

SENATE BILL 758

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5lr2031
CF HB 1534

By: **Senator Kagan**

Introduced and read first time: January 27, 2025

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 10, 2025

Returned to second reading: March 12, 2025

Senate action: Adopted with floor amendments

Read second time: March 12, 2025

CHAPTER _____

1 AN ACT concerning

2 **Condominiums and Homeowners Associations – Elections, Financial**
3 **Statements, and Enforcement**

4 FOR the purpose of establishing certain requirements for elections of the governing body
5 of a condominium or homeowners association; requiring the governing body of a
6 condominium to accommodate unit owner organizing activities relating to the
7 governance of the condominium; prohibiting a condominium or homeowners
8 association from charging a unit or lot owner for examining certain records of the
9 condominium or homeowners association in a certain manner; authorizing a
10 condominium or homeowners association to charge a reasonable fee for copying
11 certain documents; expanding the authority of the Division of Consumer Protection
12 of the Office of the Attorney General to enforce certain provisions of law relating to
13 condominiums and homeowners associations; and generally relating to
14 condominiums and homeowners associations.

15 BY renumbering
16 Article – Real Property
17 Section 11B–118
18 to be Section 11B–119
19 Annotated Code of Maryland
20 (2023 Replacement Volume and 2024 Supplement)

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.



1 BY adding to
 2 Article – Real Property
 3 Section 11–109(c)(17) through (22) and 11B–118
 4 Annotated Code of Maryland
 5 (2023 Replacement Volume and 2024 Supplement)

6 BY repealing and reenacting, with amendments,
 7 Article – Real Property
 8 Section 11–116, 11–130, 11B–112, and 11B–115
 9 Annotated Code of Maryland
 10 (2023 Replacement Volume and 2024 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 12 That Section(s) 11B–118 of Article – Real Property of the Annotated Code of Maryland be
 13 renumbered to be Section(s) 11B–119.

14 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 15 as follows:

16 **Article – Real Property**

17 11–109.

18 (c) (17) (i) **ELECTIONS, INCLUDING THE COLLECTION AND COUNTING**
 19 **OF BALLOTS AND THE CERTIFYING OF RESULTS, FOR OFFICERS OR MEMBERS OF**
 20 **THE GOVERNING BODY OTHER THAN THE FULL MEMBERSHIP OF THE COUNCIL OF**
 21 **UNIT OWNERS SHALL BE CONDUCTED BY INDEPENDENT PARTIES WHO:**

22 **1. ARE NOT CANDIDATES IN THE ELECTION; AND**

23 **2. DO NOT HAVE A CONFLICT OF INTEREST REGARDING**
 24 **ANY CANDIDATE IN THE ELECTION.**

25 (ii) **A UNIT OWNER IS AN INDEPENDENT PARTY IF THE UNIT**
 26 **OWNER:**

27 **1. COMPLIES WITH THE REQUIREMENTS OF THIS**
 28 **SECTION;**

29 **2. DOES NOT ELECTIONEER FOR ANY CANDIDATE; AND**

30 **3. IS NOT SUBJECT TO AN OBJECTION BY MORE THAN 25**
 31 **PERCENT OF THE ELIGIBLE VOTING MEMBERS OF THE COUNCIL OF UNIT OWNERS.**

1 **(III) ~~REPRESENTATIVES~~ UNLESS PROPERTY MANAGEMENT FOR**
2 **A CONDOMINIUM IS OWNED BY THE CONDOMINIUM, OR A PARENT ASSOCIATION OF**
3 **THE CONDOMINIUM, REPRESENTATIVES OF THE CONDOMINIUM'S PROPERTY**
4 **MANAGEMENT ARE NOT INDEPENDENT PARTIES.**

5 **(18) THE GOVERNING BODY MAY RETAIN A THIRD-PARTY VENDOR OR**
6 **EMPLOY A COMMERCIAL TECHNOLOGY PLATFORM TO CONDUCT AN ELECTION.**

7 **(19) INDIVIDUALS CONDUCTING AN ELECTION SHALL MAKE**
8 **REASONABLE EFFORTS TO ENSURE THAT THE ELECTION IS FAIR AND THAT THERE**
9 **IS ACCOUNTABILITY FOR THE PROCESS AND THE RESULTS OF THE ELECTION.**

