

# Chapter 491

(Senate Bill 532)

AN ACT concerning

## Real Property – Homeowners Association Elections – Enforcement by the Division of Consumer Protection

FOR the purpose of ~~providing that a violation of a provision of the governing documents of a homeowners association that regulates procedures for the election of the governing body of the association is within the enforcement duties and powers of~~ authorizing a lot owner who believes that the board of directors or other governing body of a homeowners association has failed to comply with the election procedures provisions of the governing documents of the homeowners association to submit the dispute to the Division of Consumer Protection of the Office of the Attorney General if the provisions concern certain elements of the election procedures; and generally relating to enforcement of the election procedures of a homeowners association.

BY repealing and reenacting, ~~with~~ without amendments,  
Article – Real Property  
Section 11B–115(c)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2010 Supplement)

BY adding to  
Article – Real Property  
Section 11B–115.1  
Annotated Code of Maryland  
(2010 Replacement Volume and 2010 Supplement)

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

### Article – Real Property

11B–115.

(c) (1) ~~¶~~To the extent that a ~~¶~~ ~~A~~ violation ~~¶~~ of any provision of this title affects a consumer, that violation shall be ~~¶~~ ~~is~~ within the scope of the enforcement duties and powers of the Division of Consumer Protection of the Office of the Attorney General, as described in Title 13 of the Commercial Law Article, ~~IF THE VIOLATION IS OF:~~

~~(I) ANY PROVISION OF THIS TITLE, TO THE EXTENT THAT THE VIOLATION AFFECTS A CONSUMER; OR~~

~~(II) A PROVISION OF THE GOVERNING DOCUMENTS OF A HOMEOWNERS ASSOCIATION THAT REGULATES PROCEDURES FOR THE ELECTION OF THE GOVERNING BODY OF THE HOMEOWNERS ASSOCIATION.~~

(2) The provisions of this title shall otherwise be enforced by each unit of State government within the scope of the authority of the unit.

### 11B-115.1.

A LOT OWNER WHO BELIEVES THAT THE BOARD OF DIRECTORS OR OTHER GOVERNING BODY OF A HOMEOWNERS ASSOCIATION HAS FAILED TO COMPLY WITH THE ELECTION PROCEDURES PROVISIONS OF THE GOVERNING DOCUMENTS OF THE HOMEOWNERS ASSOCIATION MAY SUBMIT THE DISPUTE TO THE DIVISION OF CONSUMER PROTECTION OF THE OFFICE OF THE ATTORNEY GENERAL IF THE PROVISIONS CONCERN:

(1) NOTICE ABOUT THE DATE, TIME, AND PLACE FOR THE ELECTION OF THE BOARD OF DIRECTORS OR OTHER GOVERNING BODY;

(2) THE MANNER IN WHICH A CALL IS MADE FOR NOMINATIONS FOR THE BOARD OF DIRECTORS OR OTHER GOVERNING BODY;

(3) THE FORMAT OF THE ELECTION BALLOT;

(4) THE FORMAT, PROVISION, AND USE OF PROXIES DURING THE ELECTION PROCESS; OR

(5) THE MANNER IN WHICH A QUORUM IS DETERMINED FOR ELECTION PURPOSES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

Approved by the Governor, May 19, 2011.