

HOUSE BILL 433

C2, N1

2lr1204
CF SB 372

By: **Delegates Beidle, Davis, Frush, Glenn, Healey, Lafferty, Niemann,
S. Robinson, Vaughn, and Wilson**

Introduced and read first time: February 1, 2012

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland 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 on or before a certain date before the individual may act as a common interest
14 community manager in the State; establishing certain qualifications, training
15 requirements, and experience requirements for a license; establishing
16 application requirements for licenses; requiring certain licensees to maintain
17 certain bank accounts in a certain manner; authorizing the Board to establish
18 certain regulations to deny a license to an applicant, reprimand a licensee,
19 suspend or revoke a license, or impose certain penalties under certain
20 circumstances; establishing certain notice and hearing provisions; authorizing
21 the Board to impose a certain fine under certain circumstances; requiring
22 certain common interest community associations to register annually with and
23 provide certain information to the Board; requiring the Board to charge a
24 certain annual registration fee; establishing the State Board of Common
25 Interest Community Managers Fund; providing for the purpose, administration,
26 composition, use, and audit of the Fund; requiring the Secretary of Labor,
27 Licensing, and Regulation, in consultation with the Board, to calculate certain
28 costs annually; authorizing the Board to set certain fees, based on certain
29 calculations; prohibiting a fee established by the Board from being increased by
30 more than a certain percentage annually; defining certain terms; providing for

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the application of this Act; making the Board subject to the Maryland Program
2 Evaluation Act; providing for the termination of certain provisions of this Act;
3 specifying the terms of the initial members of the Board; and generally relating
4 to the State Board of Common Interest Community Managers and the
5 regulation of common interest community managers.

6 BY renumbering

7 Article – Business Regulation
8 Section 2–108(a)(10) through (33), respectively
9 to be Section 2–108(a)(11) through (34), respectively
10 Annotated Code of Maryland
11 (2010 Replacement Volume and 2011 Supplement)

12 BY renumbering

13 Article – State Government
14 Section 8–403(b)(13) through (68), respectively
15 to be Section 8–403(b)(14) through (69), respectively
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2011 Supplement)

18 BY adding to

19 Article – Business Occupations and Professions
20 Section 22–101 through 22–502 to be under the new title “Title 22. Common
21 Interest Community Managers”
22 Annotated Code of Maryland
23 (2010 Replacement Volume and 2011 Supplement)

24 BY adding to

25 Article – Business Regulation
26 Section 2–106.9, 2–106.10, and 2–108(a)(10)
27 Annotated Code of Maryland
28 (2010 Replacement Volume and 2011 Supplement)

29 BY repealing and reenacting, without amendments,

30 Article – State Government
31 Section 8–403(a)
32 Annotated Code of Maryland
33 (2009 Replacement Volume and 2011 Supplement)

34 BY adding to

35 Article – State Government
36 Section 8–403(b)(13)
37 Annotated Code of Maryland
38 (2009 Replacement Volume and 2011 Supplement)

39 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
40 MARYLAND, That Section(s) 2–108(a)(10) through (33), respectively, of

1 Article – Business Regulation of the Annotated Code of Maryland be renumbered to be
2 Section(s) 2–108(a)(11) through (34), respectively.

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

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

8 **Article – Business Occupations and Professions**

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

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

11 **22–101.**

12 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
13 INDICATED.

14 (B) “ASSOCIATION” MEANS, UNLESS THE CONTEXT REQUIRES
15 OTHERWISE, A COMMON INTEREST COMMUNITY ASSOCIATION.

16 (C) “BOARD” MEANS THE STATE BOARD OF COMMON INTEREST
17 COMMUNITY MANAGERS.

18 (D) (1) “COMMON INTEREST COMMUNITY” MEANS:

19 (I) A CONDOMINIUM AS DEFINED IN § 11–101 OF THE REAL
20 PROPERTY ARTICLE;

21 (II) A COOPERATIVE HOUSING CORPORATION AS DEFINED
22 IN § 5–6B–01 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE; AND

23 (III) A HOMEOWNERS ASSOCIATION AS DEFINED IN §
24 11B–101 OF THE REAL PROPERTY ARTICLE.

