **OF MAINTAINING THE BOARD; AND**

21 **(II) BASED ON THE CALCULATIONS PERFORMED BY THE**
22 **SECRETARY UNDER § 2-106.8 OF THE BUSINESS REGULATION ARTICLE.**

23 **(B) THE BOARD SHALL PUBLISH THE FEE SCHEDULE SET BY THE**
24 **BOARD.**

25 **(C) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THIS**
26 **TITLE TO THE COMPTROLLER.**

27 **(2) THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO THE**
28 **STATE BOARD OF COMMON INTEREST COMMUNITY MANAGERS FUND**
29 **ESTABLISHED UNDER § 2-106.7 OF THE BUSINESS REGULATION ARTICLE.**

1 **22-208.**

2 **THE BOARD EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS SUBJECT**
3 **TO THE AUTHORITY OF THE SECRETARY.**

4 **SUBTITLE 3. LICENSING.**

5 **22-301.**

6 **AN INDIVIDUAL SHALL BE LICENSED BY THE BOARD BEFORE THE**
7 **INDIVIDUAL ACTS AS A COMMON INTEREST COMMUNITY MANAGER IN THE**
8 **STATE.**

9 **22-302.**

10 **(A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN**
11 **INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.**

12 **(B) THE APPLICANT SHALL:**

13 **(1) BE A CITIZEN OF THE UNITED STATES OR HOLD A VALID**
14 **PERMANENT RESIDENT CARD FROM THE UNITED STATES CITIZENSHIP AND**
15 **IMMIGRATION SERVICES;**

16 **(2) BE OF GOOD CHARACTER AND REPUTATION; AND**

17 **(3) BE AT LEAST 18 YEARS OLD.**

18 **(C) THE APPLICANT SHALL:**

19 **(1) COMPLETE A TRAINING PROGRAM APPROVED BY THE BOARD**
20 **AND SUCCESSFULLY PASS AN EXAMINATION THAT IS DEVELOPED IN**
21 **ACCORDANCE WITH NATIONAL STANDARDS USING PSYCHOMETRIC MEASURES**
22 **ACCREDITED BY THE NATIONAL ORGANIZATION FOR COMPETENCY**
23 **ASSURANCE; OR**

24 **(2) BE ACTIVELY ENGAGED IN PROVIDING MANAGEMENT**
25 **SERVICES FOR AT LEAST 12 MONTHS BEFORE APPLYING FOR A LICENSE AND**
26 **HOLD AN ACTIVE DESIGNATION FROM THE INSTITUTE OF REAL ESTATE**
27 **MANAGEMENT AS:**

28 **(I) A PROFESSIONAL COMMUNITY ASSOCIATION MANAGER**
29 **(PCAM);**

- 1 (II) AN ASSOCIATION MANAGEMENT SPECIALIST (AMS);
- 2 (III) A CERTIFIED MANAGER OF COMMUNITY ASSOCIATIONS
- 3 (CMCA);
- 4 (IV) A CERTIFIED PROPERTY MANAGER (CPM); OR
- 5 (V) AN ACCREDITED RESIDENTIAL MANAGER (ARM).

6 (D) THE BOARD SHALL ESTABLISH REQUIREMENTS FOR INDIVIDUALS

7 TO WORK UNDER THE SUPERVISION OF LICENSEES TO GAIN EXPERIENCE IN

8 PROVIDING MANAGEMENT SERVICES.

9 **22-303.**

10 AN APPLICANT FOR A LICENSE SHALL:

11 (1) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT

12 THE BOARD PROVIDES; AND

13 (2) PAY TO THE BOARD AN APPLICATION FEE SET BY THE BOARD.

