

HOUSE BILL 26

C2, N1
HB 367/21 – ENT

(PRE-FILED)

2lr0599

By: **Delegate Holmes**

Requested: September 29, 2021

Introduced and read first time: January 12, 2022

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Regulation of Common Ownership Community Managers**

3 FOR the purpose of creating the State Board of Common Ownership Community Managers
4 in the Maryland Department of Labor to oversee the licensing of community
5 managers who provide management services for common ownership communities;
6 requiring a common ownership community to register with the Board under certain
7 circumstances; imposing certain duties on a contracting party concerning a fidelity
8 bond or theft insurance under certain circumstances; requiring a contract to provide
9 management services to include certain provisions; making certain provisions of this
10 Act subject to the Maryland Program Evaluation Act; establishing the State Board
11 of Common Ownership Community Managers Fund as a special, nonlapsing fund;
12 requiring that certain interest earnings be credited to the Fund; requiring the
13 Secretary of Labor, in consultation with the Board, to calculate certain costs
14 annually; authorizing the Department of Budget and Management to advance
15 certain funds to the Board and requiring the Board to reimburse certain funds under
16 certain circumstances; and generally relating to the regulation of common ownership
17 community managers.

18 BY renumbering

19 Article – State Government
20 Section 8–403(13) through (62), respectively
21 to be Section 8–403(14) through (63), respectively
22 Annotated Code of Maryland
23 (2021 Replacement Volume)

24 BY adding to

25 Article – Business Occupations and Professions
26 Section 22–101 through 22–802 to be under the new title “Title 22. Common
27 Ownership Community Managers”
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2018 Replacement Volume and 2021 Supplement)

2 BY adding to

3 Article – Business Regulation

4 Section 2–106.15, 2–106.16, and 2–108(a)(34)

5 Annotated Code of Maryland

6 (2015 Replacement Volume and 2021 Supplement)

7 BY adding to

8 Article – Corporations and Associations

9 Section 5–6B–12.1

10 Annotated Code of Maryland

11 (2014 Replacement Volume and 2021 Supplement)

12 BY adding to

13 Article – Real Property

14 Section 11–130.1 and 11B–115.2

15 Annotated Code of Maryland

16 (2015 Replacement Volume and 2021 Supplement)

17 BY repealing and reenacting, without amendments,

18 Article – State Finance and Procurement

19 Section 6–226(a)(2)(i)

20 Annotated Code of Maryland

21 (2021 Replacement Volume)

22 BY repealing and reenacting, with amendments,

23 Article – State Finance and Procurement

24 Section 6–226(a)(2)(ii)144. and 145.

25 Annotated Code of Maryland

26 (2021 Replacement Volume)

27 BY adding to

28 Article – State Finance and Procurement

29 Section 6–226(a)(2)(ii)146.

30 Annotated Code of Maryland

31 (2021 Replacement Volume)

32 BY adding to

33 Article – State Government

34 Section 8–403(13)

35 Annotated Code of Maryland

36 (2021 Replacement Volume)

37 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

38 That Section(s) 8–403(13) through (62), respectively, of Article – State Government of the

1 Annotated Code of Maryland be renumbered to be Section(s) 8–403(14) through (63),
2 respectively.

3 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
4 as follows:

5 **Article – Business Occupations and Professions**

6 **TITLE 22. COMMON OWNERSHIP COMMUNITY MANAGERS.**

7 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

8 **22–101.**

9 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED.

11 (B) “BOARD” MEANS THE STATE BOARD OF COMMON OWNERSHIP
12 COMMUNITY MANAGERS.

13 (C) (1) “COMMON OWNERSHIP COMMUNITY” MEANS:

14 (I) A CONDOMINIUM AS DEFINED IN § 11–101 OF THE REAL
15 PROPERTY ARTICLE THAT IS USED FOR RESIDENTIAL PURPOSES;

16 (II) A COOPERATIVE HOUSING CORPORATION AS DEFINED IN §
17 5–6B–01 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE; AND

18 (III) A HOMEOWNERS ASSOCIATION AS DEFINED IN § 11B–101 OF
19 THE REAL PROPERTY ARTICLE.

20 (2) “COMMON OWNERSHIP COMMUNITY” DOES NOT INCLUDE A
21 TIME–SHARE PROJECT AS DEFINED IN § 11A–101 OF THE REAL PROPERTY
22 ARTICLE.

23 (D) “LICENSE” MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A
24 LICENSE ISSUED BY THE BOARD UNDER SUBTITLE 3 OF THIS TITLE THAT ALLOWS
25 AN INDIVIDUAL TO PROVIDE MANAGEMENT SERVICES FOR A COMMON OWNERSHIP
26 COMMUNITY.

27 (E) “LICENSED ASSOCIATE COMMUNITY MANAGER” MEANS, UNLESS THE
28 CONTEXT REQUIRES OTHERWISE, AN INDIVIDUAL WHO IS ISSUED A LIMITED
29 LICENSE BY THE BOARD UNDER SUBTITLE 4 OF THIS TITLE TO PROVIDE
30 MANAGEMENT SERVICES FOR A COMMON OWNERSHIP COMMUNITY UNDER THE
31 SUPERVISION OF A LICENSED COMMUNITY MANAGER.

1 (F) "LICENSED COMMUNITY MANAGER" MEANS, UNLESS THE CONTEXT
2 REQUIRES OTHERWISE, AN INDIVIDUAL WHO IS ISSUED A LICENSE BY THE BOARD
3 UNDER SUBTITLE 3 OF THIS TITLE TO PROVIDE MANAGEMENT SERVICES FOR A
4 COMMON OWNERSHIP COMMUNITY.

5 (G) "LIMITED LICENSE" MEANS, UNLESS THE CONTEXT REQUIRES
6 OTHERWISE, A LIMITED LICENSE ISSUED BY THE BOARD UNDER SUBTITLE 4 OF THIS
7 TITLE THAT ALLOWS THE INDIVIDUAL TO PROVIDE MANAGEMENT SERVICES FOR A
8 COMMON OWNERSHIP COMMUNITY UNDER THE SUPERVISION OF A LICENSED
9 COMMUNITY MANAGER.

10 (H) "PROVIDE MANAGEMENT SERVICES" MEANS:

11 (1) TO ACT WITH THE AUTHORITY OF THE COMMON OWNERSHIP
12 COMMUNITY IN ITS BUSINESS, LEGAL, FINANCIAL, OR OTHER TRANSACTIONS WITH
13 MEMBERS AND NONMEMBERS OF THE COMMON OWNERSHIP COMMUNITY;

14 (2) TO EXECUTE THE RESOLUTIONS AND DECISIONS OF A COMMON
15 OWNERSHIP COMMUNITY;

16 (3) TO ENFORCE THE RIGHTS OF THE COMMON OWNERSHIP
17 COMMUNITY SECURED BY STATUTE, CONTRACT, COVENANT, RULE, OR BYLAW WITH
18 THE AUTHORITY OF THE COMMON OWNERSHIP COMMUNITY;

19 (4) TO NEGOTIATE CONTRACTS OR OTHERWISE COORDINATE OR
20 ARRANGE FOR SERVICES OR THE PURCHASE OF PROPERTY AND GOODS FOR OR ON
21 BEHALF OF A COMMON OWNERSHIP COMMUNITY;

22 (5) TO COLLECT, DISBURSE, OR OTHERWISE EXERCISE DOMINION OR
23 CONTROL OVER MONEY OR OTHER PROPERTY BELONGING TO A COMMON
24 OWNERSHIP COMMUNITY;

25 (6) TO PREPARE BUDGETS, FINANCIAL STATEMENTS, OR OTHER
26 FINANCIAL REPORTS FOR A COMMON OWNERSHIP COMMUNITY;

27 (7) TO ARRANGE, CONDUCT, OR COORDINATE MEETINGS OF A
28 COMMON OWNERSHIP COMMUNITY OR THE GOVERNING BODY OF A COMMON
29 OWNERSHIP COMMUNITY; OR

30 (8) TO OFFER OR SOLICIT TO PERFORM ANY OF THE ACTS OR
31 SERVICES LISTED IN ITEMS (1) THROUGH (7) OF THIS SUBSECTION ON BEHALF OF A
32 COMMON OWNERSHIP COMMUNITY.