25 (2) “COMMON INTEREST COMMUNITY” DOES NOT INCLUDE A
26 TIME–SHARE PROJECT.

27 (E) “COMMON INTEREST COMMUNITY ASSOCIATION” MEANS AN
28 ASSOCIATION IN WHICH MEMBERSHIP IS A CONDITION OF OWNERSHIP OR

1 SHAREHOLDER INTEREST IN A RESIDENTIAL UNIT THAT IS PART OF A COMMON
2 INTEREST COMMUNITY.

3 (F) "COMMON INTEREST COMMUNITY MANAGER" MEANS AN
4 INDIVIDUAL WHO FOR CONSIDERATION PROVIDES MANAGEMENT SERVICES TO A
5 COMMON INTEREST COMMUNITY.

6 (G) "LICENSE" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A
7 LICENSE ISSUED BY THE BOARD TO ACT AS A COMMON INTEREST COMMUNITY
8 MANAGER.

9 (H) "LICENSED COMMON INTEREST COMMUNITY MANAGER" MEANS AN
10 INDIVIDUAL LICENSED BY THE BOARD TO PROVIDE MANAGEMENT SERVICES TO
11 A COMMON INTEREST COMMUNITY.

12 (I) "PROVIDE MANAGEMENT SERVICES" MEANS:

13 (1) TO ACT WITH THE AUTHORITY OF AN ASSOCIATION IN ITS
14 BUSINESS, LEGAL, FINANCIAL, OR OTHER TRANSACTIONS WITH ASSOCIATION
15 MEMBERS AND NONMEMBERS;

16 (2) TO EXECUTE THE RESOLUTIONS AND DECISIONS OF AN
17 ASSOCIATION OR, WITH THE AUTHORITY OF THE ASSOCIATION, TO ENFORCE
18 THE RIGHTS OF THE ASSOCIATION SECURED BY STATUTE, CONTRACT,
19 COVENANT, RULE, OR BYLAW;

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

23 (4) TO COLLECT, DISBURSE, OR OTHERWISE EXERCISE DOMINION
24 OR CONTROL OVER MONEY OR OTHER PROPERTY BELONGING TO AN
25 ASSOCIATION;

26 (5) TO PREPARE BUDGETS, FINANCIAL STATEMENTS, OR OTHER
27 FINANCIAL REPORTS FOR AN ASSOCIATION;

28 (6) TO ARRANGE, CONDUCT, OR COORDINATE MEETINGS OF AN
29 ASSOCIATION OR THE GOVERNING BODY OF AN ASSOCIATION; OR

30 (7) TO OFFER OR SOLICIT TO PERFORM ANY OF THE ACTS OR
31 SERVICES LISTED IN ITEMS (1) THROUGH (6) OF THIS SUBSECTION ON BEHALF
32 OF AN ASSOCIATION.

1 22-102.

2 THIS TITLE DOES NOT PROHIBIT:

3 (1) AN INDIVIDUAL WHO IS A REGULAR, SALARIED EMPLOYEE OF
4 A LICENSED COMMON INTEREST COMMUNITY MANAGER OR ENTITY LAWFULLY
5 ENGAGING IN COMMUNITY ASSOCIATION MANAGEMENT FROM PERFORMING
6 ADMINISTRATIVE, INTERNAL, BOOKKEEPING, OR MINISTERIAL FUNCTIONS IN
7 SUPPORT OF THE LICENSED COMMON INTEREST COMMUNITY MANAGER OR
8 ENTITY;

9 (2) AN INDIVIDUAL WHO IS ADMINISTRATIVE SUPPORT STAFF OR
10 AN ASSISTANT OF A LICENSED COMMUNITY MANAGER FROM INCIDENTALLY
11 PROVIDING MANAGEMENT SERVICES IF THE INDIVIDUAL IS DIRECTLY
12 SUPERVISED BY A LICENSED COMMON INTEREST COMMUNITY MANAGER;