14 **22-304.**

15 (A) IF AN APPLICANT QUALIFIES FOR A LICENSE UNDER THIS SUBTITLE,

16 THE BOARD SHALL SEND THE APPLICANT A NOTICE THAT STATES THAT:

17 (1) THE APPLICANT HAS QUALIFIED FOR A LICENSE; AND

18 (2) ON RECEIPT OF A LICENSE FEE SET BY THE BOARD, THE

19 BOARD WILL ISSUE A LICENSE TO THE APPLICANT.

20 (B) ON PAYMENT OF THE LICENSE FEE, THE BOARD SHALL ISSUE A

21 LICENSE TO EACH APPLICANT WHO MEETS THE REQUIREMENTS OF THIS

22 SUBTITLE.

23 **22-305.**

24 ALL COMMON INTEREST COMMUNITY FUNDS IN THE CARE AND CUSTODY

25 OF A LICENSEE SHALL BE COVERED BY FIDELITY INSURANCE AS REQUIRED

26 UNDER § 11-114.1 OR § 11B-111.6 OF THE REAL PROPERTY ARTICLE.

27 **22-306.**

1 **(A) A LICENSEE WHO PROVIDES MANAGEMENT SERVICES FOR MORE**
2 **THAN ONE ASSOCIATION SHALL MAINTAIN SEPARATE BANK ACCOUNTS FOR**
3 **EACH ASSOCIATION.**

4 **(B) THE FUNDS IN EACH ASSOCIATION BANK ACCOUNT MAY NOT BE**
5 **COMMINGLED WITH THE FUNDS OF THE LICENSEE OR ANOTHER ASSOCIATION.**

6 **(C) THE MAINTENANCE OF BANK ACCOUNTS BY A LICENSEE SHALL BE**
7 **CUSTODIAL AND IN THE NAME OF THE ASSOCIATION.**

8 **22-307.**

9 **(A) SUBJECT TO THE HEARING PROVISIONS OF THIS SECTION, THE**
10 **BOARD SHALL ESTABLISH BY REGULATION GROUNDS FOR DENYING A LICENSE**
11 **TO AN APPLICANT, REPRIMANDING A LICENSEE, SUSPENDING OR REVOKING A**
12 **LICENSE, OR IMPOSING A PENALTY AGAINST A LICENSEE.**

13 **(B) THE BOARD MAY IMPOSE DISCIPLINARY ACTION AGAINST A**
14 **LICENSEE IF THE LICENSEE:**

15 **(1) COMMITS A FELONY OR OFFENSE INVOLVING MORAL**
16 **TURPITUDE;**

17 **(2) VIOLATES THIS TITLE;**

18 **(3) VIOLATES AN ORDER OF THE DEPARTMENT; OR**

19 **(4) FAILS TO COOPERATE WITH THE BOARD IN THE**
20 **INVESTIGATION OF A COMPLAINT.**

21 **(C) (1) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE**
22 **GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER**
23 **SUBSECTION (A) OF THIS SECTION, IT SHALL GIVE THE INDIVIDUAL AGAINST**
24 **WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING**
25 **BEFORE THE BOARD.**

26 **(2) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN**
27 **ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT**
28 **ARTICLE.**

29 **(3) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE**
30 **ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD MAY**
31 **HEAR AND DETERMINE THE MATTER.**

1 **(D) AN INDIVIDUAL AGGRIEVED BY A FINAL DECISION OF THE BOARD IN**
2 **A CONTESTED CASE, AS DEFINED IN § 10-202 OF THE STATE GOVERNMENT**
3 **ARTICLE, MAY TAKE AN APPEAL AS ALLOWED IN §§ 10-222 AND 10-223 OF THE**
4 **STATE GOVERNMENT ARTICLE.**

5 **SUBTITLE 4. SHORT TITLE; TERMINATION OF TITLE.**

6 **22-401.**

7 **THIS TITLE MAY BE CITED AS THE “MARYLAND COMMON INTEREST**
8 **COMMUNITY MANAGERS ACT”.**

9 **22-402.**

10 **SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF**
11 **THE MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL**
12 **REGULATIONS ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO**
13 **EFFECT AFTER JULY 1, 2017.**

14 **Article – Business Regulation**

15 **2-106.7.**

16 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
17 **MEANINGS INDICATED.**

18 **(2) “BOARD” MEANS THE STATE BOARD OF COMMON INTEREST**
19 **COMMUNITY MANAGERS.**

20 **(3) “FUND” MEANS THE STATE BOARD OF COMMON INTEREST**
21 **COMMUNITY MANAGERS FUND.**

22 **(B) THERE IS A STATE BOARD OF COMMON INTEREST COMMUNITY**
23 **MANAGERS FUND IN THE DEPARTMENT.**

24 **(C) THE PURPOSE OF THE FUND IS TO COVER THE ACTUAL**
25 **DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY**
26 **AND REGULATORY DUTIES OF THE BOARD.**

27 **(D) THE SECRETARY OR A DESIGNEE OF THE SECRETARY SHALL**
28 **ADMINISTER THE FUND.**

29 **(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
30 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

1 **(2) THE STATE TREASURER SHALL HOLD THE FUND**
2 **SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

3 **(F) THE FUND CONSISTS OF:**

4 **(1) REVENUE DISTRIBUTED TO THE FUND UNDER § 22-207 OF**
5 **THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE;**

6 **(2) INVESTMENT EARNINGS OF THE FUND;**

7 **(3) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**
8 **AND**

9 **(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**
10 **THE BENEFIT OF THE FUND.**

11 **(G) THE FUND MAY BE USED ONLY TO COVER THE ACTUAL**
12 **DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY**
13 **AND REGULATORY DUTIES OF THE BOARD.**

14 **(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE**
15 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

16 **(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE**
17 **CREDITED TO THE FUND.**

18 **(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN**
19 **ACCORDANCE WITH THE STATE BUDGET.**

20 **(J) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND**
21 **TRANSACTIONS OF THE FUND AS PROVIDED IN § 2-1220 OF THE STATE**
22 **GOVERNMENT ARTICLE.**

23 **2-106.8.**

24 **(A) IN THIS SECTION, “BOARD” MEANS THE STATE BOARD OF COMMON**
25 **INTEREST COMMUNITY MANAGERS.**

26 **(B) IN CONSULTATION WITH THE BOARD, THE SECRETARY SHALL**
27 **CALCULATE ANNUALLY THE DIRECT AND INDIRECT COSTS ATTRIBUTABLE TO**
28 **THE BOARD.**

1 **(C) THE BOARD SHALL ESTABLISH FEES BASED ON THE CALCULATIONS**
2 **PROVIDED BY THE SECRETARY UNDER THIS SECTION.**

3 2–108.

4 (a) The following units are in the Department:

5 **(10) THE STATE BOARD OF COMMON INTEREST COMMUNITY**
6 **MANAGERS.**

7 **Article – State Government**

8 8–403.

9 (a) On or before December 15 of the 2nd year before the evaluation date of a
10 governmental activity or unit, the Legislative Policy Committee, based on a
11 preliminary evaluation, may waive as unnecessary the evaluation required under this
12 section.

13 (b) Except as otherwise provided in subsection (a) of this section, on or before
14 the evaluation date for the following governmental activities or units, an evaluation
15 shall be made of the following governmental activities or units and the statutes and
16 regulations that relate to the governmental activities or units:

17 **(13) COMMON INTEREST COMMUNITY MANAGERS, STATE BOARD**
18 **OF (§ 22–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE,**
19 **JULY 1, 2017);**

20 SECTION 4. AND BE IT FURTHER ENACTED, That:

21 (a) The terms of the initial members of the State Board of Common Interest
22 Community Managers shall expire as follows:

23 (1) three members in 2012;

24 (2) four members in 2013; and

25 (3) four members in 2014.

26 (b) On or after July 1, 2014, the Governor shall appoint the membership of
27 the State Board of Common Interest Community Managers in accordance with the
28 provisions of § 22–202 of the Business Occupations and Professions Article, as enacted
29 by Section 3 of this Act.

30 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2011.