1 **(1) “RESPONSIBLE MANAGER” MEANS A LICENSED COMMUNITY MANAGER**
2 **WHO HAS PRIMARY RESPONSIBILITY FOR PROVIDING MANAGEMENT SERVICES TO A**
3 **COMMON OWNERSHIP COMMUNITY UNDER THE TERMS OF A CONTRACT ENTERED**
4 **INTO BY THE COMMON OWNERSHIP COMMUNITY.**

5 **22-102.**

6 **THE PROVISIONS OF THIS TITLE THAT REQUIRE AN INDIVIDUAL TO BE ISSUED**
7 **A LICENSE OR A LIMITED LICENSE DO NOT PROHIBIT:**

8 **(1) AN INDIVIDUAL WHO IS A REGULAR, SALARIED EMPLOYEE OF A**
9 **LICENSED COMMUNITY MANAGER OR A SINGLE COMMON OWNERSHIP COMMUNITY**
10 **FROM PERFORMING ADMINISTRATIVE, INTERNAL, BOOKKEEPING, OR MINISTERIAL**
11 **FUNCTIONS IN SUPPORT OF THE LICENSED COMMUNITY MANAGER OR THE SINGLE**
12 **COMMON OWNERSHIP COMMUNITY;**

13 **(2) AN INDIVIDUAL WHO IS ADMINISTRATIVE SUPPORT STAFF OR AN**
14 **ASSISTANT OF A LICENSED COMMUNITY MANAGER FROM INCIDENTALLY PROVIDING**
15 **MANAGEMENT SERVICES IF THE INDIVIDUAL IS SUPERVISED BY A LICENSED**
16 **COMMUNITY MANAGER;**

17 **(3) A RESIDENT OF A COMMON OWNERSHIP COMMUNITY WHO ACTS**
18 **WITHOUT COMPENSATION FROM PROVIDING MANAGEMENT SERVICES FOR THAT**
19 **COMMON OWNERSHIP COMMUNITY;**

20 **(4) A MEMBER OF THE GOVERNING BODY OF A COMMON OWNERSHIP**
21 **COMMUNITY WHO ACTS WITHOUT COMPENSATION FROM PROVIDING MANAGEMENT**
22 **SERVICES FOR THAT COMMON OWNERSHIP COMMUNITY;**

23 **(5) AN ATTORNEY AT LAW FROM REPRESENTING A COMMON**
24 **OWNERSHIP COMMUNITY, A LICENSED COMMUNITY MANAGER, OR A LICENSED**
25 **ASSOCIATE COMMUNITY MANAGER IN ANY BUSINESS THAT CONSTITUTES THE**
26 **PRACTICE OF LAW;**

27 **(6) AN INDIVIDUAL LICENSED UNDER THIS ARTICLE AS A LICENSED**
28 **CERTIFIED PUBLIC ACCOUNTANT, A LICENSED REAL ESTATE BROKER, OR A**
29 **LICENSED ASSOCIATE REAL ESTATE BROKER FROM PROVIDING TO A COMMON**
30 **OWNERSHIP COMMUNITY THE SERVICES FOR WHICH THE INDIVIDUAL IS LICENSED;**

31 **(7) AN INDIVIDUAL WHO ACTS AS A RECEIVER OR TRUSTEE IN**
32 **BANKRUPTCY IN THE PERFORMANCE OF DUTIES OR AN INDIVIDUAL WHO ACTS**
33 **UNDER A COURT ORDER FROM PROVIDING MANAGEMENT SERVICES FOR A COMMON**
34 **OWNERSHIP COMMUNITY; OR**

1 **(8) AN INDIVIDUAL WHO IS AN EMPLOYEE OF A COMMON OWNERSHIP**
2 **COMMUNITY FROM PROVIDING MANAGEMENT SERVICES ONLY TO THAT COMMON**
3 **OWNERSHIP COMMUNITY OR TO AN AFFILIATED COMMON OWNERSHIP COMMUNITY.**

4 **SUBTITLE 2. STATE BOARD OF COMMON OWNERSHIP COMMUNITY MANAGERS.**

5 **22-201.**

6 **THERE IS A STATE BOARD OF COMMON OWNERSHIP COMMUNITY MANAGERS**
7 **IN THE DEPARTMENT.**

8 **22-202.**

9 **(A) (1) THE BOARD CONSISTS OF NINE MEMBERS.**

10 **(2) OF THE NINE MEMBERS OF THE BOARD:**

11 **(I) FIVE SHALL BE LICENSED COMMON OWNERSHIP**
12 **COMMUNITY MANAGERS;**

13 **(II) ONE SHALL BE A LAWYER, AS DEFINED IN § 10-101 OF THIS**
14 **ARTICLE, WHOSE PRIMARY PRACTICE INCLUDES THE REPRESENTATION OF**
15 **COMMON OWNERSHIP COMMUNITIES; AND**

16 **(III) THREE SHALL BE RESIDENT OWNERS IN A COMMON**
17 **OWNERSHIP COMMUNITY.**

18 **(3) THE GOVERNOR SHALL APPOINT THE MEMBERS WITH THE**
19 **ADVICE OF THE SECRETARY AND THE ADVICE AND CONSENT OF THE SENATE.**

20 **(B) EACH MEMBER OF THE BOARD MUST BE A RESIDENT OF THE STATE.**

21 **(C) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL TAKE**
22 **THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.**

23 **(D) (1) THE TERM OF A MEMBER IS 4 YEARS AND BEGINS JULY 1.**

24 **(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY**
25 **THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2022.**

26 **(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL**
27 **A SUCCESSOR IS APPOINTED AND QUALIFIES.**

1 **(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES**
2 **ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND**
3 **QUALIFIES.**

4 **(5) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE**
5 **TERMS.**

6 **(E) FOR FISCAL YEAR 2023, THE DEPARTMENT SHALL ALLOCATE NOT**
7 **MORE THAN \$100,000 FOR THE ESTABLISHMENT OF THE BOARD, INCLUDING**
8 **PERSONNEL EXPENSES.**

9 **22-203.**

10 **FROM AMONG THE MEMBERS OF THE BOARD, THE GOVERNOR SHALL**
11 **APPOINT A CHAIR AND A VICE CHAIR.**

12 **22-204.**

13 **(A) A MAJORITY OF THE MEMBERS THEN SERVING ON THE BOARD IS A**
14 **QUORUM.**

15 **(B) THE BOARD SHALL DETERMINE THE TIMES AND PLACES OF ITS**
16 **MEETINGS.**

17 **(C) A MEMBER OF THE BOARD:**

18 **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE BOARD;**
19 **BUT**

20 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
21 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

22 **(D) THE BOARD MAY EMPLOY STAFF IN ACCORDANCE WITH THE STATE**
23 **BUDGET.**

24 **22-205.**

25 **(A) IN ADDITION TO ANY POWERS SET FORTH ELSEWHERE, THE BOARD**
26 **MAY:**

27 **(1) ADOPT BYLAWS AS NECESSARY TO DO THE BUSINESS OF THE**
28 **BOARD; AND**

29 **(2) ADOPT ANY REGULATIONS TO CARRY OUT THIS TITLE.**

1 **(B) IN ADDITION TO ANY DUTIES SET FORTH ELSEWHERE, THE BOARD**
2 **SHALL:**

3 **(1) ADOPT RULES OF PROFESSIONAL CONDUCT AS APPROPRIATE FOR**
4 **INDIVIDUALS ISSUED A LICENSE OR A LIMITED LICENSE UNDER THIS TITLE;**

5 **(2) ESTABLISH CRITERIA AND A PROCESS FOR CERTIFICATION OF A**
6 **VARIETY OF EDUCATIONAL OFFERINGS AND TRAINING PROGRAMS FOR ISSUING**
7 **LICENSES OR LIMITED LICENSES UNDER THIS TITLE;**

8 **(3) ESTABLISH CONTINUING EDUCATION REQUIREMENTS FOR**
9 **INDIVIDUALS WHO HAVE BEEN ISSUED A LICENSE OR A LIMITED LICENSE UNDER**
10 **THIS TITLE; AND**

11 **(4) KEEP A RECORD OF ITS PROCEEDINGS.**

12 **(C) THE BOARD MAY ESTABLISH BY REGULATION:**

13 **(1) THE PROCESS OF RESOLVING DISCIPLINARY MATTERS PENDING**
14 **BEFORE THE BOARD THROUGH NONJUDICIAL DISPUTE RESOLUTION PROCESSES;**