10 **(20) A UNIT OWNER DESIGNATED TO CONDUCT AN ELECTION WHO**
11 **ACTS IN GOOD FAITH IS NOT PERSONALLY LIABLE IN CONNECTION WITH THE**
12 **CONDUCT OF THE ELECTION.**

13 **(21) (I) THE GOVERNING BODY SHALL MAKE REASONABLE**
14 **ACCOMMODATIONS, INCLUDING REASONABLE USE OF ANY PORTION OF COMMON**
15 **AREAS, FOR UNIT OWNERS TO ENGAGE IN ORGANIZING ACTIVITIES RELATING TO**
16 **GOVERNANCE OF THE CONDOMINIUM.**

17 **(II) THE GOVERNING BODY MAY NOT PREVENT UNIT OWNERS**
18 **FROM OR RETALIATE AGAINST UNIT OWNERS FOR EXERCISING RIGHTS**
19 **GUARANTEED UNDER LAW OR UNDER THE GOVERNING DOCUMENTS OF THE**
20 **CONDOMINIUM.**

21 **(22) PROVISIONS OF THE GOVERNING DOCUMENTS, RULES, OR**
22 **REGULATIONS OF A CONDOMINIUM RELATING TO THE CONDUCT OF ELECTIONS**
23 **THAT ARE INCONSISTENT WITH THE REQUIREMENTS OF THIS SECTION ARE**
24 **UNENFORCEABLE AND VOID.**

25 11-116.

26 (a) The council of unit owners shall keep books and records in accordance with
27 good accounting practices on a consistent basis.

28 (b) On the request of the unit owners of at least 5 percent of the units, the council
29 of unit owners shall cause an audit of the books and records to be made by an independent
30 certified public accountant, provided an audit shall be made not more than once in any
31 consecutive 12-month period. The cost of the audit shall be a common expense.

32 (c) (1) (i) Except as provided in paragraph (3) of this subsection, all books
33 and records, including insurance policies, kept by the council of unit owners shall be
34 maintained in Maryland or within 50 miles of its borders and shall be available at some

1 place designated by the council of unit owners for examination or copying, or both, by any
2 unit owner, a unit owner's mortgagee, or their respective duly authorized agents or
3 attorneys, during normal business hours, and after reasonable notice.

4 (ii) If a unit owner requests in writing a copy of financial statements
5 of the condominium or the minutes of a meeting of the board of directors or other governing
6 body of the condominium to be delivered, the board of directors or other governing body of
7 the condominium shall compile and send the requested information by mail, electronic
8 transmission, or personal delivery:

9 1. Within 21 days after receipt of the written request, if the
10 financial statements or minutes were prepared within the 3 years immediately preceding
11 receipt of the request; or

12 2. Within 45 days after receipt of the written request, if the
13 financial statements or minutes were prepared more than 3 years before receipt of the
14 request.

15 (2) Books and records required to be made available under paragraph (1)
16 of this subsection shall first be made available to a unit owner not later than 15 business
17 days after a unit is conveyed from a developer and the unit owner requests to examine or
18 copy the books and records.

19 (3) Books and records kept by or on behalf of a council of unit owners may
20 be withheld from public inspection, except for inspection by the person who is the subject
21 of the record or the person's designee or guardian, to the extent that they concern:

22 (i) Personnel records, not including information on individual
23 salaries, wages, bonuses, and other compensation paid to employees;

24 (ii) An individual's medical records;

25 (iii) An individual's personal financial records, including assets,
26 income, liabilities, net worth, bank balances, financial history or activities, and
27 creditworthiness;

28 (iv) Records relating to business transactions that are currently in
29 negotiation;

30 (v) The written advice of legal counsel; or

31 (vi) Minutes of a closed meeting of the board of directors or other
32 governing body of the council of unit owners, unless a majority of a quorum of the board of
33 directors or governing body that held the meeting approves unsealing the minutes or a
34 recording of the minutes for public inspection.

1 (d) (1) [Except for a reasonable charge imposed on a person desiring to review
2 or copy the books and records or who requests delivery of information, the council of unit
3 owners may not impose any charges under this section.]

