CHAPTER ______

AN ACT concerning

Real Property – Cooperative Housing Corporations, Condominiums, and
Homeowners Associations – Virtual Meetings

FOR the purpose of requiring a person conducting a meeting of a cooperative housing
corporation, condominium, or homeowners association by telephone conference,
video conference, or similar electronic means, to provide a participant a reasonable
opportunity to participate in the meeting; requiring certain participants in a meeting
of a cooperative housing corporation, condominium, or homeowners association to
have equal access to any available chat function; and generally relating to
cooperative housing corporations, condominiums, and homeowners associations.

BY repealing and reenacting, with amendments,

Article – Corporations and Associations
Section 5–6B–25.1
Annotated Code of Maryland
(2014 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article – Real Property
Section 11–139.3 and 11B–113.6
Annotated Code of Maryland
(2015 Replacement Volume and 2021 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
Underlining indicates amendments to bill.
Strike-out indicates matter stricken from the bill by amendment or deleted from the law by
amendment.
Article – Corporations and Associations

5–6B–25.1.

(a) (1) Notwithstanding language contained in the governing documents of the cooperative housing corporation, the board of directors may authorize any meetings of the cooperative housing corporation, the board of directors, or a committee of the cooperative housing corporation to be conducted or attended by telephone conference, video conference, or similar electronic means.

(2) If a meeting is conducted by telephone conference, video conference, or similar electronic means:

(I) The equipment or system used must permit any member, board member, or committee member in attendance to hear and be heard by all other members participating in the meeting IN ACCORDANCE WITH THE GOVERNING DOCUMENTS;

(II) The person conducting the meeting shall allow all participants a reasonable opportunity to:

1. Be heard by all other members participating in the meeting; and

2. Call for a vote on, or object to, matters presented at participate in the meeting to the same extent as if the meeting were conducted in person; and

(III) The person conducting the meeting may mute a participant if the participant becomes disruptive and is provided a warning provided that all participants are granted the ability to unmute themselves, the person conducting the meeting or their designee may mute all participants:

1. While the governing body or its designee is conducting business;

2. During presentations; and

3. To avoid interference from background noise; and

(IV) If a participant interferes in the ability to conduct the meeting, the person conducting the meeting or the person’s designee may:
1. **Revoke the ability for the participant to unmute; and**

2. **If necessary, remove the participant from the meeting after warning the participant.**

(3) **If a meeting is conducted by video conference or similar electronic means, all board members, committee members, and other members participants shall have the same access to any chat function.**

(4) A link or instructions on how to access the meeting by telephone conference, video conference, or similar electronic means shall be included in the notice of the meeting.

[(4) (5)] No specific authorization from members shall be required to hold a meeting electronically.

(b) Any member, board member, or committee member attending a meeting by telephone conference, video conference, or similar electronic means shall be deemed present for quorum and voting purposes.

(c) (1) (i) Any matter requiring a vote of the cooperative housing corporation may be set by the board of directors for a vote at the meeting, and a ballot may be delivered to members with notice of the meeting.

(ii) Only those members present during the telephone conference, video conference, or similar electronic meeting shall be authorized to vote a ballot in accordance with this subsection.

(iii) Members who are not present at the meeting may:

1. Vote by proxy in accordance with the requirements of the governing documents and this title; and

2. Be considered present for quorum purposes through their proxy.

(2) (i) The board of directors may set a reasonable deadline for return of a ballot to the cooperative housing corporation, including return by electronic transmission.

(ii) The deadline for return of the ballot shall be not later than 24 hours after the conclusion of the meeting.
(d) Notwithstanding language contained in the governing documents of the cooperative housing corporation, nominations from the floor at the meeting are not required if at least one candidate has been nominated to fill each open board position.

(e) The inability of a member to join a meeting due to technical difficulties with the member’s telephone, computer, or other electronic device does not invalidate the meeting or any action taken at the meeting.

Article – Real Property

11–139.3.

(a) (1) Notwithstanding language contained in the governing documents of the council of unit owners, the board of directors may authorize any meetings of the council of unit owners, the board of directors, or a committee of the council of unit owners or the board of directors to be conducted or attended by telephone conference, video conference, or similar electronic means.

(2) If a meeting is conducted by telephone conference, video conference, or similar electronic means[, the]:

(I) THE equipment or system used must permit any unit owner, board member, or committee member in attendance to hear and be heard by all others participating in the meeting IN ACCORDANCE WITH THE GOVERNING DOCUMENTS;

(II) THE PERSON CONDUCTING THE MEETING SHALL ALLOW ALL PARTICIPANTS A REASONABLE OPPORTUNITY TO:

1. BE HEARD BY ALL OTHERS PARTICIPATING IN THE MEETING; AND

2. CALL FOR A VOTE ON, OR OBJECT TO, MATTERS PRESENTED AT PARTICIPATE IN THE MEETING TO THE SAME EXTENT AS IF THE MEETING WERE CONDUCTED IN PERSON; AND

(III) THE PERSON CONDUCTING THE MEETING MAY MUTE A PARTICIPANT IF THE PARTICIPANT BECOMES DISRUPTIVE AND IS PROVIDED A WARNING PROVIDED THAT ALL PARTICIPANTS ARE GRANTED THE ABILITY TO UNMUTE THEMSELVES, THE PERSON CONDUCTING THE MEETING OR THE PERSON’S DESIGNEE MAY MUTE ALL PARTICIPANTS:

1. WHILE THE GOVERNING BODY OR ITS DESIGNEE IS CONDUCTING BUSINESS;

2. DURING PRESENTATIONS; AND
3. **To avoid interference from background noise; and**

(IV) **If a participant interferes in the ability to conduct the meeting, the person conducting the meeting or the person’s designee may:**

1. Revoke the ability for the participant to unmute; and

2. If necessary, remove the participant from the meeting after warning the participant.

(3) **If a meeting is conducted by video conference or similar electronic means, all board members, committee members, and unit owners participants shall have the same access to any chat function.**

(4) A link or instructions on how to access the meeting by telephone conference, video conference, or similar electronic means shall be included in the notice of the meeting.

