

HOUSE BILL 155

N1

2lr0859

By: **Delegate Beidle**

Introduced and read first time: January 23, 2012

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Homeowners Associations – Adoption of Rules – Notice to Lot Owners**

3 FOR the purpose of requiring the governing body of a homeowners association to
4 provide lot owners with a copy of a proposed rule and certain notice before it
5 may adopt the rule; establishing a procedure to allow lot owners or tenants to
6 comment on the proposed rule at an open meeting; requiring that a proposed
7 rule be passed at a regular or special meeting by a majority vote of those
8 present and voting of the governing body of the homeowners association;
9 authorizing the proposed rule, the notice of the proposed rule, and the notice of
10 the meeting to adopt the proposed rule to be sent to lot owners by electronic
11 transmission, by posting on the homeowners association's home page, or by
12 including the proposed rule or notices in the homeowners association's
13 newsletter; establishing a procedure to allow lot owners to appeal an adopted
14 rule; authorizing a lot owner or tenant to request an individual exception to a
15 rule adopted while the individual was a lot owner or tenant; and generally
16 relating to the adoption of rules by a homeowners association.

17 BY adding to

18 Article – Real Property

19 Section 11B–111.7

20 Annotated Code of Maryland

21 (2010 Replacement Volume and 2011 Supplement)

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

24 **Article – Real Property**

25 **11B–111.7.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) THE GOVERNING BODY OF A HOMEOWNERS ASSOCIATION MAY**
2 **ADOPT RULES FOR THE HOMEOWNERS ASSOCIATION IF:**

3 **(1) EACH LOT OWNER IS PROVIDED:**

4 **(I) A COPY OF THE PROPOSED RULE;**

5 **(II) NOTICE THAT LOT OWNERS ARE PERMITTED TO SUBMIT**
6 **WRITTEN COMMENTS ON THE PROPOSED RULE; AND**

7 **(III) NOTICE OF THE PROPOSED EFFECTIVE DATE OF THE**
8 **PROPOSED RULE;**

9 **(2) (I) BEFORE A VOTE IS TAKEN ON THE PROPOSED RULE, AN**
10 **OPEN MEETING IS HELD TO ALLOW EACH LOT OWNER OR TENANT TO COMMENT**
11 **ON THE PROPOSED RULE;**

12 **(II) THE MEETING HELD UNDER THIS ITEM MAY NOT BE**
13 **HELD UNLESS:**

14 **1. EACH LOT OWNER RECEIVES NOTICE AT LEAST 15**
15 **DAYS BEFORE THE MEETING; AND**

16 **2. A QUORUM OF THE GOVERNING BODY IS**
17 **PRESENT; AND**

18 **(3) AFTER NOTICE HAS BEEN GIVEN TO LOT OWNERS AS**
19 **PROVIDED IN THIS SUBSECTION, THE PROPOSED RULE IS PASSED AT A REGULAR**
20 **OR SPECIAL MEETING BY A MAJORITY VOTE OF THOSE PRESENT AND VOTING OF**
21 **THE GOVERNING BODY.**

22 **(B) NOTICE UNDER THIS SECTION MAY BE PROVIDED BY ELECTRONIC**
23 **TRANSMISSION, BY POSTING ON THE HOMEOWNERS ASSOCIATION'S HOME PAGE,**
24 **OR BY INCLUDING THE NOTICE IN THE HOMEOWNERS ASSOCIATION'S**
25 **NEWSLETTER.**

26 **(C) (1) THE VOTE ON THE PROPOSED RULE SHALL BE FINAL UNLESS:**

27 **(I) WITHIN 15 DAYS AFTER THE VOTE TO ADOPT THE**
28 **PROPOSED RULE, 15 PERCENT OF THE LOT OWNERS SIGN AND FILE A PETITION**
29 **WITH THE BODY THAT VOTED TO ADOPT THE PROPOSED RULE, CALLING FOR A**
30 **SPECIAL MEETING;**

1 **(II) A QUORUM OF THE LOT OWNERS ATTENDS THE**
2 **MEETING; AND**

3 **(III) AT THE MEETING, 50 PERCENT OF THE LOT OWNERS**
4 **PRESENT AND VOTING DISAPPROVE THE PROPOSED RULE, AND THE LOT**
5 **OWNERS VOTING TO DISAPPROVE THE PROPOSED RULE ARE MORE THAN 33**
6 **PERCENT OF THE TOTAL VOTES IN THE HOMEOWNERS ASSOCIATION.**

7 **(2) DURING THE SPECIAL MEETINGS HELD UNDER PARAGRAPH**
8 **(1) OF THIS SUBSECTION, LOT OWNERS, TENANTS, AND MORTGAGEES MAY**
9 **COMMENT ON THE PROPOSED RULE.**

10 **(3) A SPECIAL MEETING HELD UNDER PARAGRAPH (1) OF THIS**
11 **SUBSECTION SHALL BE HELD:**

12 **(I) AFTER THE LOT OWNERS AND ANY MORTGAGEES HAVE**
13 **AT LEAST 15 DAYS' WRITTEN NOTICE OF THE MEETING; AND**

14 **(II) WITHIN 30 DAYS AFTER THE DAY ON WHICH THE**
15 **PETITION IS RECEIVED BY THE BODY.**

16 **(D) (1) EACH LOT OWNER OR TENANT MAY REQUEST AN INDIVIDUAL**
17 **EXCEPTION TO A RULE ADOPTED WHILE THE INDIVIDUAL WAS THE LOT OWNER**
18 **OR TENANT.**

19 **(2) A REQUEST FOR AN INDIVIDUAL EXCEPTION UNDER**
20 **PARAGRAPH (1) OF THIS SUBSECTION SHALL BE:**

21 **(I) WRITTEN;**

22 **(II) FILED WITH THE BODY THAT VOTED TO ADOPT THE**
23 **PROPOSED RULE; AND**

24 **(III) FILED WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF**
25 **THE RULE.**

26 **(E) (1) EACH RULE ADOPTED UNDER THIS SECTION SHALL STATE**
27 **THAT THE RULE WAS ADOPTED UNDER THE PROVISIONS OF THIS SECTION.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2012.