

Article - Real Property

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§11B-111.

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

(1) Subject to the provisions of item (4) of this section, all meetings of the homeowners association, including meetings of the board of directors or other governing body of the homeowners association or a committee of the homeowners association, shall be open to all members of the homeowners association or their agents;

(2) All members of the homeowners association shall be given reasonable notice of all regularly scheduled open meetings of the homeowners association;

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

(ii) Subject to item (iii) of this item and to reasonable rules adopted by a governing body, a governing body shall provide a designated period of time during a meeting to allow lot owners an opportunity to comment on any matter relating to the homeowners association;

(iii) During a meeting at which the agenda is limited to specific topics or at a special meeting, the lot owners' comments may be limited to the topics listed on the meeting agenda; and

(iv) The governing body shall convene at least one meeting each year at which the agenda is open to any matter relating to the homeowners association;

(4) A meeting of the board of directors or other governing body of the homeowners association or a committee of the homeowners association may be held in closed session only for the following purposes:

(i) Discussion of matters pertaining to employees and personnel;

(ii) Protection of the privacy or reputation of individuals in matters not related to the homeowners association's business;

(iii) Consultation with legal counsel on legal matters;

(iv) Consultation with staff personnel, consultants, attorneys, board members, or other persons in connection with pending or potential litigation or other legal matters;

(v) Investigative proceedings concerning possible or actual criminal misconduct;

(vi) Consideration of the terms or conditions of a business transaction in the negotiation stage if the disclosure could adversely affect the economic interests of the homeowners association;

(vii) Compliance with a specific constitutional, statutory, or judicially imposed requirement protecting particular proceedings or matters from public disclosure; or

(viii) Discussion of individual owner assessment accounts;

(5) If a meeting is held in closed session under item (4) of this section:

(i) An action may not be taken and a matter may not be discussed if it is not permitted by item (4) of this section; and

(ii) A statement of the time, place, and purpose of a closed meeting, the record of the vote of each board or committee member by which the meeting was closed, and the authority under this section for closing a meeting shall be included in the minutes of the next meeting of the board of directors or the committee of the homeowners association; and

(6) (i) If the number of lot owners present in person or by proxy at a properly called meeting is insufficient to constitute a quorum, an additional meeting of the lot owners may be called for the same purpose if:

1. The notice of the initial properly called meeting stated:

A. That the procedure authorized by this item (6) might be invoked; and

and
B. The date, time, and place of the additional meeting;

2. A majority of the lot owners present vote in person or by proxy to call for the additional meeting;

(ii) An additional meeting called under item (i) of this item shall occur not less than 15 days after the initial properly called meeting;

(iii) 1. Not less than 10 days before the additional meeting, a separate and distinct notice of the date, time, place, and purpose of the additional meeting called under item (i) of this item shall be:

A. Delivered, mailed, or sent by electronic transmission, if the requirements of § 11B–113.1 of this title are met, to each lot owner at the address shown on the roster maintained by the homeowners association;

B. Advertised in a newspaper published in the county where the homeowners association is located; or

C. If the homeowners association has a website, posted on the homepage of the website; and

2. The notice shall contain the quorum and voting provisions of item (iv) of this item;

(iv) 1. At the additional meeting, the lot owners present in person or by proxy constitute a quorum; and

2. Unless the bylaws provide otherwise, a majority of the lot owners present in person or by proxy:

A. May approve or authorize the proposed action at the additional meeting; and

B. May take any other action that could have been taken at the original meeting if a sufficient number of lot owners had been present; and

(v) This item (6) may not be construed to affect the percentage of votes required to amend the declaration or bylaws or to take any other action required to be taken by a specified percentage of votes.

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