4 (I) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION,
5 THE COUNCIL OF UNIT OWNERS MAY IMPOSE A REASONABLE CHARGE ON A PERSON
6 DESIRING TO REVIEW OR COPY THE BOOKS AND RECORDS OF THE CONDOMINIUM OR
7 WHO REQUESTS DELIVERY OF INFORMATION.

8 (II) THE COUNCIL OF UNIT OWNERS MAY NOT IMPOSE ANY
9 CHARGES UNDER THIS SECTION OTHER THAN THOSE AUTHORIZED UNDER
10 SUBPARAGRAPH (I) OF THIS PARAGRAPH.

11 (2) A UNIT OWNER MAY NOT BE CHARGED FOR:

12 (I) EXAMINING THE FINANCIAL STATEMENTS OF THE
13 CONDOMINIUM IN PERSON WHERE THE FINANCIAL STATEMENTS ARE MAINTAINED
14 IN ACCORDANCE WITH SUBSECTION (C)(1)(I) OF THIS SECTION; OR

15 (II) RECEIVING THE FINANCIAL STATEMENTS OF THE
16 CONDOMINIUM THROUGH ELECTRONIC TRANSMISSION IN ACCORDANCE WITH
17 SUBSECTION (C)(1)(II) OF THIS SECTION.

18 [(2)] (3) A charge imposed under paragraph (1) of this subsection for
19 copying books and records may not exceed the limits authorized under Title 7, Subtitle 2 of
20 the Courts Article.

21 11-130.

22 (a) This section is intended to provide minimum standards for the protection of
23 consumers in the State.

24 (b) (1) [For purposes of] IN this section, “consumer” means an actual or
25 prospective purchaser, lessee, assignee or recipient of a condominium unit OR A UNIT
26 OWNER.

27 (2) “Consumer” includes a co-obligor or surety for a consumer.

28 (c) [(1) To the extent that a violation of any provision of this title affects a
29 consumer, that] A violation OF THIS TITLE shall be within the scope of the enforcement
30 duties and powers of the Division of Consumer Protection of the Office of the Attorney
31 General, as described in Title 13 of the Commercial Law Article.

32 [(2) The provisions of this title shall otherwise be enforced by each agency
33 of the State within the scope of its authority.]

1 (d) **THE DIVISION OF CONSUMER PROTECTION OF THE OFFICE OF THE**
2 **ATTORNEY GENERAL MAY ADOPT REGULATIONS TO CARRY OUT THIS TITLE.**

3 (E) A county or incorporated municipality, or an agency of any of those
4 jurisdictions, may adopt laws or ordinances for the protection of a consumer to the extent
5 and in the manner provided for under § 13–103 of the Commercial Law Article.

6 [(e)] (F) Within 30 days of the effective date of a law, ordinance, or regulation
7 enacted under this section which is expressly applicable to condominiums, the local
8 jurisdiction shall forward a copy of the law, ordinance, or regulation to the Secretary of
9 State.

10 11B–112.

11 (a) (1) (i) Subject to the provisions of paragraph (2) of this subsection, all
12 books and records kept by or on behalf of the homeowners association shall be made
13 available for examination or copying, or both, by a lot owner, a lot owner's mortgagee, or
14 their respective duly authorized agents or attorneys, during normal business hours, and
15 after reasonable notice.

16 (ii) Books and records required to be made available under
17 subparagraph (i) of this paragraph shall first be made available to a lot owner no later than
18 15 business days after a lot is conveyed by the declarant and the lot owner requests to
19 examine or copy the books and records.

20 (iii) If a lot owner requests in writing a copy of financial statements
21 of the homeowners association or the minutes of a meeting of the governing body of the
22 homeowners association to be delivered, the governing body of the homeowners association
23 shall compile and send the requested information by mail, electronic transmission, or
24 personal delivery:

25 1. Within 21 days after receipt of the written request, if the
26 financial statements or minutes were prepared within the 3 years immediately preceding
27 receipt of the request; or

28 2. Within 45 days after receipt of the written request, if the
29 financial statements or minutes were prepared more than 3 years before receipt of the
30 request.

