

CITIZEN-DRAFTED BILL CB-605

Requested: September 19, 2025

Suggested assignment to: Judiciary Committee

AN ACT concerning

Public bodies – quasi-government entities

FOR the purpose of ensuring constitutional protection for homeowners living under common ownership governance, guarding against the development of a caste society where residents of lower income housing types enjoy fewer constitutional freedoms and protections than the resident of a single family home with a local municipal government, AND FOR the purpose of permitting unit and lot owners to record their meetings

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 – General Provisions

§3-101

(g) “Meet” means to convene a quorum of a public body to consider or transact public business.

(h) (1) **“Public body”** means an entity that:

(i) consists of at least two individuals; and

(ii) is **created by**:

1. the Maryland Constitution;

2. a State statute;

3. a county or municipal charter;

4. a memorandum of understanding or a master agreement to which a majority of the county boards of education and the State Department of Education are signatories;

5. an ordinance;
6. a rule, resolution, or bylaw;
7. an executive order of the Governor; [or]
8. an executive order of the chief executive authority of a political subdivision of the State.
9. ACCEPTANCE OF A PLANNED UNIT DEVELOPMENT APPLICATION ACCORDING TO A STATE OR LOCAL LAW;
10. THE REQUIREMENT OF A LOCAL OR COUNTY CODE TO ESTABLISH AN ASSOCIATION OR SIMILAR FORM; OR
11. REGULATORY APPROVAL BY A COUNTY OR LOCAL JURISDICTION REQUIRING THE ESTABLISHMENT OF AN ASSOCIATION OR SIMILAR FORM

...

(i) “Quasi-judicial function” means a determination of:

- (1) a contested case to which Title 10, Subtitle 2 of the State Government Article applies;
- (2) a proceeding before an administrative agency for which Title 7, Chapter 200 of the Maryland Rules would govern judicial review; or
- (3) a complaint by the Board in accordance with this title.
- (4) A VIOLATION TO WHICH SECTION 11-113, ~~SECTION 11-119, AND~~ OR SECTION 11B-111.10 OF THE REAL PROPERTY ARTICLE APPLIES

(j) “Quasi-legislative function” means the process or act of:

- (1) adopting, disapproving, amending, or repealing a rule, regulation, or bylaw that has the force of law, including a rule of a court;
- (2) approving, disapproving, or amending a budget; or
- (3) approving, disapproving, or amending a contract.

§3-102.

(a) It is essential to the maintenance of a democratic society that, except in special and appropriate circumstances:

- (1) public business be conducted openly and publicly; and

(2) the public be allowed to observe:

(i) the performance of public officials; and

(ii) the deliberations and decisions that the making of public policy involves.

(b) (1) The ability of the public, its representatives, and the media to attend, report on, and broadcast meetings of public bodies and to witness the phases of the deliberation, policy formation, and decision making of public bodies ensures the accountability of government to the citizens of the State.

(2) The conduct of public business in open meetings increases the faith of the public in government and enhances the effectiveness of the public in fulfilling its role in a democratic society.

(c) Except in special and appropriate circumstances when meetings of public bodies may be closed under this title, it is the public policy of the State that the [public] GOVERNED PEOPLE be provided with adequate notice of the time and location of meetings of public bodies, which shall be held in places reasonably accessible to individuals who would like to attend these meetings.

(d) IT IS THE PUBLIC POLICY OF THE STATE THAT A CONDOMINIUM OR A HOMEOWNERS ASSOCIATION IS A QUASI-GOVERNMENT ENTITY WITH LEGISLATIVE FUNCTIONS AND POWERS THAT OTHERWISE CAN EXCEED THAT OF A MUNICIPAL GOVERNMENT, AND THOSE POWERS SHALL BE SUBJECT TO CONSTITUTIONAL STANDARDS, INCLUDING ONE PERSON ONE VOTE, DIRECT ELECTION OF REPRESENTATIVES, SEPARATION OF POWERS, AND FREEDOM OF THE PRESS, NOTWITHSTANDING THE GOVERNING DOCUMENTS.

§3-105.

Whenever this title and another law that relates to meetings of public bodies conflict, this title applies unless the other law is more stringent.

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