13 (3) A RESIDENT OF A COMMON INTEREST COMMUNITY WHO ACTS
14 WITHOUT COMPENSATION FROM PROVIDING MANAGEMENT SERVICES FOR THAT
15 COMMON INTEREST COMMUNITY;

16 (4) A MEMBER OF THE GOVERNING BOARD OF AN ASSOCIATION
17 WHO ACTS WITHOUT COMPENSATION FROM PROVIDING MANAGEMENT
18 SERVICES FOR THAT ASSOCIATION'S COMMON INTEREST COMMUNITY;

19 (5) AN ATTORNEY AT LAW FROM REPRESENTING AN ASSOCIATION
20 OR A COMMON INTEREST COMMUNITY MANAGER IN ANY BUSINESS THAT
21 CONSTITUTES THE PRACTICE OF LAW;

22 (6) A CERTIFIED PUBLIC ACCOUNTANT FROM PROVIDING
23 BOOKKEEPING OR ACCOUNTING SERVICES TO AN ASSOCIATION OR A COMMON
24 INTEREST COMMUNITY MANAGER;

25 (7) A REAL ESTATE BROKER OR SALESPERSON FROM SELLING,
26 LEASING, RENTING, OR MANAGING INDIVIDUAL LOTS OR UNITS WITHIN A
27 COMMON INTEREST COMMUNITY;

28 (8) A PERSON WHO ACTS AS A RECEIVER OR TRUSTEE IN
29 BANKRUPTCY IN THE PERFORMANCE OF DUTIES OR A PERSON WHO ACTS
30 UNDER A COURT ORDER FROM PROVIDING MANAGEMENT SERVICES FOR A
31 COMMON INTEREST COMMUNITY;

1 **(9) A DECLARANT FROM PROVIDING MANAGEMENT SERVICES FOR**
2 **A COMMON INTEREST COMMUNITY; OR**

3 **(10) AN ASSOCIATION, EXCHANGE AGENT, EXCHANGE COMPANY,**
4 **MANAGING AGENT, OR MANAGING ENTITY OF A TIME-SHARE PROJECT FROM**
5 **PROVIDING MANAGEMENT SERVICES FOR A TIME-SHARE PROJECT.**

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

7 **22-201.**

8 **THERE IS A STATE BOARD OF COMMON INTEREST COMMUNITY**
9 **MANAGERS IN THE DEPARTMENT.**

10 **22-202.**

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

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

13 **(I) 6 SHALL BE LICENSED COMMON INTEREST COMMUNITY**
14 **MANAGERS;**

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

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

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

21 **(V) 2 SHALL BE MEMBERS OF THE GOVERNING BOARD OF A**
22 **COMMON INTEREST COMMUNITY ASSOCIATION.**

23 **(3) THE GOVERNOR SHALL APPOINT THE MEMBERS WITH THE**
24 **ADVICE OF THE SECRETARY.**

25 **(B) EACH MEMBER OF THE BOARD SHALL BE:**

26 **(1) A CITIZEN OF THE UNITED STATES; AND**

27 **(2) A RESIDENT OF THE STATE.**

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

4 (D) (1) THE TERM OF A MEMBER IS 4 YEARS AND BEGINS ON JULY 1.

5 (2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED
6 BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2012.

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

9 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN
10 SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS
11 APPOINTED AND QUALIFIES.

12 (5) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE
13 TERMS.

14 **22-203.**

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

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

18 **22-204.**

19 (A) A MAJORITY OF THE MEMBERS THEN SERVING ON THE BOARD IS A
20 QUORUM.

21 (B) THE BOARD SHALL DETERMINE THE TIMES AND PLACES OF ITS
22 MEETINGS.

