

# HOUSE BILL 1362

N1

6lr2676

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By: **Delegates Wivell, Baker, and Valentine**

Introduced and read first time: February 13, 2026

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Condominiums and Homeowners Associations – Meetings – Recording**  
3 **Requirements**

4 FOR the purpose of requiring that meetings of the council of unit owners, the board of  
5 directors, or the governing body of a condominium and of a homeowners association,  
6 including meetings of the governing body, the board of directors, or a committee of  
7 the homeowners association, be recorded in a certain manner; requiring meeting  
8 recordings to be kept in a certain manner; and generally relating to condominiums  
9 and homeowners associations.

10 BY renumbering

11 Article – Real Property  
12 Section 11–109(c), (d), (e), and (f)  
13 to be Section 11–109(d), (e), (f), and (g), respectively  
14 Annotated Code of Maryland  
15 (2023 Replacement Volume and 2025 Supplement)

16 BY repealing and reenacting, without amendments,

17 Article – Real Property  
18 Section 11–109(a) and (b) and 11–109.1(a)  
19 Annotated Code of Maryland  
20 (2023 Replacement Volume and 2025 Supplement)

21 BY adding to

22 Article – Real Property  
23 Section 11–109(c)  
24 Annotated Code of Maryland  
25 (2023 Replacement Volume and 2025 Supplement)

26 BY repealing and reenacting, with amendments,

27 Article – Real Property

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 11–109.1(b), 11B–111, and 11B–112(a)  
2 Annotated Code of Maryland  
3 (2023 Replacement Volume and 2025 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
5 That Section(s) 11–109(c), (d), (e), and (f) of Article – Real Property of the Annotated Code  
6 of Maryland be renumbered to be Section(s) 11–109(d), (e), (f), and (g), respectively.

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

9 **Article – Real Property**

10 11–109.

11 (a) The affairs of the condominium shall be governed by a council of unit owners  
12 which, even if unincorporated, is constituted a legal entity for all purposes. The council of  
13 unit owners shall be comprised of all unit owners.

14 (b) The bylaws may authorize or provide for the delegation of any power of the  
15 council of unit owners to a board of directors, officers, managing agent, or other person for  
16 the purpose of carrying out the responsibilities of the council of unit owners.

17 (c) **ALL MEETINGS OF THE COUNCIL OF UNIT OWNERS OR A GOVERNING**  
18 **BODY AND ALL SPECIAL MEETINGS OF THE BOARD OF DIRECTORS SHALL BE**  
19 **RECORDED:**

20 (1) **BY VIDEO WITH AUDIO; OR**

21 (2) **BY AUDIO ONLY.**

22 11–109.1.

23 (a) A meeting of the board of directors may be held in closed session only for the  
24 following purposes:

25 (1) Discussion of matters pertaining to employees and personnel;

26 (2) Protection of the privacy or reputation of individuals in matters not  
27 related to the council of unit owners' business;

28 (3) Consultation with legal counsel on legal matters;

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

1 (5) Investigative proceedings concerning possible or actual criminal  
2 misconduct;

3 (6) Consideration of the terms or conditions of a business transaction in the  
4 negotiation stage if the disclosure could adversely affect the economic interests of the  
5 council of unit owners;

6 (7) Complying with a specific constitutional, statutory, or judicially  
7 imposed requirement protecting particular proceedings or matters from public disclosure;  
8 or

9 (8) Discussion of individual owner assessment accounts.

10 (b) If a meeting is held in closed session under subsection (a) of this section:

11 (1) An action may not be taken and a matter may not be discussed if it is  
12 not permitted by subsection (a) of this section; [and]

13 (2) A statement of the time, place, and purpose of any closed meeting, the  
14 record of the vote of each board member by which any meeting was closed, and the authority  
15 under this section for closing any meeting shall be included in the minutes of the next  
16 meeting of the board of directors; AND

17 **(3) RECORDATION OF A MEETING REQUIRED BY § 11-109(C) OF THIS**  
18 **SUBTITLE MAY BE PAUSED FOR THE DURATION OF THE CLOSED PORTION OF THE**  
19 **MEETING.**

20 11B-111.

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

23 (1) Subject to the provisions of item [(4)] **(5)** of this section, all meetings of  
24 the homeowners association, including meetings of the board of directors or other governing  
25 body of the homeowners association or a committee of the homeowners association, shall  
26 be open to all members of the homeowners association or their agents;

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

29 **(3) ALL MEETINGS OF THE HOMEOWNERS ASSOCIATION, INCLUDING**  
30 **MEETINGS OF THE BOARD OF DIRECTORS OR OTHER GOVERNING BODY OR A**  
31 **COMMITTEE OF THE HOMEOWNERS ASSOCIATION, SHALL BE RECORDED BY VIDEO**  
32 **WITH AUDIO OR BY AUDIO ONLY;**

1            **[(3)] (4)**        (i)        This item does not apply to any meeting of a governing  
2 body that occurs at any time before the lot owners, other than the developer, have a  
3 majority of votes in the homeowners association, as provided in the declaration;

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

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

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

13            **[(4)] (5)**        A meeting of the board of directors or other governing body of the  
14 homeowners association or a committee of the homeowners association may be held in  
15 closed session only for the following purposes:

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

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

19            (iii)        Consultation with legal counsel on legal matters;

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

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

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

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

31            (viii)        Discussion of individual owner assessment accounts;

32            **[(5)] (6)**        If a meeting is held in closed session under item **[(4)] (5)** of this  
33 section:

1 (i) An action may not be taken and a matter may not be discussed if  
2 it is not permitted by item ~~[(4)] (5)~~ of this section; ~~[and]~~

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

8 **(III) VIDEO OR AUDIO RECORDING OF THE MEETING REQUIRED**  
9 **BY ITEM (3) OF THIS SECTION MAY BE PAUSED FOR THE DURATION OF THE CLOSED**  
10 **PORTION OF THE MEETING; AND**

11 ~~[(6)] (7)~~ (i) If the number of lot owners present in person or by proxy  
12 at a properly called meeting is insufficient to constitute a quorum, an additional meeting  
13 of the lot owners may be called for the same purpose if:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (v) This item [(6)] (7) may not be construed to affect the percentage  
10 of votes required to amend the declaration or bylaws or to take any other action required  
11 to be taken by a specified percentage of votes.

12 11B-112.

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

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

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

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

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

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

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

3 (ii) An individual's medical records;

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

7 (iv) Records relating to business transactions that are currently in  
8 negotiation;

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

10 (vi) Minutes **OR A RECORDING** of a closed meeting of the governing  
11 body of the homeowners association, unless a majority of a quorum of the governing body  
12 of the homeowners association that held the meeting approves unsealing the minutes or a  
13 recording of the minutes for public inspection.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2026.