

CITIZEN-DRAFTED BILL CB-607

Requested: September 7, 2025

Suggested assignment to: Economic Matters

AN ACT concerning

Common ownership – Property rights

FOR the purpose of consumer protection, and minimizing the potential hidden costs to home ownership arising from falsified or hidden citations of alleged violations, refusal to recognize authority of the council of unit owners, and other predatory abuses.

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.

Bold indicates matters for general awareness, usually existing law that provides key context for the bill.

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

Article – Real Property

11-109

(f) A unit owner's rights as holder of a percentage interest in common expenses and common profits are such that:

(1) A unit owner's right to possess, use, or enjoy property of the council of unit owners shall be as provided ~~DIRECTLY AND ONLY~~ in the bylaws OR DECLARATION, SUBJECT TO THE DECLARATION AND PURSUANT TO SECTION 11-124(e) OF THIS TITLE; [and]

(2) A unit owner's interest in the property is not assignable or attachable separate from his unit except as provided in §§ 11-107(d) and 11-112(g) of this title; ~~AND~~

(3) THE SUSPENSION OF A UNIT OWNER'S RIGHT TO POSSESS, USE, OR ENJOY PROPERTY OF THE COUNCIL OF UNIT OWNERS SHALL BE AS PROVIDED DIRECTLY AND ONLY IN THE BYLAWS OR DECLARATION, SUBJECT TO THE DECLARATION AND PURSUANT TO SECTION 11-124(e) OF THIS TITLE; ~~EXCEPT FOR WATER/TOILET SHUT OFF WHICH IS A PROHIBITED ACTION OF THE CONDOMINIUM IN THE INTEREST OF PUBLIC HEALTH AND SAFETY.~~

(4) UNLESS THE GOVERNING DOCUMENTS STATE OTHERWISE, A WATER OR TOILET VALVE THAT SERVES ONLY ONE UNIT SHALL BE CONSIDERED PART OF THE UNIT, AND THE OCCUPANT'S USE OF THE VALVE IS NOT SUBJECT TO ANY USE RESTRICTION OF THE CONDOMINIUM;

(5) IF A GOVERNING DOCUMENT ESTABLISHES A WATER OR TOILET VALVE AS A LIMITED COMMON ELEMENT, THE OCCUPANT'S USE OF THE VALVE IS NOT SUBJECT TO ANY USE RESTRICTION OF THE CONDOMINIUM; AND

(6) IF A GOVERNING DOCUMENT ESTABLISHES A WATER OR TOILET VALVE AS A GENERAL COMMON ELEMENT, ANY USE RESTRICTION IS SUBJECT TO SUBPARAGRAPH 3 OF THIS PARAGRAPH.

11-111

(a)(1) SUBJECT TO THE POWER OF THE COUNCIL OF UNIT OWNERS TO ADOPT OR RESCIND RULES UNDER SECTION 11-109(c)(15) OF THIS TITLE, [The council of unit owners or] the body delegated in the bylaws of a condominium to carry out the responsibilities of the council of unit owners may adopt OR RESCIND rules for the condominium if: ...

11-113

(a) Unless the declaration or bylaws state otherwise, the dispute settlement mechanism provided by this section is applicable to complaints or demands formally arising on or after October 1, 2022.

(b) (1) The council of unit owners or board of directors may not impose a fine, **suspend voting, or infringe upon any other rights** of a unit owner or other occupant for violations of rules until the procedures in this subsection are followed. THIS SECTION IS APPLICABLE ONLY TO ALLEGED VIOLATIONS OF RULES PROPERLY PASSED ~~AND RECORDED~~ UNDER SECTION 11-111 OF THIS TITLE OR APPEARING IN A PROPERLY PASSED GOVERNING DOCUMENT ON FILE IN THE COUNTY LAND RECORDS. ALL OTHER ALLEGED VIOLATIONS ARE UNENFORCEABLE AND VOID.

(2) A written demand to cease and desist from an alleged violation shall be provided to the alleged violator specifying:

(i) The alleged violation, CITING THE GOVERNING DOCUMENT AND APPLICABLE PAGE, PARAGRAPH, RULE NUMBER, OR BYLAW NUMBER, AND EXCERPTING THE RELEVANT LANGUAGE;

(ii) The action required to abate the violation; [and]

(iii) A time period, not less than 15 days, during which the violation may be abated without further sanction, if the violation is a continuing one, or a statement that any further violation of the same rule may result in the imposition of sanction after notice and opportunity for hearing if the violation is not continuing; AND

(iv) A STATEMENT THAT "CONSUMERS ARE ADVISED TO REVIEW SECTIONS 11-110, 11-113, AND 14-201 THROUGH 14-206 OF THE MARYLAND REAL PROPERTY ARTICLE."

(c) (1) A violation of this title shall be within the scope of the enforcement duties and powers of the Division of Consumer Protection of the Office of the Attorney General, as described in Title 13 of the Commercial Law Article.

(2) A CONSUMER HAS THE RIGHT TO HAVE THE CONSUMER PROTECTION DIVISION OF THE MARYLAND OFFICE OF THE ATTORNEY GENERAL:

(I) REVIEW ALLEGED VIOLATIONS OF STATE LAWS THAT GOVERN COMMON OWNERSHIP COMMUNITIES;

(II) REPORT TO THE AFFECTED PARTIES IN WRITING ANY FINDING BY THE OFFICE THAT A VIOLATION DID OR DID NOT OCCUR;

(g) SUBJECT TO §13-203 OF THE COMMERCIAL LAW ARTICLE, THE OFFICE OF THE ATTORNEY GENERAL SHALL PUBLISH A REPORT ANNUALLY ON THE NUMBER AND STATUS OF ITS ALL REAL PROPERTY CASES BROUGHT ON BEHALF OF A CONSUMER RECEIVED, TRACKING AT A MINIMUM THE CASE TYPES OF FAIR ELECTIONS, MEETING PROCEDURES, FINANCIAL MANAGEMENT, AND OTHER VIOLATIONS OR TORTS.

11B-111.10

(a) Unless the declaration or bylaws state otherwise, the dispute settlement mechanism provided by this section is applicable to complaints or demands formally arising on or after October 1, 2022.

(b) (1) The board of directors or other governing body of the homeowners association may not impose a fine, **suspend voting, or infringe on any other right** of a lot owner or any other occupant for violations of rules until the procedures in this subsection are followed. THIS SECTION IS APPLICABLE ONLY TO ALLEGED VIOLATIONS OF RULES, INCLUDING VIOLATIONS OF ~~IN~~ A PROPERLY PASSED GOVERNING DOCUMENT ON FILE IN THE COUNTY LAND RECORDS. ALL OTHER ALLEGED VIOLATIONS ARE UNENFORCEABLE AND VOID.

(2) A written demand to cease and desist from an alleged violation shall be provided to the alleged violator specifying:

(i) The nature of the alleged violation, CITING THE GOVERNING DOCUMENT AND APPLICABLE PAGE, PARAGRAPH, RULE NUMBER, OR BYLAW NUMBER, AND EXCERPTING THE RELEVANT LANGUAGE;

(ii) The action required to abate the violation; [and]

(iii) A period of time, not less than 15 days, during which the violation may be abated without further sanction, if the violation is a continuing violation, or a statement that any further violation of the same rule may result in the imposition of sanction after notice and opportunity for hearing if the violation is not continuing; AND

(iv) A STATEMENT THAT "CONSUMERS ARE ADVISED TO REVIEW SECTIONS 11B-111.10 AND 14-201 THROUGH 14-206 OF THE MARYLAND REAL PROPERTY ARTICLE."

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.