

# HOUSE BILL 1255

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By: **Delegates McComas, Afzali, Bates, Cluster, Eckardt, Frank, George,  
Howard, McDermott, and Stocksdales**

Introduced and read first time: February 10, 2012

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Homeowners Association Act – Bylaws Filed in Land Records**

3 FOR the purpose of defining a certain term to require the bylaws of a homeowners  
4 association to be recorded among the land records of the county in which the  
5 development is located; repealing the requirement that the bylaws of a  
6 homeowners association be deposited into a certain depository; requiring a  
7 homeowners association that exists on or before a certain date to record the  
8 bylaws of the homeowners association on or before a certain date; making  
9 conforming changes; and generally relating to recording homeowners  
10 association bylaws.

11 BY renumbering

12 Article – Real Property  
13 Section 11B–101(b) through (n), respectively  
14 to be Section 11B–101(c) through (o), respectively  
15 Annotated Code of Maryland  
16 (2010 Replacement Volume and 2011 Supplement)

17 BY adding to

18 Article – Real Property  
19 Section 11B–101(b)  
20 Annotated Code of Maryland  
21 (2010 Replacement Volume and 2011 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article – Real Property  
24 Section 11B–105(b)(6), 11B–106(b)(5), and 11B–107(b)(3)  
25 Annotated Code of Maryland  
26 (2010 Replacement Volume and 2011 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,  
2 Article – Real Property  
3 Section 11B–107(a)(3) and 11B–112(c)(1)  
4 Annotated Code of Maryland  
5 (2010 Replacement Volume and 2011 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
7 MARYLAND, That Section(s) 11B–101(b) through (n), respectively, of Article – Real  
8 Property of the Annotated Code of Maryland be renumbered to be Section(s)  
9 11B–101(c) through (o), respectively.

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

12 **Article – Real Property**

13 11B–101.

14 **(B) “BYLAWS” MEANS THE DOCUMENT THAT DETAILS AND GOVERNS**  
15 **THE INTERNAL ORGANIZATION AND OPERATION OF A HOMEOWNERS**  
16 **ASSOCIATION, RECORDED AMONG THE LAND RECORDS OF THE COUNTY IN**  
17 **WHICH THE DEVELOPMENT IS LOCATED.**

18 11B–105.

19 (b) The vendor shall provide the purchaser the following information in  
20 writing:

21 (6) A copy of:

22 (i) The articles of incorporation, the declaration, **THE BYLAWS,**  
23 and all recorded covenants and restrictions of the primary development and of other  
24 related developments to the extent reasonably available, to which the purchaser shall  
25 become obligated on becoming an owner of the lot, including a statement that these  
26 obligations are enforceable against an owner and the owner’s tenants, if applicable;  
27 and

28 (ii) The [bylaws and] rules of the primary development and of  
29 other related developments to the extent reasonably available, to which the purchaser  
30 shall become obligated on becoming an owner of the lot, including a statement that  
31 these obligations are enforceable against an owner and the owner’s tenants, if  
32 applicable;

33 11B–106.

1 (b) The vendor shall provide the purchaser the following information in  
2 writing:

3 (5) A copy of:

4 (i) The articles of incorporation, the declaration, **THE BYLAWS**,  
5 and all recorded covenants and restrictions of the primary development, and of other  
6 related developments to the extent reasonably available, to which the purchaser shall  
7 become obligated on becoming an owner of the lot, including a statement that these  
8 obligations are enforceable against an owner's tenants, if applicable; and

9 (ii) The [bylaws and] rules of the primary development, and of  
10 other related developments to the extent reasonably available, to which the purchaser  
11 shall become obligated on becoming an owner of the lot, including a statement that  
12 these obligations are enforceable against an owner and the owner's tenants, if  
13 applicable.

14 11B-107.

15 (a) A contract for the initial sale of a lot in a development of any size to a  
16 person who does not intend to occupy or rent the lot for residential purposes is not  
17 enforceable by the vendor unless:

18 (3) The purchaser is given at or before the time a contract is entered  
19 into between the vendor and the purchaser, a notice in a form substantially the same  
20 as the following:

21 "NOTICE

22 The seller is required by law to furnish you at or before the time a contract is  
23 entered into, or within 7 calendar days of entering into the contract, all of the  
24 information listed in § 11B-107(b) of the Maryland Homeowners Association Act. The  
25 information is as follows: (The notice shall include at this point the text of §  
26 11B-107(b) in its entirety)."

27 (b) The vendor shall provide the purchaser the following information in  
28 writing:

29 (3) A copy of the [bylaws and] rules of the primary development, and  
30 of other related developments to the extent available, to which the purchaser shall  
31 become obligated on becoming an owner of the lot, including a statement that these  
32 obligations are enforceable against an owner and the owner's tenants, if applicable.

33 11B-112.

34 (c) (1) Each homeowners association that was in existence on June 30,  
35 1987 shall deposit in the depository by December 31, 1988, and each homeowners

1 association established subsequent to June 30, 1987 shall deposit in the depository by  
2 the later of the date 30 days following its establishment, or December 31, 1988, all  
3 disclosures, current to the date of deposit, specified:

4 (i) By § 11B–105(b) of this title except for those disclosures  
5 required by paragraphs (6)(i), (8), (9), and (12);

6 (ii) By § 11B–106(b) of this title except for those disclosures  
7 required by paragraphs (1), (2), (4), and (5)(i); and

8 (iii) By § 11B–107(b) of this title.

9 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December  
10 31, 2012, a homeowners association that exists on or before September 30, 2012, shall  
11 record the bylaws of the homeowners association in the land records of the county in  
12 which the development is located.

13 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2012.