15 **(2) EDUCATION AND TRAINING OPPORTUNITIES FOR GOVERNING**
16 **BODIES OF COMMON OWNERSHIP COMMUNITIES; AND**

17 **(3) ANY OTHER PROCEDURES OR STANDARDS CONSISTENT WITH THE**
18 **MISSION OF THE BOARD.**

19 **22-206.**

20 **(A) THE BOARD SHALL MAINTAIN A PUBLIC LIST OF THE NAMES AND**
21 **MAILING ADDRESSES OF ALL INDIVIDUALS ISSUED A LICENSE OR A LIMITED**
22 **LICENSE UNDER THIS TITLE.**

23 **(B) EACH INDIVIDUAL ISSUED A LICENSE OR A LIMITED LICENSE UNDER**
24 **THIS TITLE SHALL:**

25 **(1) DESIGNATE A MAILING ADDRESS AT THE TIME OF ISSUANCE OF**
26 **THE ORIGINAL LICENSE OR LIMITED LICENSE AND ON RENEWAL OF THE LICENSE OR**
27 **LIMITED LICENSE; AND**

28 **(2) NOTIFY THE BOARD OF A CHANGE OF ADDRESS WITHIN 30 DAYS**
29 **AFTER THE CHANGE.**

30 **22-207.**

1 **22-301.**

2 (A) AN INDIVIDUAL MUST BE ISSUED A LICENSE BY THE BOARD BEFORE
3 THE INDIVIDUAL MAY PROVIDE MANAGEMENT SERVICES AS A LICENSED
4 COMMUNITY MANAGER FOR A COMMON OWNERSHIP COMMUNITY IN THE STATE.

5 (B) A LICENSED COMMUNITY MANAGER MAY PROVIDE MANAGEMENT
6 SERVICES FOR A COMMON OWNERSHIP COMMUNITY ONLY UNDER THE TERMS OF A
7 CONTRACT ENTERED INTO BY THE COMMON OWNERSHIP COMMUNITY.

8 **22-302.**

9 (A) TO QUALIFY FOR A LICENSE, AN APPLICANT MUST BE AN INDIVIDUAL
10 WHO MEETS:

11 (1) THE REQUIREMENTS OF THIS SECTION; AND

12 (2) ANY OTHER QUALIFICATION AS REQUIRED BY REGULATION OF
13 THE BOARD.

14 (B) AN APPLICANT MUST BE A LICENSED ASSOCIATE COMMUNITY
15 MANAGER.

16 (C) AN APPLICANT SHALL:

17 (1) COMPLETE A TRAINING PROGRAM APPROVED BY THE BOARD; AND

18 (2) PASS AN EXAMINATION APPROVED BY THE BOARD THAT
19 INCLUDES TESTING OF KNOWLEDGE OF STATE LAWS AND REGULATIONS
20 CONCERNING COMMON OWNERSHIP COMMUNITIES.

21 (D) AN APPLICANT MUST:

22 (1) BE ACTIVELY ENGAGED IN PROVIDING MANAGEMENT SERVICES
23 FOR AT LEAST 5 YEARS AS A LICENSED ASSOCIATE COMMUNITY MANAGER BEFORE
24 APPLYING FOR A LICENSE; OR

25 (2) HOLD AN ACTIVE PROFESSIONAL DESIGNATION AS APPROVED BY
26 THE BOARD.

27 **22-303.**

28 AN APPLICANT FOR A LICENSE SHALL:

1 (1) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT THE
2 BOARD PROVIDES; AND

3 (2) PAY TO THE BOARD AN APPLICATION FEE SET BY THE BOARD.

4 **22-304.**

5 (A) IF AN APPLICANT QUALIFIES FOR A LICENSE UNDER THIS SUBTITLE,
6 THE BOARD SHALL SEND THE APPLICANT A NOTICE THAT STATES THAT:

7 (1) THE APPLICANT HAS QUALIFIED FOR A LICENSE; AND

8 (2) ON RECEIPT OF THE LICENSE FEE SET BY THE BOARD, THE BOARD
9 WILL ISSUE A LICENSE TO THE APPLICANT.

10 (B) ON PAYMENT OF THE LICENSE FEE, THE BOARD SHALL ISSUE A LICENSE
11 TO EACH APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.

12 **22-305.**

13 WHILE IN EFFECT, A LICENSE AUTHORIZES THE LICENSED COMMUNITY
14 MANAGER TO PROVIDE MANAGEMENT SERVICES TO A COMMON OWNERSHIP
15 COMMUNITY.

16 **22-306.**

17 (A) THE TERM OF A LICENSE IS 2 YEARS.

18 (B) AT LEAST 2 MONTHS BEFORE A LICENSE EXPIRES, THE BOARD SHALL
19 SEND TO THE LICENSED COMMUNITY MANAGER, AT THE LAST KNOWN ADDRESS OF
20 THE LICENSED COMMUNITY MANAGER:

21 (1) A RENEWAL APPLICATION FORM; AND

22 (2) A NOTICE THAT STATES:

23 (I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

24 (II) THE DATE BY WHICH THE BOARD MUST RECEIVE THE
25 RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE
26 LICENSE EXPIRES; AND

27 (III) THE AMOUNT OF THE RENEWAL FEE.

1 **(C) (1) THE BOARD SHALL RENEW THE LICENSE OF AND ISSUE A**
2 **RENEWAL CERTIFICATE TO EACH LICENSED COMMUNITY MANAGER WHO MEETS THE**
3 **REQUIREMENTS OF THIS SECTION.**

4 **(2) THE BOARD SHALL INCLUDE ON EACH RENEWAL CERTIFICATE**
5 **THE DATE ON WHICH THE CURRENT LICENSE EXPIRES.**

6 **22-307.**

7 **(A) THE BOARD SHALL REINSTATE THE LICENSE OF AN INDIVIDUAL WHO**
8 **HAS FAILED TO RENEW THE LICENSE IF THE INDIVIDUAL:**

9 **(1) APPLIES TO THE BOARD FOR REINSTATEMENT WITHIN 2 YEARS**
10 **AFTER THE LICENSE EXPIRES;**

11 **(2) MEETS THE RENEWAL REQUIREMENTS OF § 22-306 OF THIS**
12 **SUBTITLE; AND**

13 **(3) PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE BOARD.**

14 **(B) (1) IF AN INDIVIDUAL HAS FAILED TO RENEW A LICENSE AND THEN**
15 **APPLIES TO THE BOARD FOR REINSTATEMENT MORE THAN 2 YEARS AFTER THE**
16 **LICENSE HAS EXPIRED, THE BOARD:**

17 **(I) MAY REQUIRE THE INDIVIDUAL TO REAPPLY FOR A LICENSE**
18 **IN THE SAME MANNER AS AN APPLICANT APPLIES FOR A LICENSE UNDER THIS**
19 **SUBTITLE; OR**

20 **(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, MAY**
21 **REINSTATE THE LICENSE.**

22 **(2) THE BOARD MAY REINSTATE A LICENSE UNDER PARAGRAPH (1)**
23 **OF THIS SUBSECTION ONLY IF THE INDIVIDUAL:**

24 **(I) MEETS THE RENEWAL REQUIREMENTS OF § 22-306 OF THIS**
25 **SUBTITLE;**

26 **(II) IF REQUIRED BY THE BOARD, STATES REASONS WHY**
27 **REINSTATEMENT SHOULD BE GRANTED; AND**

28 **(III) PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE**
29 **BOARD.**

30 **22-308.**

1 **(A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY ISSUE**
2 **BY RECIPROCITY A LICENSE TO AN INDIVIDUAL WHO HAS THE EQUIVALENT LICENSE**
3 **IN ANOTHER STATE OR TERRITORY OF THE UNITED STATES.**

4 **(B) THE BOARD MAY ISSUE A LICENSE UNDER THIS SECTION ONLY IF THE**
5 **APPLICANT:**

6 **(1) PAYS TO THE BOARD A LICENSE FEE SET BY THE BOARD; AND**

7 **(2) PROVIDES ADEQUATE EVIDENCE THAT AT THE TIME OF**
8 **APPLICATION FOR LICENSURE UNDER THIS SECTION THE APPLICANT HAS MET**
9 **REQUIREMENTS THAT ARE SUBSTANTIALLY EQUIVALENT TO THE REQUIREMENTS**
10 **OF THE STATE.**

