

HOUSE BILL 218

N1

0lr1020

By: **Delegates Holmes and Williams**

Introduced and read first time: January 16, 2020

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Condominiums and Homeowners Associations – Annual Meetings**

3 FOR the purpose of requiring a developer of a condominium or a declarant of a homeowners
4 association to convene a certain annual meeting under certain circumstances;
5 requiring certain meetings to include an opportunity for certain unit owners or lot
6 owners to provide comment; making stylistic changes; and generally relating to
7 annual meetings for condominiums and homeowners associations.

8 BY repealing and reenacting, with amendments,

9 Article – Real Property

10 Section 11–109(a) and (c)(7) and 11B–111(3)

11 Annotated Code of Maryland

12 (2015 Replacement Volume and 2019 Supplement)

13 BY repealing and reenacting, without amendments,

14 Article – Real Property

15 Section 11–109(b) and 11B–101(a), (c), and (d)

16 Annotated Code of Maryland

17 (2015 Replacement Volume and 2019 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Real Property**

21 11–109.

22 (a) **(1)** The affairs of the condominium shall be governed by a council of unit
23 owners which, even if unincorporated, is constituted a legal entity for all purposes.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) The council of unit owners shall [be comprised of] **COMPRISE** all unit
2 owners.

3 (b) The bylaws may authorize or provide for the delegation of any power of the
4 council of unit owners to a board of directors, officers, managing agent, or other person for
5 the purpose of carrying out the responsibilities of the council of unit owners.

6 (c) (7) (i) **1.** This [paragraph] **SUBPARAGRAPH** does not apply to any
7 meeting of the governing body that occurs at any time before the meeting at which the unit
8 owners elect officers or a board of directors in accordance with paragraph (16) of this
9 subsection.

10 [(ii)] **2.** Subject to [subparagraph (iii) of this paragraph]
11 **SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH** and to reasonable rules adopted by the
12 governing body under § 11–111 of this title, a governing body shall provide a designated
13 period of time during a meeting to allow unit owners an opportunity to comment on any
14 matter relating to the condominium.

15 [(iii)] **3.** During a meeting at which the agenda is limited to specific
16 topics or at a special meeting, the unit owners' comments may be limited to the topics listed
17 on the meeting agenda.

18 [(iv)] **(II)** The governing body **OR THE DEVELOPER** shall convene
19 at least one meeting each year at which the agenda is open to any matter relating to the
20 condominium **AND THE UNIT OWNERS HAVE AN OPPORTUNITY TO PROVIDE**
21 **COMMENT.**

22 11B–101.

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

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

26 (d) (1) “Declaration” means an instrument, however denominated, recorded
27 among the land records of the county in which the property of the declarant is located, that
28 creates the authority for a homeowners association to impose on lots, or on the owners or
29 occupants of lots, or on another homeowners association, condominium, or cooperative
30 housing corporation any mandatory fee in connection with the provision of services or
31 otherwise for the benefit of some or all of the lots, the owners or occupants of lots, or the
32 common areas.

33 (2) “Declaration” includes any amendment or supplement to the
34 instruments described in paragraph (1) of this subsection.

35 (3) “Declaration” does not include a private right-of-way or similar

1 agreement unless it requires a mandatory fee payable annually or at more frequent
2 intervals.

3 11B-111.

4 Except as provided in this title, and notwithstanding anything contained in any of
5 the documents of the homeowners association:

6 (3) (i) [This item does not apply to any meeting of a governing body that
7 occurs at any time before] **AFTER** the lot owners, other than the developer, have a majority
8 of votes in the homeowners association, as provided in the declaration[;]:

9 [(ii)] **1.** Subject to item [(iii)] **2** of this item and to reasonable rules
10 adopted by [a] **THE** governing body, [a] **THE** governing body shall provide a designated
11 period of time during a meeting to allow lot owners an opportunity to comment on any
12 matter relating to the homeowners association; **AND**

13 [(iii)] **2.** During a meeting at which the agenda is limited to specific
14 topics or at a special meeting, the lot owners' comments may be limited to the topics listed
15 on the meeting agenda; and

16 [(iv)] **(II)** The governing body **OR THE DECLARANT** shall convene
17 at least one meeting each year at which the agenda is open to any matter relating to the
18 homeowners association **AND THE LOT OWNERS HAVE AN OPPORTUNITY TO PROVIDE**
19 **COMMENT;**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2020.