31 (2) Books and records kept by or on behalf of a homeowners association
32 may be withheld from public inspection, except for inspection by the person who is the
33 subject of the record or the person's designee or guardian, to the extent that they concern:

34 (i) Personnel records, not including information on individual
35 salaries, wages, bonuses, and other compensation paid to employees;

- 1 (ii) An individual's medical records;
- 2 (iii) An individual's personal financial records, including assets,
3 income, liabilities, net worth, bank balances, financial history or activities, and
4 creditworthiness;
- 5 (iv) Records relating to business transactions that are currently in
6 negotiation;
- 7 (v) The written advice of legal counsel; or
- 8 (vi) Minutes of a closed meeting of the governing body of the
9 homeowners association, unless a majority of a quorum of the governing body of the
10 homeowners association that held the meeting approves unsealing the minutes or a
11 recording of the minutes for public inspection.

12 (b) (1) [Except for a reasonable charge imposed on a person desiring to review
13 or copy the books and records or who requests delivery of information, the homeowners
14 association may not impose any charges under this section.]

15 (I) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION,
16 THE HOMEOWNERS ASSOCIATION MAY IMPOSE A REASONABLE CHARGE ON A
17 PERSON DESIRING TO REVIEW OR COPY THE BOOKS AND RECORDS OR WHO
18 REQUESTS DELIVERY OF INFORMATION.

19 (II) THE HOMEOWNERS ASSOCIATION MAY NOT IMPOSE ANY
20 CHARGES UNDER THIS SECTION OTHER THAN THOSE AUTHORIZED UNDER
21 SUBPARAGRAPH (I) OF THIS PARAGRAPH.

22 (2) A LOT OWNER MAY NOT BE CHARGED FOR:

23 (I) EXAMINING THE FINANCIAL STATEMENTS OF THE
24 HOMEOWNERS ASSOCIATION IN PERSON WHERE THE FINANCIAL STATEMENTS ARE
25 MAINTAINED IN ACCORDANCE WITH SUBSECTION (A)(1)(I) OF THIS SECTION,
26 UNLESS THE FINANCIAL STATEMENTS ARE LOCATED IN A DEPOSITORY; OR

27 (II) RECEIVING THE FINANCIAL STATEMENTS OF THE
28 HOMEOWNERS ASSOCIATION THROUGH ELECTRONIC TRANSMISSION IN
29 ACCORDANCE WITH SUBSECTION (A)(1)(III) OF THIS SECTION.

30 [(2)] (3) A charge imposed under paragraph (1) of this subsection for
31 copying books and records may not exceed the limits authorized under Title 7, Subtitle 2 of
32 the Courts Article.

1 (c) (1) Each homeowners association that was in existence on June 30, 1987
2 shall deposit in the depository by December 31, 1988, and each homeowners association
3 established subsequent to June 30, 1987 shall deposit in the depository by the later of the
4 date 30 days following its establishment, or December 31, 1988, all disclosures, current to
5 the date of deposit, specified:

6 (i) By § 11B–105(b) of this title except for those disclosures required
7 by paragraphs (6)(i), (8), (9), and (12);

8 (ii) By § 11B–106(b) of this title except for those disclosures required
9 by paragraphs (1), (2), (4), and (5)(i); and

10 (iii) By § 11B–107(b) of this title.

11 (2) Beginning January 1, 1989, within 30 days of the adoption of or
12 amendment to any of the disclosures required by this title to be deposited in the depository,
13 a homeowners association shall deposit the adopted or amended disclosures in the
14 depository.

15 (3) If a homeowners association fails to deposit in the depository any of the
16 disclosures required to be deposited by this section, or by § 11B–105(b)(6)(ii) or §
17 11B–106(b)(5)(ii) of this title, then those disclosures which were not deposited shall be
18 unenforceable until the time they are deposited.

19 11B–115.

20 (a) (1) In this section, “consumer” means an actual or prospective purchaser,
21 lessee, assignee, or recipient of a lot in a development, **OR A LOT OWNER.**

22 (2) “Consumer” includes a co-obligor or surety for a consumer.

23 (b) This section is intended to provide minimum standards for protection of
24 consumers in the State.