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

24 (1) COMPENSATION IN ACCORDANCE WITH THE STATE BUDGET;
25 AND

26 (2) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD
27 STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

1 **(D) THE BOARD MAY EMPLOY STAFF IN ACCORDANCE WITH THE STATE**
2 **BUDGET.**

3 **22-205.**

4 **(A) IN ADDITION TO ANY POWERS SET FORTH ELSEWHERE, THE BOARD**
5 **MAY:**

6 **(1) ADOPT BYLAWS AS NECESSARY TO DO THE BUSINESS OF THE**
7 **BOARD; AND**

8 **(2) WITH THE APPROVAL OF THE ATTORNEY GENERAL, SUE IN**
9 **THE NAME OF THE STATE TO ENJOIN AN ACT PROHIBITED UNDER THIS TITLE.**

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

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

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

14 **(3) ADOPT REGULATIONS FOR THE RENEWAL OF LICENSES**
15 **UNDER THIS TITLE;**

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

18 **(5) KEEP A RECORD OF ITS PROCEEDINGS;**

19 **(6) ESTABLISH REQUIREMENTS FOR APPROPRIATE TRAINING**
20 **AND EDUCATIONAL CREDENTIALS OF COMMON INTEREST COMMUNITY**
21 **MANAGERS, INCLUDING EXPERIENCE AND PROFESSIONAL DESIGNATION**
22 **REQUIREMENTS AND PROGRAMS OFFERED BY COMMUNITY COLLEGES;**

23 **(7) ESTABLISH REQUIREMENTS FOR INDIVIDUALS TO WORK**
24 **UNDER THE SUPERVISION OF A LICENSEE TO GAIN EXPERIENCE IN PROVIDING**
25 **MANAGEMENT SERVICES; AND**

26 **(8) ADOPT REGULATIONS TO GRANT RECIPROCITY TO COMMON**
27 **INTEREST COMMUNITY MANAGERS LICENSED OR CERTIFIED IN OTHER**
28 **JURISDICTIONS.**

29 **22-206.**

1 **(A) THE BOARD SHALL MAINTAIN A LIST OF THE NAMES AND MAILING**
2 **ADDRESSES OF ALL LICENSEES.**

3 **(B) THE BOARD MAY RELEASE THE LIST OF LICENSEES TO THE PUBLIC.**

4 **(C) EACH LICENSEE SHALL DESIGNATE A MAILING ADDRESS AT THE**
5 **TIME OF ISSUANCE OF THE ORIGINAL LICENSE AND ON THE RENEWAL OF THE**
6 **LICENSE.**

7 **(D) A LICENSEE SHALL NOTIFY THE BOARD OF A CHANGE OF ADDRESS**
8 **WITHIN 60 DAYS AFTER THE CHANGE.**

9 **22-207.**

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

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

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

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

17 **(B) THE BOARD SHALL PUBLISH THE FEE SCHEDULE SET BY THE**
18 **BOARD.**

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

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

24 **22-208.**

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

27 **SUBTITLE 3. LICENSING.**

28 **22-301.**

1 **ON OR AFTER OCTOBER 1, 2013, AN INDIVIDUAL SHALL BE LICENSED BY**
2 **THE BOARD BEFORE THE INDIVIDUAL ACTS AS A COMMON INTEREST**
3 **COMMUNITY MANAGER IN THE STATE.**

4 **22-302.**

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

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

8 **(1) BE A CITIZEN OF THE UNITED STATES OR HOLD A VALID**
9 **PERMANENT RESIDENT CARD FROM THE UNITED STATES CITIZENSHIP AND**
10 **IMMIGRATION SERVICES;**

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

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

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

14 **(1) COMPLETE A TRAINING PROGRAM APPROVED BY THE BOARD**
15 **AND SUCCESSFULLY PASS AN EXAMINATION THAT IS DEVELOPED IN**
16 **ACCORDANCE WITH NATIONAL STANDARDS USING PSYCHOMETRIC MEASURES**
17 **ACCREDITED BY THE NATIONAL ORGANIZATION FOR COMPETENCY**
18 **ASSURANCE; OR**

19 **(2) BE ACTIVELY ENGAGED IN PROVIDING MANAGEMENT**
20 **SERVICES FOR AT LEAST 12 MONTHS BEFORE APPLYING FOR A LICENSE AND**
21 **HOLD AN ACTIVE DESIGNATION AS:**