11 **(C) THE BOARD SHALL ESTABLISH STANDARDS FOR THE ISSUANCE OF A**
12 **LICENSE UNDER THIS SECTION.**

13 **22-309.**

14 **(A) SUBJECT TO THE HEARING PROVISIONS OF § 22-311 OF THIS SUBTITLE,**
15 **THE BOARD MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY LICENSED**
16 **COMMUNITY MANAGER, OR SUSPEND OR REVOKE A LICENSE IF THE APPLICANT OR**
17 **LICENSED COMMUNITY MANAGER:**

18 **(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO**
19 **OBTAIN A LICENSE FOR THE APPLICANT OR LICENSED COMMUNITY MANAGER OR**
20 **FOR ANOTHER;**

21 **(2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;**

22 **(3) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE, IS**
23 **CONVICTED OF:**

24 **(I) A FELONY; OR**

25 **(II) A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE**
26 **FITNESS AND QUALIFICATIONS OF THE APPLICANT OR LICENSED COMMUNITY**
27 **MANAGER TO PROVIDE MANAGEMENT SERVICES;**

28 **(4) ENGAGES IN CONDUCT THAT DEMONSTRATES BAD FAITH,**
29 **INCOMPETENCY, OR UNTRUSTWORTHINESS OR THAT CONSTITUTES DISHONEST,**
30 **FRAUDULENT, OR IMPROPER DEALINGS;**

1 **(5) FAILS TO HANDLE THE FUNDS OF A COMMON OWNERSHIP**
2 **COMMUNITY IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE;**

3 **(6) FAILS TO ACCOUNT IN A TIMELY MANNER FOR ALL MONEY AND**
4 **PROPERTY RECEIVED ON BEHALF OF A COMMON OWNERSHIP COMMUNITY;**

5 **(7) WILLFULLY FAILS TO DISCLOSE TO A COMMON OWNERSHIP**
6 **COMMUNITY MATERIAL FACTS THAT RELATE TO THE PROPERTY OF THE COMMON**
7 **OWNERSHIP COMMUNITY OR CONCERN MANAGEMENT SERVICES OF WHICH THE**
8 **LICENSED COMMUNITY MANAGER HAS ACTUAL KNOWLEDGE;**

9 **(8) IS GUILTY OF GROSS NEGLIGENCE, INCOMPETENCE THAT IS**
10 **PROVEN TO HAVE BEEN DETRIMENTAL TO A COMMON OWNERSHIP COMMUNITY, OR**
11 **MISCONDUCT IN PROVIDING MANAGEMENT SERVICES;**

12 **(9) HAS BEEN SANCTIONED IN ANOTHER STATE IN A MATTER**
13 **RELATING TO PROVIDING MANAGEMENT SERVICES;**

14 **(10) VIOLATES ANY OTHER PROVISION OF THIS TITLE; OR**

15 **(11) VIOLATES ANY REGULATION ADOPTED BY THE BOARD UNDER**
16 **THIS TITLE.**

17 **(B) (1) INSTEAD OF OR IN ADDITION TO REPRIMANDING THE LICENSED**
18 **COMMUNITY MANAGER OR SUSPENDING OR REVOKING A LICENSE UNDER THIS**
19 **SECTION, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000 FOR EACH**
20 **VIOLATION.**

21 **(2) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED UNDER**
22 **THIS SUBSECTION, THE BOARD SHALL CONSIDER:**

23 **(I) THE SERIOUSNESS OF THE VIOLATION;**

24 **(II) THE HARM CAUSED BY THE VIOLATION;**

25 **(III) THE GOOD FAITH OF THE LICENSED COMMUNITY MANAGER;**

26 **AND**

27 **(IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE LICENSED**
28 **COMMUNITY MANAGER.**

29 **(3) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS**
30 **SUBSECTION INTO THE GENERAL FUND OF THE STATE.**

1 **(C) THE BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE**
2 **GRANTING, DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR THE**
3 **REPRIMAND OF A LICENSED COMMUNITY MANAGER WHEN AN APPLICANT OR A**
4 **LICENSED COMMUNITY MANAGER IS CONVICTED OF A FELONY OR MISDEMEANOR**
5 **DESCRIBED IN SUBSECTION (A)(3) OF THIS SECTION:**

6 **(1) THE NATURE OF THE CRIME;**

7 **(2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES**
8 **AUTHORIZED BY THE LICENSE;**

9 **(3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE**
10 **CONVICTION TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSED**
11 **COMMUNITY MANAGER TO PROVIDE MANAGEMENT SERVICES;**

12 **(4) THE LENGTH OF TIME SINCE THE CONVICTION; AND**

13 **(5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR LICENSED**
14 **COMMUNITY MANAGER BEFORE AND AFTER THE CONVICTION.**

15 **22-310.**

16 **ON ITS OWN INITIATIVE OR ON A WRITTEN COMPLAINT MADE TO THE BOARD**
17 **BY ANY PERSON, THE BOARD MAY COMMENCE PROCEEDINGS UNDER § 22-311 OF**
18 **THIS SUBTITLE.**

19 **22-311.**

20 **(A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE**
21 **GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER §**
22 **22-309 OF THIS SUBTITLE, THE BOARD SHALL GIVE THE INDIVIDUAL AGAINST**
23 **WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE**
24 **THE BOARD.**

25 **(B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN**
26 **ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.**

27 **(C) THE BOARD MAY ADMINISTER OATHS IN CONNECTION WITH ANY**
28 **PROCEEDING UNDER THIS SECTION.**

29 **(D) (1) THE BOARD MAY ISSUE A SUBPOENA FOR THE ATTENDANCE OF A**
30 **WITNESS TO TESTIFY OR THE PRODUCTION OF EVIDENCE IN CONNECTION WITH ANY**
31 **PROCEEDING UNDER THIS SECTION.**

1 **(2) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER**
2 **THIS SUBSECTION, ON PETITION OF THE BOARD, A CIRCUIT COURT MAY COMPEL**
3 **COMPLIANCE WITH THE SUBPOENA.**

4 **(E) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS**
5 **CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD MAY HEAR AND**
6 **DETERMINE THE MATTER.**

7 **22-312.**

8 **ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A**
9 **CONTESTED CASE, AS DEFINED IN § 10-202 OF THE STATE GOVERNMENT ARTICLE,**
10 **IS ENTITLED TO JUDICIAL REVIEW AS PROVIDED IN §§ 10-222 AND 10-223 OF THE**
11 **STATE GOVERNMENT ARTICLE.**

12 **22-313.**

13 **THE BOARD MAY REINSTATE, IN ACCORDANCE WITH THE PROCEDURES OF**
14 **THE BOARD:**

15 **(1) A LICENSE THAT HAS BEEN REVOKED; OR**

16 **(2) BEFORE FULFILLMENT OF THE CONDITIONS OF THE SUSPENSION,**
17 **ANY LICENSE THAT HAS BEEN SUSPENDED.**

18 **SUBTITLE 4. LICENSED ASSOCIATE COMMUNITY MANAGERS.**

19 **22-401.**

20 **(A) AN INDIVIDUAL MUST BE ISSUED A LIMITED LICENSE BY THE BOARD**
21 **BEFORE THE INDIVIDUAL MAY PROVIDE MANAGEMENT SERVICES AS A LICENSED**
22 **ASSOCIATE COMMUNITY MANAGER FOR A COMMON OWNERSHIP COMMUNITY IN THE**
23 **STATE.**

24 **(B) A LICENSED ASSOCIATE COMMUNITY MANAGER MAY PROVIDE**
25 **MANAGEMENT SERVICES FOR A COMMON OWNERSHIP COMMUNITY ONLY WHILE**
26 **UNDER THE GENERAL SUPERVISION OF A LICENSED COMMUNITY MANAGER.**

27 **22-402.**

28 **(A) TO QUALIFY FOR A LIMITED LICENSE, AN APPLICANT MUST BE AN**
29 **INDIVIDUAL WHO MEETS:**

30 **(1) THE REQUIREMENTS OF THIS SECTION; AND**

1 (2) ANY OTHER QUALIFICATION REQUIRED BY REGULATION OF THE
2 BOARD.

3 (B) AN APPLICANT MUST BE AT LEAST 18 YEARS OLD.