[(4)] (5) No specific authorization from unit owners shall be required to hold a meeting electronically.

(b) Any unit owner, board member, or committee member attending a meeting by telephone conference, video conference, or similar electronic means shall be deemed present for quorum and voting purposes.

(c) (1) (i) Any matter requiring a vote of the council of unit owners may be set by the board of directors for a vote at the meeting, and a ballot may be delivered to unit owners with notice of the meeting.

(ii) Only those unit owners present during the telephone conference, video conference, or similar electronic meeting shall be authorized to vote by ballot in accordance with this subsection.

(iii) Unit owners who are not present at the meeting may:

1. Vote by proxy in accordance with the requirements of the governing documents and this title; and

2. Be considered present for quorum purposes through their proxy.
(2) (i) The board of directors may set a reasonable deadline for return of a ballot to the council of unit owners, including return by electronic transmission.

(ii) The deadline for return of the ballot shall be not later than 24 hours after the conclusion of the meeting.

(d) Notwithstanding language contained in the governing documents of the council of unit owners, nominations from the floor at the meeting are not required if at least one candidate has been nominated to fill each open board position.

(e) The inability of a unit owner to join a meeting due to technical difficulties with the unit owner’s telephone, computer, or other electronic device does not invalidate the meeting or any action taken at the meeting.

11B–113.6.

(a) (1) Notwithstanding language contained in the governing documents of the homeowners association, the governing body may authorize meetings of the homeowners association, the governing body, or a committee of the homeowners association to be conducted or attended by telephone conference, video conference, or similar electronic means.

(2) If a meeting is conducted by telephone conference, video conference, or similar electronic means:

(i) The equipment or system used must permit any lot owner, board member, or committee member in attendance to hear and be heard by all others participating in the meeting IN ACCORDANCE WITH THE GOVERNING DOCUMENTS;

(ii) The person conducting the meeting shall allow all participants a reasonable opportunity to:

1. Be heard by all others participating in the meeting; and

2. Call for a vote on, or object to, matters presented at participate in the meeting to the same extent as if the meeting were conducted in person; and

(iii) The person conducting the meeting may mute a participant if the participant becomes disruptive and is provided a warning. Provided that all participants are granted the ability to unmute themselves, the person conducting the meeting or the person’s designee may mute all participants:
1. **WHILE THE GOVERNING BODY OR ITS DESIGNEE IS CONDUCTING BUSINESS;**

2. **DURING PRESENTATIONS; AND**

3. **TO AVOID INTERFERENCE FROM BACKGROUND NOISE; AND**

   **(IV) IF A PARTICIPANT INTERFERES IN THE ABILITY TO CONDUCT THE MEETING, THE PERSON CONDUCTING THE MEETING OR THE PERSON’S DESIGNEE MAY:**

   1. **REVOKE THE ABILITY FOR THE PARTICIPANT TO UNMUTE; AND**

   2. **IF NECESSARY, REMOVE THE PARTICIPANT FROM THE MEETING AFTER WARNING THE PARTICIPANT.**

   **(3) IF A MEETING IS CONDUCTED BY VIDEO CONFERENCE OR SIMILAR ELECTRONIC MEANS, ALL BOARD MEMBERS, COMMITTEE MEMBERS, AND LOT OWNERS PARTICIPANTS SHALL HAVE THE SAME ACCESS TO ANY CHAT FUNCTION.**

   (4) A link or instructions on how to access the meeting by telephone conference, video conference, or similar electronic means shall be included in the notice of the meeting.

   [(4)] (5) No specific authorization from lot owners shall be required to hold a meeting electronically.

   (b) Any lot owner, board member, or committee member attending a meeting by telephone conference, video conference, or similar electronic means shall be deemed present for quorum and voting purposes.

   (c) (1) (i) Any matter requiring a vote of the homeowners association may be set by the governing body for a vote at the meeting, and a ballot may be delivered to members with notice of the meeting.

   (ii) Only those lot owners present during the telephone conference, video conference, or similar electronic meeting shall be authorized to vote a ballot in accordance with this subsection.

   (iii) Lot owners who are not present at the meeting may:

   1. Vote by proxy in accordance with the requirements of the governing documents and this title; and
2. Be considered present for quorum purposes through their proxy.

(2) (i) The governing body may set a reasonable deadline for return of a ballot to the homeowners association, including return by electronic transmission.

(ii) The deadline for return of the ballot shall be not later than 24 hours after the conclusion of the meeting.

(d) Notwithstanding language contained in the governing documents of the homeowners association, nominations from the floor at the meeting are not required if at least one candidate has been nominated to fill each open position in the governing body.

(e) The inability of a lot owner to join a meeting due to technical difficulties with the lot owner’s telephone, computer, or other electronic device does not invalidate the meeting or any action taken at the meeting.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

Approved:

____________________________________________  Governor.

____________________________________________  Speaker of the House of Delegates.

____________________________________________  President of the Senate.