

Chapter 332

(House Bill 669)

AN ACT concerning

Real Property – Homeowners Associations – ~~Definition of Lot~~ Number of Declarant Votes

FOR the purpose of ~~altering the definition of “lot” in the Maryland Homeowners Association Act; providing for the application of this Act~~ providing that a declarant has a certain number of votes when voting on a homeowners association matter under certain circumstances; and generally relating to homeowners associations.

~~BY repealing and reenacting, without amendments,
Article – Real Property
Section 11B-101(a), (c), (d), (f), and (i)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)~~

~~BY repealing and reenacting, with amendments,
Article – Real Property
Section 11B-101(j)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)~~

BY adding to
Article – Real Property
Section 11B-111.7
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – Real Property

~~11B-101.~~

~~(a) In this title the following words have the meanings indicated, unless the context requires otherwise.~~

~~(c) “Declarant” means any person who subjects property to a declaration.~~

~~(d) (1) “Declaration” means an instrument, however denominated, recorded among the land records of the county in which the property of the declarant is located, that creates the authority for a homeowners association to impose on lots, or on the owners or~~

~~occupants of lots, or on another homeowners association, condominium, or cooperative housing corporation any mandatory fee in connection with the provision of services or otherwise for the benefit of some or all of the lots, the owners or occupants of lots, or the common areas.~~

~~(2) "Declaration" includes any amendment or supplement to the instruments described in paragraph (1) of this subsection.~~

~~(3) "Declaration" does not include a private right of way or similar agreement unless it requires a mandatory fee payable annually or at more frequent intervals.~~

~~(f) (1) "Development" means property subject to a declaration.~~

~~(2) "Development" includes property comprising a condominium or cooperative housing corporation to the extent that the property is part of a development.~~

~~(3) "Development" does not include a cooperative housing corporation or a condominium.~~

~~(i) (1) "Homeowners association" means a person having the authority to enforce the provisions of a declaration.~~

~~(2) "Homeowners association" includes an incorporated or unincorporated association.~~

~~(j) (1) "Lot" means any **LEGALLY SUBDIVIDED** plot or parcel of land on which a dwelling is located or will be located within a development.~~

~~(2) "Lot" includes a unit within a condominium or cooperative housing corporation if the condominium or cooperative housing corporation is part of a development.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any development for which a declaration was recorded before the effective date of this Act.~~

11B-111.7.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR ANY PROVISION IN THE DECLARATION, BYLAWS, RULES, DEEDS, AGREEMENTS, OR RECORDED COVENANTS OR RESTRICTIONS OF A HOMEOWNERS ASSOCIATION, UNTIL THE TIME ALL LOTS IN A HOMEOWNERS ASSOCIATION HAVE BEEN SUBDIVIDED AND RECORDED IN THE LAND RECORDS OF THE COUNTY IN WHICH THE HOMEOWNERS ASSOCIATION IS LOCATED, THE DECLARANT, WHEN VOTING ON A HOMEOWNERS

ASSOCIATION MATTER, SHALL HAVE A NUMBER OF VOTES THAT IS EQUAL TO THE NUMBER OF LOTS THAT:

(1) HAVE BEEN SUBDIVIDED AND RECORDED IN THE LAND RECORDS OF THE COUNTY IN WHICH THE HOMEOWNERS ASSOCIATION IS LOCATED; AND

(2) HAVE NOT BEEN SOLD TO MEMBERS OF THE PUBLIC.

SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2018.

Approved by the Governor, April 24, 2018.