4 (C) AN APPLICANT SHALL:

5 (1) COMPLETE A TRAINING PROGRAM APPROVED BY THE BOARD; AND

6 (2) PASS AN EXAMINATION APPROVED BY THE BOARD.

7 **22-403.**

8 AN APPLICANT FOR A LIMITED LICENSE SHALL:

9 (1) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT THE
10 BOARD PROVIDES; AND

11 (2) PAY TO THE BOARD AN APPLICATION FEE SET BY THE BOARD.

12 **22-404.**

13 (A) IF AN APPLICANT QUALIFIES FOR A LIMITED LICENSE UNDER THIS
14 SUBTITLE, THE BOARD SHALL SEND THE APPLICANT A NOTICE THAT STATES THAT:

15 (1) THE APPLICANT HAS QUALIFIED FOR A LIMITED LICENSE; AND

16 (2) ON RECEIPT OF THE LIMITED LICENSE FEE SET BY THE BOARD,
17 THE BOARD WILL ISSUE A LIMITED LICENSE IN THE NAME OF THE APPLICANT.

18 (B) ON PAYMENT OF THE LIMITED LICENSE FEE, THE BOARD SHALL ISSUE
19 A LIMITED LICENSE IN THE NAME OF EACH APPLICANT WHO MEETS THE
20 REQUIREMENTS OF THIS SUBTITLE.

21 (C) THE BOARD SHALL DELIVER A LIMITED LICENSE ISSUED BY THE BOARD
22 TO THE LICENSED COMMUNITY MANAGER WHO WILL BE SUPERVISING THE
23 LICENSED ASSOCIATE COMMUNITY MANAGER, AT THE ADDRESS OF THE LICENSED
24 COMMUNITY MANAGER THAT IS INDICATED IN THE APPLICATION FOR A LIMITED
25 LICENSE.

26 **22-405.**

27 WHILE IN EFFECT, A LIMITED LICENSE AUTHORIZES THE LICENSED
28 ASSOCIATE COMMUNITY MANAGER TO PROVIDE MANAGEMENT SERVICES FOR A

1 COMMON OWNERSHIP COMMUNITY ONLY WHILE UNDER THE GENERAL SUPERVISION
2 OF A LICENSED COMMUNITY MANAGER.

3 **22-406.**

4 (A) THE TERM OF A LIMITED LICENSE IS 2 YEARS.

5 (B) AT LEAST 2 MONTHS BEFORE A LIMITED LICENSE EXPIRES, THE BOARD
6 SHALL SEND TO THE LICENSED ASSOCIATE COMMUNITY MANAGER, AT THE LAST
7 KNOWN ADDRESS OF THE LICENSED ASSOCIATE COMMUNITY MANAGER:

8 (1) A RENEWAL APPLICATION FORM; AND

9 (2) A NOTICE THAT STATES:

10 (I) THE DATE ON WHICH THE CURRENT LIMITED LICENSE
11 EXPIRES;

12 (II) THE DATE BY WHICH THE BOARD MUST RECEIVE THE
13 RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE
14 LIMITED LICENSE EXPIRES; AND

15 (III) THE AMOUNT OF THE RENEWAL FEE.

16 (C) (1) THE BOARD SHALL RENEW THE LIMITED LICENSE OF AND ISSUE
17 A RENEWAL CERTIFICATE TO EACH LICENSED ASSOCIATE COMMUNITY MANAGER
18 WHO MEETS THE REQUIREMENTS OF THIS SECTION.

19 (2) THE BOARD SHALL INCLUDE ON EACH RENEWAL CERTIFICATE
20 THE DATE ON WHICH THE CURRENT LIMITED LICENSE EXPIRES.

21 **22-407.**

22 (A) THE BOARD SHALL REINSTATE THE LIMITED LICENSE OF AN
23 INDIVIDUAL WHO HAS FAILED TO RENEW THE LIMITED LICENSE IF THE INDIVIDUAL:

24 (1) APPLIES TO THE BOARD FOR REINSTATEMENT WITHIN 2 YEARS
25 AFTER THE LIMITED LICENSE EXPIRES;

26 (2) MEETS THE RENEWAL REQUIREMENTS OF § 22-406 OF THIS
27 SUBTITLE; AND

28 (3) PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE BOARD.

1 **(B) (1) IF AN INDIVIDUAL HAS FAILED TO RENEW A LIMITED LICENSE AND**
2 **THEN APPLIES TO THE BOARD FOR REINSTATEMENT MORE THAN 2 YEARS AFTER**
3 **THE LIMITED LICENSE HAS EXPIRED, THE BOARD:**

4 **(I) MAY REQUIRE THE INDIVIDUAL TO REAPPLY FOR A LIMITED**
5 **LICENSE IN THE SAME MANNER AS AN APPLICANT APPLIES FOR AN ORIGINAL**
6 **LIMITED LICENSE UNDER THIS SUBTITLE; OR**

7 **(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, MAY**
8 **REINSTATE THE LIMITED LICENSE.**

9 **(2) THE BOARD MAY REINSTATE A LIMITED LICENSE UNDER**
10 **PARAGRAPH (1) OF THIS SUBSECTION ONLY IF THE INDIVIDUAL:**

11 **(I) MEETS THE RENEWAL REQUIREMENTS OF § 22-406 OF THIS**
12 **SUBTITLE;**

13 **(II) IF REQUIRED BY THE BOARD, STATES REASONS WHY**
14 **REINSTATEMENT SHOULD BE GRANTED; AND**

15 **(III) PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE**
16 **BOARD.**

17 **22-408.**

18 **(A) SUBJECT TO THE HEARING PROVISIONS OF § 22-410 OF THIS SUBTITLE,**
19 **THE BOARD MAY DENY A LIMITED LICENSE TO ANY APPLICANT, REPRIMAND ANY**
20 **LICENSED ASSOCIATE COMMUNITY MANAGER, OR SUSPEND OR REVOKE A LIMITED**
21 **LICENSE IF THE APPLICANT OR LICENSED ASSOCIATE COMMUNITY MANAGER:**

22 **(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO**
23 **OBTAIN A LIMITED LICENSE FOR THE APPLICANT OR LICENSED ASSOCIATE**
24 **COMMUNITY MANAGER OR FOR ANOTHER;**

25 **(2) FRAUDULENTLY OR DECEPTIVELY USES A LIMITED LICENSE;**

26 **(3) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE, IS**
27 **CONVICTED OF:**

28 **(I) A FELONY; OR**

29 **(II) A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE**
30 **FITNESS AND QUALIFICATIONS OF THE APPLICANT OR LICENSED ASSOCIATE**
31 **COMMUNITY MANAGER TO PROVIDE MANAGEMENT SERVICES;**

1 **(4) ENGAGES IN CONDUCT THAT DEMONSTRATES BAD FAITH,**
2 **INCOMPETENCY, OR UNTRUSTWORTHINESS OR THAT CONSTITUTES DISHONEST,**
3 **FRAUDULENT, OR IMPROPER DEALINGS;**

4 **(5) FAILS TO HANDLE THE FUNDS OF A COMMON OWNERSHIP**
5 **COMMUNITY IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE;**

6 **(6) FAILS TO ACCOUNT IN A TIMELY MANNER FOR ALL MONEY AND**
7 **PROPERTY RECEIVED ON BEHALF OF A COMMON OWNERSHIP COMMUNITY;**

8 **(7) WILLFULLY FAILS TO DISCLOSE TO A COMMON OWNERSHIP**
9 **COMMUNITY MATERIAL FACTS THAT RELATE TO THE PROPERTY OF THE COMMON**
10 **OWNERSHIP COMMUNITY OR CONCERN MANAGEMENT SERVICES OF WHICH THE**
11 **LICENSED ASSOCIATE COMMUNITY MANAGER HAS ACTUAL KNOWLEDGE;**

12 **(8) IS GUILTY OF GROSS NEGLIGENCE, INCOMPETENCE THAT IS**
13 **PROVEN TO HAVE BEEN DETRIMENTAL TO A COMMON OWNERSHIP COMMUNITY, OR**
14 **MISCONDUCT IN PROVIDING MANAGEMENT SERVICES;**

15 **(9) HAS BEEN SANCTIONED IN ANOTHER STATE IN A MATTER**
16 **RELATING TO PROVIDING MANAGEMENT SERVICES;**

17 **(10) VIOLATES ANY OTHER PROVISION OF THIS TITLE; OR**

18 **(11) VIOLATES ANY REGULATION ADOPTED BY THE BOARD UNDER**
19 **THIS TITLE.**

20 **(B) (1) INSTEAD OF OR IN ADDITION TO REPRIMANDING THE LICENSED**
21 **ASSOCIATE COMMUNITY MANAGER OR SUSPENDING OR REVOKING A LIMITED**
22 **LICENSE UNDER THIS SECTION, THE BOARD MAY IMPOSE A PENALTY NOT**
23 **EXCEEDING \$5,000 FOR EACH VIOLATION.**

24 **(2) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED UNDER**
25 **THIS SUBSECTION, THE BOARD SHALL CONSIDER:**

26 **(I) THE SERIOUSNESS OF THE VIOLATION;**

27 **(II) THE HARM CAUSED BY THE VIOLATION;**

28 **(III) THE GOOD FAITH OF THE LICENSED ASSOCIATE COMMUNITY**
29 **MANAGER; AND**

1 (IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE LICENSED
2 ASSOCIATE COMMUNITY MANAGER.