22 **(I) A PROFESSIONAL COMMUNITY ASSOCIATION MANAGER**
23 **(PCAM);**

24 **(II) AN ASSOCIATION MANAGEMENT SPECIALIST (AMS);**

25 **(III) A CERTIFIED MANAGER OF COMMUNITY ASSOCIATIONS**
26 **(CMCA); OR**

27 **(IV) A CERTIFIED PROPERTY MANAGER (CPM).**

28 **22-303.**

29 **AN APPLICANT FOR A LICENSE SHALL:**

1 (1) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT
2 THE BOARD PROVIDES; AND

3 (2) PAY TO THE BOARD AN APPLICATION FEE SET BY THE BOARD.
4 **22-304.**

5 (A) IF AN APPLICANT QUALIFIES FOR A LICENSE UNDER THIS SUBTITLE,
6 THE BOARD SHALL SEND THE APPLICANT A NOTICE THAT STATES THAT:

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

8 (2) ON RECEIPT OF A LICENSE FEE SET BY THE BOARD, THE
9 BOARD WILL ISSUE A LICENSE TO THE APPLICANT.

10 (B) ON PAYMENT OF THE LICENSE FEE, THE BOARD SHALL ISSUE A
11 LICENSE TO EACH APPLICANT WHO MEETS THE REQUIREMENTS OF THIS
12 SUBTITLE.

13 **22-305.**

14 (A) A LICENSEE WHO PROVIDES MANAGEMENT SERVICES FOR MORE
15 THAN ONE ASSOCIATION SHALL MAINTAIN SEPARATE BANK ACCOUNTS FOR
16 EACH ASSOCIATION.

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

19 (C) THE MAINTENANCE OF BANK ACCOUNTS BY A LICENSEE SHALL BE
20 CUSTODIAL AND IN THE NAME OF THE ASSOCIATION.

21 **22-306.**

22 (A) SUBJECT TO THE HEARING PROVISIONS OF THIS SECTION, THE
23 BOARD SHALL ESTABLISH BY REGULATION GROUNDS FOR DENYING A LICENSE
24 TO AN APPLICANT, REPRIMANDING A LICENSEE, SUSPENDING OR REVOKING A
25 LICENSE, OR IMPOSING A PENALTY AGAINST A LICENSEE.

26 (B) THE BOARD MAY IMPOSE DISCIPLINARY ACTION AGAINST A
27 LICENSEE IF THE LICENSEE:

1 (1) COMMITS A FELONY OR AN OFFENSE INVOLVING MORAL
2 TURPITUDE;

3 (2) VIOLATES THIS TITLE;

4 (3) VIOLATES AN ORDER OF THE DEPARTMENT;

5 (4) VIOLATES REGULATIONS ADOPTED BY THE BOARD; OR

6 (5) FAILS TO COOPERATE WITH THE BOARD IN THE
7 INVESTIGATION OF A COMPLAINT.

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

13 (2) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN
14 ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT
15 ARTICLE.

16 (3) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE
17 ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD MAY
18 HEAR AND DETERMINE THE MATTER.

19 (D) AN INDIVIDUAL AGGRIEVED BY A FINAL DECISION OF THE BOARD IN
20 A CONTESTED CASE, AS DEFINED IN § 10-202 OF THE STATE GOVERNMENT
21 ARTICLE, MAY TAKE AN APPEAL AS ALLOWED IN §§ 10-222 AND 10-223 OF THE
22 STATE GOVERNMENT ARTICLE.

23 **22-307.**

24 THE BOARD MAY IMPOSE A FINE SET BY THE BOARD ON A PERSON WHO
25 VIOLATES § 22-301 OF THIS SUBTITLE.

26 **SUBTITLE 4. REGISTRATION OF COMMON INTEREST COMMUNITY**
27 **ASSOCIATIONS.**

28 **22-401.**

29 (A) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE FOLLOWING
30 ASSOCIATIONS SHALL REGISTER WITH THE BOARD:

1 (1) EACH COUNCIL OF UNIT OWNERS OF A CONDOMINIUM WITH
2 MORE THAN 10 UNITS;

3 (2) A HOMEOWNERS ASSOCIATION WITH MORE THAN 50 LOTS;
4 AND

5 (3) A PROFESSIONALLY MANAGED COMMON INTEREST
6 COMMUNITY ASSOCIATION.

