

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 295

(Delegate Holmes)

Environment and Transportation

Judicial Proceedings

**Real Property - Condominiums and Homeowners Associations - Governing
Bodies and Annual Meetings**

This bill amends various provisions of the Maryland Condominium Act (MCA) and the Maryland Homeowners Association Act (MHAA) that generally relate to the governing body, annual meeting requirements, and recordkeeping requirements of a condominium or a homeowners association (HOA).

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary:

Meetings

The bill specifies that until a meeting is held to elect officers or a board of directors, as specified, the board of directors or the developer of a condominium must convene at least one meeting each year at which the agenda is open to any matter relating to the condominium and the unit owners have an opportunity to provide comment. For HOAs, the bill specifies that until the lot owners, other than the developer, have a majority of votes

in the HOA, the board of directors or the declarant must convene at least one meeting each year that meets these requirements.

Governing Body

In the event that a developer or declarant has already established a board of directors for a condominium or an HOA, the developer or declarant must appoint at least one unit or lot owner who is not otherwise affiliated with the developer or the declarant or a vendor of lots in the development. The provisions are applicable to HOAs in a development that contains more than 12 lots.

For condominiums, this must be done within 30 days after the date on which units representing 25% of the votes in the condominium have been conveyed by the developer to members of the public for residential purposes. If no board of directors has been established within 30 days after the 25% threshold is met, the developer must establish a board of directors and appoint at least one member to the board who is a unit owner and not otherwise affiliated with the developer. The determination of when units representing 25% of the votes in an expandable condominium, as specified, have been conveyed by the developer to members of the public for residential purposes must be based on the total number of units that may be subject to the declaration upon full expansion of the condominium, as identified in the declaration.

For HOAs, this must be done within 30 days after the date that 25% of the maximum number of lots currently planned or permitted to be contained within the development have been conveyed to members of the public for residential purposes. If no board of directors has been established when the 25% threshold is met, the declarant must establish a board of directors and appoint at least one member to the board who is a lot owner and not otherwise affiliated with the declarant or a vendor of lots in the development. The determination of when the 25% threshold is met must be based on information supplied by the vendor, as specified.

Books and Records

The bill amends MCA and MHAA recordkeeping requirements for books and records to require that the recordkeeping begin on the date the council of unit owners or HOA is established. The bill also requires that all books and records kept by the council of unit owners or an HOA must be maintained separate and apart from those of the developer, declarant, or any other person. The bill also requires a copy of the fidelity insurance policy or fidelity bond to be included in the books, records, and *accounts* kept and made available by or on behalf of the HOA, as specified.

Current Law: Statutory provisions set forth procedures for a developer or declarant to transition control of a condominium or HOA, respectively, to a governing body. Each year, the governing body of a condominium and HOA must convene at least one meeting at which the agenda is open to any matter relating to the entity.

The council of unit owners of a condominium must meet to elect a board of directors, as provided in the condominium declaration or bylaws, within 60 days from the date that units representing 50% of the votes in the condominium have been conveyed by the developer to members of the public for residential purposes. If a lesser percentage is specified in the declaration or bylaws, the meeting must occur 60 days from the date the specified lesser percentage of units are sold to members of the public for residential purposes.

A meeting of the members of an HOA to elect the HOA's governing body must be held within 60 days from the date that at least 75%, or a lesser amount if specified by the HOA's governing documents, of the total number of lots that may be part of the development after all phases are complete are sold to members of the public for residential purposes.

Before the date of the meetings specified above, the developer or declarant must deliver to each unit or lot owner notice that the applicable number of units or lots has been sold/conveyed and the date, time, and place of the election meeting.

Generally, the books and records of a condominium or an HOA must be available for examination or copying, or both, by any unit or lot owner, the owner's mortgagee, or their respective agents or attorneys during normal business hours and after reasonable notice. The books and records must first be made available to an owner within 15 days after a unit or lot is conveyed and the owner makes a request to examine or copy the books and records. However, if the books and records contain specified private records, they may be withheld from public inspection, except for inspection by the person who is the subject of the record.

For more information on condominiums and HOAs, which are commonly referred to as common ownership communities, see the **Appendix – Common Ownership Communities**.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 105 of 2023 and HB 140 of 2022.

Designated Cross File: None.

Information Source(s): Charles, Montgomery, and Prince George's counties; Office of the Attorney General (Consumer Protection Division); Department of Legislative Services

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Appendix – Common Ownership Communities

When a person purchases a single-family home, condominium, or an interest in a cooperative housing corporation, the person may also be required to join an association of owners, which is intended to act in the common interests of all the homeowners, condominium unit owners, or cooperative owners in the community. Collectively, these associations are often referred to as common ownership communities (COC). In Maryland, a growing number of newly constructed or newly converted residences are located in some form of a COC. Because registration of the various COCs is not required statewide, the exact number of COCs in Maryland is unknown. However, the Foundation for Community Association Research estimated that there were 7,100 community associations with an estimated 1.0 million residents in these associations in the State in 2023.

The affairs of a condominium are governed by a council of unit owners, which comprises all unit owners. Among other powers, the council of unit owners has the power to impose assessments on the unit owners to pay common expenses. A council of unit owners may delegate its powers to a board of directors, officers, or a managing agent. Condominiums are governed under Title 11 of the Real Property Article.

Many new housing developments are subject to a homeowner's association (HOA) that is created by a governing document and has the authority to impose mandatory fees on lots in the development in connection with the provision of services or for the benefit of the lots, the lot owners, or the common areas. HOAs are governed under Title 11B of the Real Property Article.

A cooperative housing corporation or “cooperative” is a corporation that owns real property. A resident of a cooperative does not own an individual unit; instead, the person owns an interest in the corporation, which leases the unit to the person for residential use. Cooperatives are governed by the laws in Title 5, Subtitle 6B of the Corporations and Associations Article.

Condominiums and HOAs may be authorized by their governing documents to impose liens on units or lots to collect unpaid assessments or fees. In a cooperative, the governing documents usually provide for the collection of delinquent fees, and evictions for outstanding fees are generally pursued by way of a landlord-tenant action.

Task Force on Common Ownership Communities

With a growing number of Marylanders residing in COCs and evidence that some COCs had issues with governance, dispute resolution, and financial stability, the

General Assembly created the Task Force on Common Ownership Communities in 2005 (Chapter 469 of 2005). The issues addressed by the task force included the availability of alternative dispute resolution services, special considerations of aging COCs, collection of assessments, and resale of homes within COCs. The task force met 10 times, held five public hearings, and submitted its [final report](#) in December 2006. The report's findings and recommendations have served, in subsequent years, as the basis for numerous pieces of legislation intended to improve the operation of COCs.

The task force's report also featured findings and recommendations relating to the creation of an ombudsman in local governments. While a small number of local governments (Charles and Montgomery counties) created such offices before the report's publication, some local jurisdictions have since created programs to regulate or provide oversight of COCs. For example, Prince George's County created its Common Ownership Communities Program in 2007 to assist governing bodies, as well as owners and residents of HOAs, residential condominiums, and cooperative housing corporations, with education, training, and alternative dispute resolution.