3 (3) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS
4 SUBSECTION INTO THE GENERAL FUND OF THE STATE.

5 (C) THE BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE
6 GRANTING, DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LIMITED
7 LICENSE OR THE REPRIMAND OF A LICENSED ASSOCIATE COMMUNITY MANAGER
8 WHEN AN APPLICANT OR A LICENSED ASSOCIATE COMMUNITY MANAGER IS
9 CONVICTED OF A FELONY OR MISDEMEANOR DESCRIBED IN SUBSECTION (A)(3) OF
10 THIS SECTION:

11 (1) THE NATURE OF THE CRIME;

12 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES
13 AUTHORIZED BY THE LIMITED LICENSE;

14 (3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE
15 CONVICTION TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSED
16 ASSOCIATE COMMUNITY MANAGER TO PROVIDE MANAGEMENT SERVICES;

17 (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

18 (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR LICENSED
19 ASSOCIATE COMMUNITY MANAGER BEFORE AND AFTER THE CONVICTION.

20 22-409.

21 ON ITS OWN INITIATIVE OR ON A WRITTEN COMPLAINT MADE TO THE BOARD
22 BY ANY PERSON, THE BOARD MAY COMMENCE PROCEEDINGS UNDER § 22-410 OF
23 THIS SUBTITLE.

24 22-410.

25 (A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE
26 GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER §
27 22-408 OF THIS SUBTITLE, THE BOARD SHALL GIVE THE INDIVIDUAL AGAINST
28 WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE
29 THE BOARD.

30 (B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN
31 ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

1 **(C) THE BOARD MAY ADMINISTER OATHS IN CONNECTION WITH ANY**
2 **PROCEEDING UNDER THIS SECTION.**

3 **(D) (1) THE BOARD MAY ISSUE A SUBPOENA FOR THE ATTENDANCE OF A**
4 **WITNESS TO TESTIFY OR THE PRODUCTION OF EVIDENCE IN CONNECTION WITH ANY**
5 **PROCEEDING UNDER THIS SECTION.**

6 **(2) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER**
7 **THIS SUBSECTION, ON PETITION OF THE BOARD, A CIRCUIT COURT MAY COMPEL**
8 **COMPLIANCE WITH THE SUBPOENA.**

9 **(E) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS**
10 **CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD MAY HEAR AND**
11 **DETERMINE THE MATTER.**

12 **22-411.**

13 **ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A**
14 **CONTESTED CASE, AS DEFINED IN § 10-202 OF THE STATE GOVERNMENT ARTICLE,**
15 **IS ENTITLED TO JUDICIAL REVIEW AS PROVIDED IN §§ 10-222 AND 10-223 OF THE**
16 **STATE GOVERNMENT ARTICLE.**

17 **22-412.**

18 **THE BOARD MAY REINSTATE, IN ACCORDANCE WITH THE PROCEDURES OF**
19 **THE BOARD:**

20 **(1) A LIMITED LICENSE THAT HAS BEEN REVOKED; OR**

21 **(2) BEFORE FULFILLMENT OF THE CONDITIONS OF THE SUSPENSION,**
22 **ANY LIMITED LICENSE THAT HAS BEEN SUSPENDED.**

23 **SUBTITLE 5. REGISTRATION OF COMMON OWNERSHIP COMMUNITIES.**

24 **22-501.**

25 **(A) ON OR BEFORE JANUARY 1 EACH YEAR, A COMMON OWNERSHIP**
26 **COMMUNITY SHALL REGISTER WITH THE BOARD.**

27 **(B) IF A COMMON OWNERSHIP COMMUNITY CONTRACTS FOR MANAGEMENT**
28 **SERVICES, THE RESPONSIBLE MANAGER SHALL BE RESPONSIBLE FOR THE**
29 **REGISTRATION OF THE COMMON OWNERSHIP COMMUNITY.**

30 **22-502.**

1 **EACH COMMON OWNERSHIP COMMUNITY SHALL PROVIDE THE BOARD THE**
2 **FOLLOWING INFORMATION:**

3 **(1) THE NAME AND ADDRESS OF THE COMMON OWNERSHIP**
4 **COMMUNITY;**

5 **(2) THE COUNTY IN WHICH THE COMMON OWNERSHIP COMMUNITY IS**
6 **LOCATED;**

7 **(3) THE NAME AND CONTACT INFORMATION OF EACH OFFICER AND**
8 **MEMBER OF THE BOARD OF DIRECTORS OR GOVERNING BODY OF THE COMMON**
9 **OWNERSHIP COMMUNITY;**

10 **(4) THE NAME AND ADDRESS OF THE LICENSED COMMUNITY**
11 **MANAGER, IF ANY, FOR THE COMMON OWNERSHIP COMMUNITY; AND**

12 **(5) ANY OTHER INFORMATION REQUIRED BY THE BOARD.**

13 **SUBTITLE 6. MISCELLANEOUS PROVISIONS.**

14 **22-601.**

15 **(A) IN THIS SECTION, "CONTRACTING PARTY" MEANS A LICENSED**
16 **COMMUNITY MANAGER OR A PERSON UNDER THE DIRECTION OF A LICENSED**
17 **COMMUNITY MANAGER THAT CONTRACTS TO PROVIDE MANAGEMENT SERVICES FOR**
18 **A COMMON OWNERSHIP COMMUNITY.**

19 **(B) A CONTRACTING PARTY SHALL FILE WITH THE SECRETARY PROOF AS**
20 **REQUIRED BY THE BOARD OF A FIDELITY BOND OR THEFT INSURANCE, OR OTHER**
21 **COMPARABLE WRITTEN INSURANCE AS REQUIRED BY THE BOARD, THAT COVERS:**

22 **(1) ANY PERSON THAT PROVIDES MANAGEMENT SERVICES FOR A**
23 **COMMON OWNERSHIP COMMUNITY UNDER THE TERMS OF A CONTRACT; AND**

24 **(2) ANY INDIVIDUAL WORKING UNDER THE DIRECTION OF A PERSON**
25 **DESCRIBED IN ITEM (1) OF THIS SUBSECTION.**

26 **(C) (1) A FIDELITY BOND OR INSURANCE FOR WHICH PROOF IS FILED**
27 **UNDER THIS SECTION SHALL PROVIDE COVERAGE IN AN AMOUNT EQUAL TO THE**
28 **LESSER OF:**

29 **(I) \$2,000,000; OR**

1 **(II) THE HIGHEST AGGREGATE AMOUNT OF THE OPERATING**
2 **AND RESERVE BALANCES OF ALL COMMON OWNERSHIP COMMUNITIES UNDER**
3 **CONTRACT WITH THE CONTRACTING PARTY IN THE PRIOR 3 MONTHS.**

4 **(2) THE TOTAL LIABILITY OF THE INSURANCE TO ALL INSURED**
5 **PERSONS UNDER A FIDELITY BOND OR INSURANCE MAY NOT EXCEED THE SUM OF**
6 **THE FIDELITY BOND OR INSURANCE.**

7 **(3) THE SECRETARY, OR THE SECRETARY'S DESIGNEE, SHALL BE**
8 **NAMED AS A CERTIFICATE HOLDER FOR ANY FIDELITY BOND OR INSURANCE**
9 **REQUIRED UNDER THIS SECTION.**

