

HOUSE BILL 1147

N1

2lr2703

By: **Delegates Terrasa and Lehman**

Introduced and read first time: February 11, 2022

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

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

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

11 BY repealing and reenacting, with amendments,
12 Article – Corporations and Associations
13 Section 5–6B–25.1
14 Annotated Code of Maryland
15 (2014 Replacement Volume and 2021 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Real Property
18 Section 11–139.3 and 11B–113.6
19 Annotated Code of Maryland
20 (2015 Replacement Volume and 2021 Supplement)

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

23 **Article – Corporations and Associations**

24 5–6B–25.1.

25 (a) (1) Notwithstanding language contained in the governing documents of the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 cooperative housing corporation, the board of directors may authorize any meetings of the
2 cooperative housing corporation, the board of directors, or a committee of the cooperative
3 housing corporation to be conducted or attended by telephone conference, video conference,
4 or similar electronic means.

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

7 (I) THE equipment or system used must permit any member, board
8 member, or committee member in attendance to hear and be heard by all other members
9 participating in the meeting;

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

12 1. BE HEARD BY ALL OTHER MEMBERS PARTICIPATING
13 IN THE MEETING; AND

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

17 (III) THE PERSON CONDUCTING THE MEETING MAY MUTE A
18 PARTICIPANT IF THE PARTICIPANT BECOMES DISRUPTIVE AND IS PROVIDED A
19 WARNING.

20 (3) IF A MEETING IS CONDUCTED BY VIDEO CONFERENCE OR SIMILAR
21 ELECTRONIC MEANS, ALL BOARD MEMBERS, COMMITTEE MEMBERS, AND OTHER
22 MEMBERS SHALL HAVE THE SAME ACCESS TO ANY CHAT FUNCTION.

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

26 [(4)] (5) No specific authorization from members shall be required to hold
27 a meeting electronically.

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

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

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

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

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

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

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

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

14 (d) Notwithstanding language contained in the governing documents of the
15 cooperative housing corporation, nominations from the floor at the meeting are not required
16 if at least one candidate has been nominated to fill each open board position.

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

20 Article – Real Property

21 11–139.3.

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

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

29 (I) THE equipment or system used must permit any unit owner,
30 board member, or committee member in attendance to hear and be heard by all others
31 participating in the meeting;

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

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

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

6 **(III) THE PERSON CONDUCTING THE MEETING MAY MUTE A**
7 **PARTICIPANT IF THE PARTICIPANT BECOMES DISRUPTIVE AND IS PROVIDED A**
8 **WARNING.**

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

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

15 [(4)] (5) No specific authorization from unit owners shall be required to
16 hold a meeting electronically.

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

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

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

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

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

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

31 (2) (i) The board of directors may set a reasonable deadline for return
32 of a ballot to the council of unit owners, including return by electronic transmission.

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

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

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

9 11B-113.6.

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

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

17 (I) **THE** equipment or system used must permit any lot owner, board
18 member, or committee member in attendance to hear and be heard by all others
19 participating in the meeting;

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

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

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

27 (III) **THE PERSON CONDUCTING THE MEETING MAY MUTE A**
28 **PARTICIPANT IF THE PARTICIPANT BECOMES DISRUPTIVE AND IS PROVIDED A**
29 **WARNING.**

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

33 (4) A link or instructions on how to access the meeting by telephone

1 conference, video conference, or similar electronic means shall be included in the notice of
2 the meeting.

3 ~~[(4)]~~ **(5)** No specific authorization from lot owners shall be required to
4 hold a meeting electronically.

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

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

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

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

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

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

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

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

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

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

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