7 (B) EACH ASSOCIATION REQUIRED TO REGISTER WITH THE BOARD
8 UNDER SUBSECTION (A) OF THIS SECTION SHALL PROVIDE THE BOARD THE
9 FOLLOWING INFORMATION:

10 (1) THE NAME AND ADDRESS OF THE ASSOCIATION;

11 (2) THE COUNTY IN WHICH THE PROPERTY OF THE ASSOCIATION
12 IS LOCATED;

13 (3) THE NAME AND ADDRESS OF THE COMMON INTEREST
14 COMMUNITY MANAGER OF THE ASSOCIATION; AND

15 (4) ANY OTHER INFORMATION REQUIRED BY THE BOARD.

16 **22-402.**

17 (A) SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS SECTION, THE
18 BOARD SHALL CHARGE EACH ASSOCIATION REQUIRED TO REGISTER UNDER §
19 22-401 OF THIS SUBTITLE AN ANNUAL REGISTRATION FEE OF \$2 PER UNIT.

20 (B) THE FEE CHARGED TO EACH ASSOCIATION UNDER SUBSECTION (A)
21 OF THIS SECTION MAY NOT BE LESS THAN \$25 AND MAY NOT EXCEED \$500 PER
22 ASSOCIATION.

23 (C) AN ASSOCIATION SUBJECT TO MORE THAN ONE DECLARATION IS
24 REQUIRED TO PAY ONLY A SINGLE REGISTRATION FEE.

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

26 **22-501.**

27 THIS TITLE MAY BE CITED AS THE "MARYLAND COMMON INTEREST
28 COMMUNITY MANAGERS ACT".

1 **22-502.**

2 **SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF**
3 **THE MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL**
4 **REGULATIONS ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO**
5 **EFFECT AFTER JULY 1, 2017.**

6 **Article – Business Regulation**

7 **2-106.9.**

8 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
9 **MEANINGS INDICATED.**

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

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

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

16 **(C) THE PURPOSE OF THE FUND IS TO COVER THE ACTUAL**
17 **DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY**
18 **AND REGULATORY DUTIES OF THE BOARD.**

19 **(D) THE SECRETARY OR A DESIGNEE OF THE SECRETARY SHALL**
20 **ADMINISTER THE FUND.**

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

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

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

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

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

1 **(3) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**
2 **AND**

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

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

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

10 **(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE**
11 **CREDITED TO THE FUND.**

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

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

17 **2-106.10.**

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

20 **(B) IN CONSULTATION WITH THE BOARD, THE SECRETARY SHALL**
21 **CALCULATE ANNUALLY THE DIRECT AND INDIRECT COSTS ATTRIBUTABLE TO**
22 **THE BOARD.**

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

25 **(D) EACH FEE ESTABLISHED BY THE BOARD MAY NOT BE INCREASED**
26 **ANNUALLY BY MORE THAN 12.5% OF THE EXISTING AND CORRESPONDING FEE**
27 **OF THE BOARD.**

28 **2-108.**

29 **(a) The following units are in the Department:**

1 **(10) THE STATE BOARD OF COMMON INTEREST COMMUNITY**
2 **MANAGERS.**

3 **Article – State Government**

4 8–403.

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

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

13 **(13) COMMON INTEREST COMMUNITY MANAGERS, STATE BOARD**
14 **OF (§ 22–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE,**
15 **JULY 1, 2018);**

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

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

19 (1) three members in 2014;

20 (2) four members in 2015; and

21 (3) four members in 2016.

22 (b) On or after July 1, 2016, the Governor shall appoint the membership of
23 the State Board of Common Interest Community Managers in accordance with the
24 provisions of § 22–202 of the Business Occupations and Professions Article, as enacted
25 by Section 3 of this Act.

26 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2012.