10 **(D) IF THE FIDELITY BOND OR INSURANCE IS CANCELED, FORFEITED, OR**
11 **TERMINATED, THE CONTRACTING PARTY IMMEDIATELY SHALL NOTIFY THE**
12 **SECRETARY.**

13 **(E) IF THE FIDELITY BOND OR INSURANCE IS CANCELED, FORFEITED, OR**
14 **TERMINATED, OR THE CONTRACTING PARTY FAILS TO NOTIFY THE SECRETARY OF**
15 **ANY CHANGE TO THE FIDELITY BOND OR INSURANCE, THE SECRETARY:**

16 **(1) SHALL SUSPEND ANY LICENSE OF ANY INDIVIDUAL PROVIDING**
17 **MANAGEMENT SERVICES COVERED BY THE FIDELITY BOND OR INSURANCE; AND**

18 **(2) MAY NOT REINSTATE A LICENSE UNTIL PROOF OF COMPLIANCE**
19 **WITH THIS SECTION IS PROVIDED TO THE SECRETARY.**

20 **22-602.**

21 **(A) A LICENSED COMMUNITY MANAGER SHALL DEPOSIT ALL MONEY**
22 **RECEIVED IN CONNECTION WITH THE PROVISION OF MANAGEMENT SERVICES IN**
23 **ONE OR MORE OF THE FINANCIAL INSTITUTION ACCOUNTS OF A COMMON**
24 **OWNERSHIP COMMUNITY.**

25 **(B) A LICENSED COMMUNITY MANAGER WHO PROVIDES MANAGEMENT**
26 **SERVICES FOR MORE THAN ONE COMMON OWNERSHIP COMMUNITY SHALL**
27 **MAINTAIN SEPARATE FINANCIAL INSTITUTION ACCOUNTS FOR EACH COMMON**
28 **OWNERSHIP COMMUNITY.**

29 **(C) THE FUNDS IN EACH FINANCIAL INSTITUTION ACCOUNT OF A COMMON**
30 **OWNERSHIP COMMUNITY MAY NOT BE COMMINGLED WITH THE FUNDS OF THE**
31 **LICENSED COMMUNITY MANAGER OR ANOTHER COMMON OWNERSHIP COMMUNITY.**

1 **(D) THE MAINTENANCE OF FINANCIAL INSTITUTION ACCOUNTS BY A**
2 **LICENSED COMMUNITY MANAGER SHALL BE CUSTODIAL AND PROVIDED IN THE**
3 **NAME OF THE COMMON OWNERSHIP COMMUNITY.**

4 **(E) THE RECORDS OF EACH FINANCIAL INSTITUTION ACCOUNT OF A**
5 **COMMON OWNERSHIP COMMUNITY SHALL BE ACCESSIBLE FOR REVIEW DIRECTLY**
6 **FROM THE FINANCIAL INSTITUTION TO THE GOVERNING BODY OF THE COMMON**
7 **OWNERSHIP COMMUNITY.**

8 **(F) A LICENSED COMMUNITY MANAGER WHO WILLFULLY VIOLATES ANY**
9 **PROVISION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS**
10 **SUBJECT TO A FINE NOT EXCEEDING \$25,000 OR IMPRISONMENT NOT EXCEEDING 5**
11 **YEARS OR BOTH.**

12 **22-603.**

13 **IF A COMMON OWNERSHIP COMMUNITY CONTRACTS WITH A PERSON OTHER**
14 **THAN A LICENSED COMMUNITY MANAGER TO PROVIDE MANAGEMENT SERVICES,**
15 **THE CONTRACT SHALL REQUIRE THAT ONLY A LICENSED COMMUNITY MANAGER**
16 **PROVIDE THE MANAGEMENT SERVICES FOR THE COMMON OWNERSHIP COMMUNITY.**

17 **SUBTITLE 7. PROHIBITED ACTS; PENALTIES.**

18 **22-701.**

19 **EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL MAY NOT**
20 **PROVIDE, ATTEMPT TO PROVIDE, OR OFFER TO PROVIDE MANAGEMENT SERVICES**
21 **FOR A COMMON OWNERSHIP COMMUNITY IN THE STATE UNLESS ISSUED A LICENSE**
22 **OR A LIMITED LICENSE BY THE BOARD.**

23 **22-702.**

24 **UNLESS AUTHORIZED UNDER THIS TITLE TO PROVIDE MANAGEMENT**
25 **SERVICES TO A COMMON OWNERSHIP COMMUNITY, A PERSON MAY NOT REPRESENT**
26 **TO THE PUBLIC BY USE OF A TITLE, INCLUDING “LICENSED COMMUNITY MANAGER”,**
27 **“LICENSED ASSOCIATE COMMUNITY MANAGER”, OR “COMMON OWNERSHIP**
28 **COMMUNITY MANAGEMENT”, BY USE OF AN ABBREVIATION, BY DESCRIPTION OF**
29 **SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE THAT THE PERSON IS**
30 **AUTHORIZED TO PROVIDE MANAGEMENT SERVICES FOR A COMMON OWNERSHIP**
31 **COMMUNITY IN THE STATE.**

32 **22-703.**

33 **AN INDIVIDUAL MAY NOT:**

1 **(1) USE OR ATTEMPT TO USE THE LICENSE OR LIMITED LICENSE OF**
2 **ANOTHER INDIVIDUAL; OR**

3 **(2) IMPERSONATE ANOTHER INDIVIDUAL WHO HOLDS A LICENSE OR**
4 **A LIMITED LICENSE.**

5 **22-704.**

6 **AN INDIVIDUAL MAY NOT GIVE FALSE INFORMATION TO THE BOARD IN AN**
7 **ATTEMPT TO OBTAIN A LICENSE OR A LIMITED LICENSE.**

8 **22-705.**

9 **AN INDIVIDUAL WHOSE LICENSE OR LIMITED LICENSE HAS BEEN SUSPENDED**
10 **OR REVOKED UNDER THIS TITLE MAY NOT PROVIDE MANAGEMENT SERVICES FOR A**
11 **COMMON OWNERSHIP COMMUNITY IN ANY MANNER AS:**

12 **(1) AN ASSOCIATE, AN AGENT, AN EMPLOYEE, OR ANY OTHER**
13 **SUBORDINATE OF A LICENSED COMMUNITY MANAGER; OR**

14 **(2) A PRINCIPAL, AN ASSOCIATE, AN AGENT, AN EMPLOYEE, OR ANY**
15 **OTHER SUBORDINATE OF A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY**
16 **COMPANY THAT PROVIDES MANAGEMENT SERVICES.**

17 **22-706.**

18 **(A) A PERSON THAT VIOLATES ANY PROVISION OF THIS TITLE IS GUILTY OF**
19 **A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING**
20 **\$5,000 OR IMPRISONMENT NOT EXCEEDING 3 YEARS OR BOTH.**

21 **(B) (1) THE BOARD MAY IMPOSE ON A PERSON THAT VIOLATES ANY**
22 **PROVISION OF THIS TITLE A PENALTY NOT EXCEEDING \$5,000 FOR EACH VIOLATION.**

23 **(2) IN SETTING THE AMOUNT OF THE PENALTY, THE BOARD SHALL**
24 **CONSIDER:**

25 **(I) THE SERIOUSNESS OF THE VIOLATION;**

26 **(II) THE HARM CAUSED BY THE VIOLATION;**

27 **(III) THE GOOD FAITH OF THE VIOLATOR;**

28 **(IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE VIOLATOR;**

29 **AND**

1 (V) ANY OTHER RELEVANT FACTORS.

2 (C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS
3 SECTION INTO THE GENERAL FUND OF THE STATE.

4 SUBTITLE 8. SHORT TITLE; TERMINATION OF TITLE.

5 22-801.

6 THIS TITLE MAY BE CITED AS THE MARYLAND COMMON OWNERSHIP
7 COMMUNITY MANAGERS ACT.

8 22-802.

9 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE
10 MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL REGULATIONS
11 ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY
12 1, 2030.

13 Article – Business Regulation

14 2-106.15.

15 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
16 INDICATED.

17 (2) “BOARD” MEANS THE STATE BOARD OF COMMON OWNERSHIP
18 COMMUNITY MANAGERS.

