

# PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2024, Legislative Day No. 3

Bill No. 12-24

Introduced by Ms. Rodvien

By the County Council, February 5, 2024

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Introduced and first read on February 5, 2024  
Public Hearing set for March 4, 2024  
Bill Expires May 10, 2024

By Order: Laura Corby, Administrative Officer

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## A BILL ENTITLED

1 AN ORDINANCE concerning: Finance, Taxation, and Budget – Special Community  
2 Benefit Districts – Maryland Homeowners Association Act and Open Meetings Act  
3 Compliance  
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5 FOR the purpose of requiring the civic or community association that administers a special  
6 community benefit district to comply with the Maryland Open Meetings Act and  
7 certain provisions of the Maryland Homeowners Association Act; requiring each civic  
8 or community association that administers a special community benefit district to  
9 require all officers to complete a training class on the Maryland Open Meetings Act;  
10 requiring the Office of Budget to take certain actions if the civic or community  
11 association that administers a special community benefit district does not comply with  
12 the Maryland Open Meetings Act or certain provisions of the Maryland Homeowners  
13 Association Act; allowing the County Council to dissolve a special community benefit  
14 district if the administering civic or community association fails to comply with the  
15 Maryland Open Meetings Act or certain provisions of the Maryland Homeowners  
16 Association Act within a certain period of time; and generally relating to finance,  
17 taxation, and budget.  
18

19 BY adding: § 4-7-201(d)  
20 Anne Arundel County Code (2005, as amended)  
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22 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
23 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

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EXPLANATION: CAPITALS indicate new matter added to existing law.  
[[Brackets]] indicate matter deleted from existing law.  
Captions and taglines in **bold** in this bill are catchwords and are not law.

**ARTICLE 4. FINANCE, TAXATION, AND BUDGET**

**TITLE 7. SPECIAL COMMUNITY BENEFIT DISTRICTS, SHORE EROSION CONTROL DISTRICTS, AND WATERWAYS IMPROVEMENTS DISTRICTS**

**4-7-201. General provisions.**

**(D) Maryland Homeowners Association Act and Open Meetings Act - compliance.**

(1) THE CIVIC OR COMMUNITY ASSOCIATION THAT ADMINISTERS A SPECIAL COMMUNITY BENEFIT DISTRICT SHALL COMPLY WITH THE MARYLAND OPEN MEETINGS ACT AND §§ 11B-111(3), 11B-112.2(F), AND 11B-113.6 OF THE REAL PROPERTY ARTICLE OF THE STATE CODE.

(2) (I) EACH CIVIC OR COMMUNITY ASSOCIATION THAT ADMINISTERS A SPECIAL COMMUNITY BENEFIT DISTRICT SHALL REQUIRE ALL OFFICERS OF THE CIVIC OR COMMUNITY ASSOCIATION TO RECEIVE TRAINING ON THE REQUIREMENTS OF THE MARYLAND OPEN MEETINGS ACT.

(II) WITHIN 90 DAYS AFTER BEING APPOINTED OR ELECTED AS AN OFFICER OF A CIVIC OR COMMUNITY ASSOCIATION THAT ADMINISTERS A SPECIAL COMMUNITY BENEFIT DISTRICT, THE OFFICER SHALL COMPLETE A CLASS OFFERED BY THE MARYLAND ATTORNEY GENERAL ON THE MARYLAND OPEN MEETINGS ACT.

(III) A CIVIC OR COMMUNITY ASSOCIATION THAT ADMINISTERS A SPECIAL COMMUNITY BENEFIT DISTRICT MAY NOT MEET IN A CLOSED SESSION UNLESS AT LEAST ONE OFFICER OF THE CIVIC OR COMMUNITY ASSOCIATION HAS RECEIVED TRAINING ON THE REQUIREMENTS OF THE MARYLAND OPEN MEETINGS ACT, AND THE ASSOCIATION COMPLIES WITH THE REQUIREMENTS OF THE MARYLAND OPEN MEETINGS ACT REGARDING CLOSED SESSIONS.

(3) (I) IF THE OFFICE OF BUDGET, AFTER CONSULTATION WITH THE OFFICE OF LAW, DETERMINES THAT A CIVIC OR COMMUNITY ASSOCIATION THAT ADMINISTERS A SPECIAL COMMUNITY BENEFIT DISTRICT IS NOT IN COMPLIANCE WITH THE REQUIREMENTS OF THIS SUBSECTION, THE OFFICE OF BUDGET SHALL:

1. REJECT THE BUDGET SUBMISSION OF THE CIVIC OR COMMUNITY ASSOCIATION THAT ADMINISTERS A SPECIAL COMMUNITY BENEFIT DISTRICT; AND

2. WITHHOLD ANY EXPENDITURE OF AN APPROPRIATION FOR THE SPECIAL COMMUNITY BENEFIT DISTRICT.

(II) AFTER THE OFFICE OF BUDGET DETERMINES THAT THE CIVIC OR COMMUNITY ASSOCIATION THAT ADMINISTERS THE SPECIAL COMMUNITY BENEFIT DISTRICT IS IN COMPLIANCE WITH THIS SUBSECTION THE OFFICE OF BUDGET SHALL:

1. ACCEPT THE BUDGET SUBMISSION OF THE CIVIC OR COMMUNITY ASSOCIATION THAT ADMINISTERS THE SPECIAL COMMUNITY BENEFIT DISTRICT; AND

2. RELEASE ANY EXPENDITURE WITHHELD UNDER PARAGRAPH (3)(I)2.

(4) (I) IF A CIVIC OR COMMUNITY ASSOCIATION THAT ADMINISTERS A SPECIAL COMMUNITY BENEFIT DISTRICT DOES NOT COMPLY WITH THIS SUBSECTION AFTER 18 MONTHS, THE SPECIAL COMMUNITY BENEFIT DISTRICT MAY BE DISSOLVED BY ORDINANCE OF THE COUNTY COUNCIL.

1            (II) 1. THE OFFICE OF LAW SHALL DETERMINE AN EQUITABLE DIVISION OF  
2 ASSETS BELONGING TO THE SPECIAL COMMUNITY BENEFIT DISTRICT AMONG THE  
3 OWNERS OF REAL PROPERTY IN THE DISTRICT ON THE DISSOLUTION OF THE DISTRICT.

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5            2. UNENCUMBERED AND UNEXPENDED FUNDS REMAINING IN THE DISTRICT  
6 ACCOUNT ON THE DISSOLUTION OF THE DISTRICT SHALL BE DISTRIBUTED TO THE  
7 CURRENT OWNERS OF REAL PROPERTY IN THE DISTRICT PROPORTIONATELY ON THE SAME  
8 BASIS AS THE SPECIAL COMMUNITY BENEFIT TAX WAS MOST RECENTLY COLLECTED.

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10          SECTION 2. *And be it further enacted*, That this Ordinance shall take effect 45 days  
11 from the date it becomes law.