

HOUSE BILL 395

N1

11r1486

By: **Delegates Beidle, Holmes, Lafferty, Love, and Niemann**

Introduced and read first time: February 3, 2011

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Homeowners Associations – Enforcement Powers**

3 FOR the purpose of authorizing the board of directors or other governing body of a
4 homeowners association to impose a fee for the late payment of certain charges
5 or assessments, levy reasonable fines for a violation of the declaration, recorded
6 covenants and restrictions, bylaws, or rules of the homeowners association after
7 notice and an opportunity to be heard, enforce the provisions of certain laws and
8 the declaration, recorded covenants and restrictions, bylaws, and rules of the
9 homeowners association, exercise the powers set forth in certain laws and the
10 declaration, recorded covenants and restrictions, bylaws, and rules of the
11 homeowners association, and do every other act not inconsistent with law that
12 may be appropriate to promote and attain the purposes set forth in certain laws
13 and the declaration, recorded covenants and restrictions, bylaws, and rules of
14 the homeowners association; and generally relating to the enforcement powers
15 of the board of directors or other governing body of a homeowners association.

16 BY adding to

17 Article – Real Property

18 Section 11B–114.1

19 Annotated Code of Maryland

20 (2010 Replacement Volume and 2010 Supplement)

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

23 **Article – Real Property**

24 **11B–114.1.**

25 **EXCEPT AS PROVIDED IN THE DECLARATION, RECORDED COVENANTS AND**
26 **RESTRICTIONS, BYLAWS, OR RULES OF A HOMEOWNERS ASSOCIATION, THE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BOARD OF DIRECTORS OR OTHER GOVERNING BODY OF A HOMEOWNERS
2 ASSOCIATION MAY:

3 (1) IMPOSE A FEE FOR THE LATE PAYMENT OF ANY CHARGE OR
4 ASSESSMENT SET BY THE BOARD OF DIRECTORS OR OTHER GOVERNING BODY
5 OF A HOMEOWNERS ASSOCIATION;

6 (2) AFTER NOTICE AND AN OPPORTUNITY TO BE HEARD, LEVY
7 REASONABLE FINES FOR A VIOLATION OF THE DECLARATION, RECORDED
8 COVENANTS AND RESTRICTIONS, BYLAWS, OR RULES OF THE HOMEOWNERS
9 ASSOCIATION;

10 (3) ENFORCE THE PROVISIONS OF THIS TITLE AND THE
11 DECLARATION, RECORDED COVENANTS AND RESTRICTIONS, BYLAWS, AND
12 RULES OF THE HOMEOWNERS ASSOCIATION AGAINST ANY LOT OWNER OR
13 OCCUPANT OF A LOT;

14 (4) EXERCISE THE POWERS SET FORTH IN THIS TITLE AND THE
15 DECLARATION, RECORDED COVENANTS AND RESTRICTIONS, BYLAWS, AND
16 RULES OF THE HOMEOWNERS ASSOCIATION; AND

17 (5) DO EVERY OTHER ACT NOT INCONSISTENT WITH LAW THAT
18 MAY BE APPROPRIATE TO PROMOTE AND ATTAIN THE PURPOSES SET FORTH IN
19 THIS TITLE AND THE DECLARATION, RECORDED COVENANTS AND
20 RESTRICTIONS, BYLAWS, AND RULES OF THE HOMEOWNERS ASSOCIATION.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2011.