

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-28-2015

Chapter No. _____

Proposed and Presented by Council Member Harrison

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Condominium and Property Owners' Association

3 Bill of Rights

4 For the purpose of providing a Bill of Rights to establish uniform rights for condominium unit
5 owners association members and lot owners association members; and generally regarding
6 condominium and property owners' association rights.

7 WHEREAS, a Condominium and Property Owners' Association Bill of Rights should be
8 established to oversee condominium and property owners' matters; and

9 WHEREAS, there is designated a statement of unit owner rights. Every unit owner who is
10 a member in good standing of a unit owners' association shall have the rights listed below; and

11 WHEREAS, there is a designated statement of lot owner rights. Every lot owner who is a
12 member in good standing of a property owners' association shall have the rights listed below.

13 BY adding:

14 SUBTITLE 13. HOUSING AND PROPERTY

15 STANDARDS.

16 Section 13-314.01,

17 The Prince George's County Code

18 (2011 Edition; 2014 Supplement).

19 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
20 Maryland, that Section 13-314.01 of the Prince George's County Code be and the same is hereby
21 added:

**SUBTITLE 13. HOUSING AND PROPERTY
STANDARDS.
DIVISION 11. COMMON OWNERSHIP
COMMUNITIES PROGRAM.**

Sec. 13-314.01. Condominium and Property Owners’ Association Bill of Rights.

(a) The rights of unit owners are as follows:

- (1) The right of access to all books and records kept by or on behalf of the unit owners’ association subject to State law, including records of all financial transactions.
- (2) The right to cast a vote on any matter requiring a vote by the unit owners’ association membership in proportion to the unit owner’s ownership interest.
- (3) The right to have notice of any meeting of the board of directors and to participate in such meeting.
- (4) The right to have (i) notice of any proceeding conducted by the executive organ or other tribunal specified in the condominium instruments against the unit owner to enforce any rule or regulation of the unit owners’ association and (ii) the opportunity to be heard and represented by counsel at the proceeding, and the right of due process in the conduct of that hearing.
- (5) The right to have all funds of the association managed in accordance with generally accepted fiduciary standards.

(b) The rights of lot owners are as follows:

- (1) The right of access to all books and records kept by or on behalf of the association subject to State law, including records of all financial transactions.
- (2) The right to cast a vote on any matter requiring a vote by the association’s membership in proportion to the lot owner’s ownership interest.
- (3) The right to have notice of any meeting of the board of directors and to participate in such meeting.
- (4) The right to have (i) notice of any proceeding conducted by the board of directors or other tribunal specified in the declaration against the lot owner to enforce any rule or regulation of the association and (ii) the opportunity to be heard and represented by counsel at the proceeding, and the right of due process in the conduct of that hearing.

(5) The right to have all funds of the association managed in accordance with generally accepted fiduciary standards.

SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this _____ day of _____, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Mel Franklin
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive