

HOUSE BILL 1362

N1

6lr2676

By: **Delegates Wivell, Baker, and Valentine**
Introduced and read first time: February 13, 2026
Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 10, 2026

CHAPTER _____

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

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 Section 11–109(c)
 2 Annotated Code of Maryland
 3 (2023 Replacement Volume and 2025 Supplement)

4 BY repealing and reenacting, with amendments,
 5 Article – Real Property
 6 Section 11–109.1(b), 11B–111, and 11B–112(a)
 7 Annotated Code of Maryland
 8 (2023 Replacement Volume and 2025 Supplement)

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

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

14 **Article – Real Property**

15 11–109.

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

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

22 (c) **(1) THIS SUBSECTION DOES NOT APPLY TO A MEETING WITH A**
 23 **CONDOMINIUM DEVELOPER.**

24 **(2) ~~ALL~~ EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
 25 **SUBSECTION, ALL MEETINGS OF THE COUNCIL OF UNIT OWNERS OR A GOVERNING**
 26 **BODY AND ALL SPECIAL MEETINGS OF THE BOARD OF DIRECTORS SHALL BE**
 27 **RECORDED:**

28 ~~(1)~~ **(I) BY VIDEO WITH AUDIO; OR**

29 ~~(2)~~ **(II) BY AUDIO ONLY.**

30 **(3) A MEETING MAY NOT BE RECORDED IF A MEMBER IN GOOD**
 31 **STANDING WHO IS IN ATTENDANCE AT THE MEETING OBJECTS.**

32 **(4) A RECORDING OF A MEETING MAY NOT BE USED IN PLACE OF**
 33 **WRITTEN AND APPROVED MEETING MINUTES.**

1 **(5) ANY FEES ASSOCIATED WITH RECORDING A MEETING MUST BE**
2 **INCLUDED IN THE BUDGET AND APPROVED BY THE BOARD OF DIRECTORS.**

3 11-109.1.

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

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

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

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

10 (4) Consultation with staff personnel, consultants, attorneys, board
11 members, or other persons in connection with pending or potential litigation or other legal
12 matters;

13 (5) Investigative proceedings concerning possible or actual criminal
14 misconduct;

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

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

21 (8) Discussion of individual owner assessment accounts.

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

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

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

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

1 11B-111.

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

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

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

10 (3) (I) THIS PARAGRAPH DOES NOT APPLY TO A MEETING WITH A
11 HOUSING DEVELOPER;

12 (II) ALL EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS
13 PARAGRAPH, ALL MEETINGS OF THE HOMEOWNERS ASSOCIATION, INCLUDING
14 MEETINGS OF THE BOARD OF DIRECTORS OR OTHER GOVERNING BODY OR A
15 COMMITTEE OF THE HOMEOWNERS ASSOCIATION, SHALL BE RECORDED BY VIDEO
16 WITH AUDIO OR BY AUDIO ONLY;

17 (III) A MEETING MAY NOT BE RECORDED IF A MEMBER IN GOOD
18 STANDING WHO IS IN ATTENDANCE AT THE MEETING OBJECTS;

19 (IV) A RECORDING OF A MEETING MAY NOT BE USED IN PLACE
20 OF WRITTEN AND APPROVED MEETING MINUTES; AND

21 (V) ANY FEES ASSOCIATED WITH RECORDING A MEETING MUST
22 BE INCLUDED IN THE BUDGET AND APPROVED BY THE BOARD OF DIRECTORS;

23 [(3)] (4) (i) This item does not apply to any meeting of a governing
24 body that occurs at any time before the lot owners, other than the developer, have a
25 majority of votes in the homeowners association, as provided in the declaration;

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

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

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

3 **[(4)] (5)** A meeting of the board of directors or other governing body of the
4 homeowners association or a committee of the homeowners association may be held in
5 closed session only for the following purposes:

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

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

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

10 (iv) Consultation with staff personnel, consultants, attorneys, board
11 members, or other persons in connection with pending or potential litigation or other legal
12 matters;

13 (v) Investigative proceedings concerning possible or actual criminal
14 misconduct;

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

18 (vii) Compliance with a specific constitutional, statutory, or judicially
19 imposed requirement protecting particular proceedings or matters from public disclosure;
20 or

21 (viii) Discussion of individual owner assessment accounts;

22 **[(5)] (6)** If a meeting is held in closed session under item **[(4)] (5)** of this
23 section:

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

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

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

1 ~~[(6)] (7)~~ (i) If the number of lot owners present in person or by proxy
2 at a properly called meeting is insufficient to constitute a quorum, an additional meeting
3 of the lot owners may be called for the same purpose if:

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

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

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

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

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

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

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

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

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

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

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

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

28 A. May approve or authorize the proposed action at the
29 additional meeting; and

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

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

4 11B-112.

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

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

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

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

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

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

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

31 (ii) An individual's medical records;

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

35 (iv) Records relating to business transactions that are currently in
36 negotiation;

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.