

# HOUSE BILL 81

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HB 1339/11 – ENV

2lr0406

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By: **Delegates Braveboy, Barnes, Frush, and Pena–Melnyk**  
Introduced and read first time: January 18, 2012  
Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Homeowners Associations – Election of Governing Body**

3 FOR the purpose of prohibiting, with respect to a homeowners association, a declarant  
4 and its affiliates from voting to elect the governing body of a homeowners  
5 association at a certain meeting to elect the governing body; and generally  
6 relating to the election of the governing body of a homeowners association.

7 BY repealing and reenacting, with amendments,  
8 Article – Real Property  
9 Section 11B–106.1(a) and (e)(3)  
10 Annotated Code of Maryland  
11 (2010 Replacement Volume and 2011 Supplement)

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

14 **Article – Real Property**

15 11B–106.1.

16 (a) **(1)** A meeting of the members of the homeowners association to elect a  
17 governing body of the homeowners association shall be held within:

18 **[(1)] (I)** 60 days from the date that at least 75% of the total number  
19 of lots that may be part of the development after all phases are complete are sold to  
20 members of the public for residential purposes; or

21 **[(2)] (II)** If a lesser percentage is specified in the governing  
22 documents of the homeowners association, 60 days from the date the specified lesser

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 percentage of the total number of lots in the development after all phases are complete  
2 are sold to members of the public for residential purposes.

3 **(2) AT THE MEETING TO ELECT THE GOVERNING BODY OF THE**  
4 **HOMEOWNERS ASSOCIATION, THE DECLARANT AND ITS AFFILIATES MAY NOT**  
5 **VOTE IN THE ELECTION OF THE GOVERNING BODY.**

6 (e) (3) Until all members of the governing body are elected [by the lot  
7 owners] at a transitional meeting under subsection (a) of this section, a contract  
8 entered into by the governing body may be terminated, at the discretion of the  
9 governing body and without liability for the termination, not later than 30 days after  
10 notice.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2012.