25 (c) [(1) To the extent that a violation of any provision of this title affects a
26 consumer, that] **A violation OF THIS TITLE shall be within the scope of the enforcement**
27 **duties and powers of the Division of Consumer Protection of the Office of the Attorney**
28 **General, as described in Title 13 of the Commercial Law Article.**

29 [(2) The provisions of this title shall otherwise be enforced by each unit of
30 State government within the scope of the authority of the unit.]

31 (d) **THE DIVISION OF CONSUMER PROTECTION OF THE OFFICE OF THE**
32 **ATTORNEY GENERAL MAY ADOPT REGULATIONS TO CARRY OUT THIS TITLE.**

1 **(E)** (1) A county or municipal corporation may adopt a law, ordinance, or
2 regulation for the protection of a consumer to the extent and in the manner provided for
3 under § 13–103 of the Commercial Law Article.

4 (2) Within 30 days of the effective date of a law, ordinance, or regulation
5 adopted under this subsection that is expressly applicable to a development, the county or
6 municipal corporation shall forward a copy of the law, ordinance, or regulation to the
7 homeowners association depository in the office of the clerk of the court in the county where
8 the development is located.

9 **11B–118.**

10 **(A) (1) ELECTIONS FOR THE GOVERNING BODY OF A HOMEOWNERS**
11 **ASSOCIATION, INCLUDING THE COLLECTION AND COUNTING OF BALLOTS AND THE**
12 **CERTIFYING OF RESULTS, SHALL BE CONDUCTED BY INDEPENDENT PARTIES WHO:**

13 **(I) ARE NOT CANDIDATES FOR POSITIONS ON THE GOVERNING**
14 **BODY OF THE HOMEOWNERS ASSOCIATION IN THAT ELECTION; AND**

15 **(II) DO NOT HAVE A CONFLICT OF INTEREST REGARDING ANY**
16 **CANDIDATE IN THE ELECTION.**

17 **(2) (I) ~~REPRESENTATIVES~~ UNLESS PROPERTY MANAGEMENT FOR**
18 **A HOMEOWNERS ASSOCIATION, OR A PARENT ASSOCIATION OF THE HOMEOWNERS**
19 **ASSOCIATION, IS OWNED BY THE HOMEOWNERS ASSOCIATION, REPRESENTATIVES**
20 **OF THE HOMEOWNERS ASSOCIATION'S PROPERTY MANAGEMENT ARE NOT**
21 **INDEPENDENT PARTIES.**

22 **(II) A LOT OWNER IS AN INDEPENDENT PARTY IF THE LOT**
23 **OWNER:**

24 1. **COMPLIES WITH THE REQUIREMENTS OF THIS**
25 **SUBSECTION;**

26 2. **DOES NOT ELECTIONEER FOR ANY CANDIDATE; AND**

27 3. **IS NOT SUBJECT TO AN OBJECTION BY MORE THAN 25**
28 **PERCENT OF THE ELIGIBLE VOTING MEMBERS OF THE HOMEOWNERS ASSOCIATION.**

29 **(III) THE HOMEOWNERS ASSOCIATION MAY RETAIN A**
30 **THIRD-PARTY VENDOR OR EMPLOY A COMMERCIAL TECHNOLOGY PLATFORM TO**
31 **CONDUCT THE ELECTION.**

1 (B) INDIVIDUALS CONDUCTING AN ELECTION SHALL MAKE REASONABLE
2 EFFORTS TO ENSURE THAT THE ELECTION IS FAIR AND THAT THERE IS
3 ACCOUNTABILITY FOR THE PROCESS AND THE RESULTS OF THE ELECTION.

4 (C) A LOT OWNER DESIGNATED TO CONDUCT AN ELECTION WHO ACTS IN
5 GOOD FAITH HAS NO PERSONAL LIABILITY IN CONNECTION WITH THE CONDUCT OF
6 AN ELECTION.

7 (D) PROVISIONS OF THE GOVERNING DOCUMENTS, RULES, OR
8 REGULATIONS OF A HOMEOWNERS ASSOCIATION RELATING TO THE CONDUCT OF
9 ELECTIONS THAT ARE INCONSISTENT WITH THE REQUIREMENTS OF THIS SECTION
10 ARE VOID AND UNENFORCEABLE.

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2025.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.