19 (3) “FUND” MEANS THE STATE BOARD OF COMMON OWNERSHIP
20 COMMUNITY MANAGERS FUND.

21 (B) THERE IS A STATE BOARD OF COMMON OWNERSHIP COMMUNITY
22 MANAGERS FUND IN THE DEPARTMENT.

23 (C) THE PURPOSE OF THE FUND IS TO COVER THE ACTUAL DOCUMENTED
24 DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY
25 DUTIES OF THE BOARD.

26 (D) THE SECRETARY OR THE SECRETARY’S DESIGNEE SHALL ADMINISTER
27 THE FUND.

28 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
29 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

1 **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**
2 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

3 **(F) THE FUND CONSISTS OF:**

4 **(1) FEES COLLECTED BY THE BOARD AND DISTRIBUTED TO THE**
5 **FUND UNDER § 22-207 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS**
6 **ARTICLE;**

7 **(2) INTEREST EARNINGS OF THE FUND;**

8 **(3) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND**

9 **(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**
10 **THE BENEFIT OF THE FUND.**

11 **(G) THE FUND MAY BE USED ONLY TO COVER THE ACTUAL DOCUMENTED**
12 **DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY**
13 **DUTIES OF THE BOARD.**

14 **(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**
15 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

16 **(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**
17 **THE FUND.**

18 **(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**
19 **WITH THE STATE BUDGET.**

20 **(J) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND**
21 **TRANSACTIONS OF THE FUND, AS PROVIDED IN § 2-1220 OF THE STATE**
22 **GOVERNMENT ARTICLE.**

23 **2-106.16.**

24 **(A) IN THIS SECTION, “BOARD” MEANS THE STATE BOARD OF COMMON**
25 **OWNERSHIP COMMUNITY MANAGERS.**

26 **(B) IN CONSULTATION WITH THE BOARD, THE SECRETARY SHALL**
27 **CALCULATE ANNUALLY THE DIRECT AND INDIRECT COSTS ATTRIBUTABLE TO THE**
28 **BOARD.**

1 **(C) THE BOARD SHALL ESTABLISH FEES BASED ON THE CALCULATIONS**
2 **PROVIDED BY THE SECRETARY UNDER THIS SECTION.**

3 **(D) EACH FEE ESTABLISHED BY THE BOARD MAY NOT BE INCREASED**
4 **ANNUALLY BY MORE THAN 12.5% OF THE EXISTING AND CORRESPONDING FEE OF**
5 **THE BOARD.**

6 2-108.

7 (a) The following units are in the Department:

8 **(34) THE STATE BOARD OF COMMON OWNERSHIP COMMUNITY**
9 **MANAGERS.**

10 **Article – Corporations and Associations**

11 **5-6B-12.1.**

12 **A COOPERATIVE HOUSING CORPORATION SHALL REGISTER ANNUALLY WITH**
13 **THE STATE BOARD OF COMMON OWNERSHIP COMMUNITY MANAGERS IN THE**
14 **MARYLAND DEPARTMENT OF LABOR AS REQUIRED UNDER TITLE 22, SUBTITLE 5**
15 **OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.**

16 **Article – Real Property**

17 **11-130.1.**

18 **A CONDOMINIUM THAT IS USED FOR RESIDENTIAL PURPOSES SHALL**
19 **REGISTER ANNUALLY WITH THE STATE BOARD OF COMMON OWNERSHIP**
20 **COMMUNITY MANAGERS IN THE MARYLAND DEPARTMENT OF LABOR AS REQUIRED**
21 **UNDER TITLE 22, SUBTITLE 5 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS**
22 **ARTICLE.**

23 **11B-115.2.**

24 **A HOMEOWNERS ASSOCIATION SHALL REGISTER ANNUALLY WITH THE STATE**
25 **BOARD OF COMMON OWNERSHIP COMMUNITY MANAGERS IN THE MARYLAND**
26 **DEPARTMENT OF LABOR AS REQUIRED UNDER TITLE 22, SUBTITLE 5 OF THE**
27 **BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.**

28 **Article – State Finance and Procurement**

29 6-226.

1 (a) (2) (i) Notwithstanding any other provision of law, and unless
 2 inconsistent with a federal law, grant agreement, or other federal requirement or with the
 3 terms of a gift or settlement agreement, net interest on all State money allocated by the
 4 State Treasurer under this section to special funds or accounts, and otherwise entitled to
 5 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
 6 Fund of the State.

7 (ii) The provisions of subparagraph (i) of this paragraph do not apply
 8 to the following funds:

9 144. the Health Equity Resource Community Reserve Fund;

10 [and]

11 145. the Access to Counsel in Evictions Special Fund; AND

12 **146. THE STATE BOARD OF COMMON OWNERSHIP**
 13 **COMMUNITY MANAGERS FUND.**

14 **Article – State Government**

15 8–403.

16 This subtitle applies only to the following governmental activities and units:

17 **(13) COMMON OWNERSHIP COMMUNITY MANAGERS, STATE BOARD**
 18 **OF (§ 22–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);**

19 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
 20 members of the State Board of Common Ownership Community Managers shall expire as
 21 follows:

22 (1) three members in 2025;

23 (2) three members in 2026; and

24 (3) three members in 2027.

25 SECTION 4. AND BE IT FURTHER ENACTED, That the State Board of Common
 26 Ownership Community Managers, when adopting regulations concerning the training and
 27 examination requirements for an applicant for a license or a limited license under this Act,
 28 may take into consideration the following training and examination standards:

29 (1) for a limited license:

30 (i) courses that include topics such as:

1 1. the responsibilities of managers and members of
2 community governing bodies;

3 2. management ethics;

4 3. community rules;

5 4. community meetings and other communications;

6 5. assessments collections;

7 6. financial management;

8 7. risk management;

9 8. facilities management; and

10 9. personnel management; and

11 (ii) examinations that may be in a classroom or online; and

12 (2) for a license:

13 (i) courses that include topics such as:

14 1. high-rise maintenance and management;

15 2. advanced insurance and risk management;

16 3. management of large-scale communities;

17 4. legal considerations in community management; and

18 5. contemporary issues in community management; and

19 (ii) examinations that include a case study of an existing common
20 ownership community.

21 SECTION 5. AND BE IT FURTHER ENACTED, That:

22 (a) Until the time that the State Board of Common Ownership Community
23 Managers adopts regulations concerning the training and examination requirements for an
24 applicant for a license or a limited license under this Act, passing an examination that
25 meets the requirements listed in subsection (b) of this section shall be deemed adequate for
26 satisfying the requirements of § 22-302(c) or § 22-402(c) of the Business Occupations and
27 Professions Article, as enacted by Section 2 of this Act.

1 (b) The examination specified under subsection (a) of this section shall be:

2 (1) a nationally prepared and administered standardized examination for
3 the community association management profession; and

4 (2) developed according to the basic principles of professional testing
5 standards that utilize psychometric measurement.

6 SECTION 6. AND BE IT FURTHER ENACTED, That the State Board of Common
7 Ownership Community Managers shall grant a waiver of the training and examination
8 requirements for a license issued under § 22–304 or a limited license issued under §
9 22–404 of the Business Occupations and Professions Article, as enacted by Section 2 of this
10 Act, to any applicant who presents to the Board not later than October 1, 2024, satisfactory
11 evidence that the applicant provided management services in the State for the 2 years
12 immediately before the date of application.

13 SECTION 7. AND BE IT FURTHER ENACTED, That, on or before December 1,
14 2022, the Maryland Department of Labor shall report to the General Assembly, in
15 accordance with § 2–1257 of the State Government Article, on the imposition of a
16 registration fee on common ownership communities, including the necessity for and amount
17 of a registration fee on common ownership communities in relation to the license fees and
18 limited license fees required under this Act and the size of a common ownership community
19 to which a registration fee would apply.

20 SECTION 8. AND BE IT FURTHER ENACTED, That the Department of Budget
21 and Management, by budget amendment, may advance sufficient funds to the State Board
22 of Common Ownership Community Managers to allow the Board to commence operations
23 on October 1, 2022, so that the functions of issuing licenses and limited licenses and
24 registering common ownership communities can be in place before October 1, 2023. The
25 Board shall reimburse any funds that have been advanced after the license fees and limited
26 license fees have been received and deposited into the State Board of Common Ownership
27 Community Managers Fund.

28 SECTION 9. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2022.