

HOUSE BILL 292

N1, C1

(5lr1629)

ENROLLED BILL

— *Environment and Transportation/Judicial Proceedings* —

Introduced by ~~Delegate Holmes~~ Delegates Holmes, Roberts, Hartman, Allen, Boyce, and Foley

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Cooperative Housing Corporations, Condominiums, and Homeowners**

3 **Associations – Funding of Reserve Accounts and Preparation of Funding Plans**

4 FOR the purpose of ~~requiring that the annual budget of a cooperative housing corporation,~~
5 ~~a residential condominium, or a homeowners association include certain funds;~~
6 requiring that certain funds for the reserve account of a cooperative housing
7 corporation, a residential condominium, or a homeowners association be deposited
8 by a certain day each fiscal year; extending the amount of time after an initial
9 reserve study that a cooperative housing corporation, a residential condominium, or
10 a homeowners association has to obtain a certain recommended reserve funding
11 level; authorizing a cooperative housing corporation, a residential condominium, or
12 a homeowners association to reasonably deviate from certain reserve funding
13 requirements following a certain financial hardship determination by the governing
14 body; requiring that certain updated reserve studies be prepared by a certain person;

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.

Italics indicate opposite chamber/conference committee amendments.



requiring the governing body of a cooperative housing corporation, a residential condominium, or a homeowners association to review the reserves and the most recent reserve study or updated reserve study annually for accuracy to determine whether there is adequate funding in accordance with a certain funding plan; altering the definition of “reserve study” to provide that the governing body of a cooperative housing corporation, a residential condominium, or a homeowners association may determine a minimum cost of repair or replacement for components, subject to certain restrictions; requiring the governing body of a cooperative housing corporation, a residential condominium, or a homeowners association to prepare a certain funding plan subject to certain requirements; altering a certain provision of law relating to component costs and the application of certain reserve study requirements to a homeowners association; and generally relating to the funding of reserve accounts, reserve studies, and annual budgets of cooperative housing corporations, condominiums, and homeowners associations.

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 5–6B–26.1
Annotated Code of Maryland
(2014 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, without amendments,
Article – Real Property
Section 11–109.2(b) and 11B–112.2(c)
Annotated Code of Maryland
(2023 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section ~~11–109.2(b) and (e)~~ 11–109.2(c), 11–109.4, ~~11B–112.2(e) and (d)~~
11B–112.2(d), and 11B–112.3
Annotated Code of Maryland
(2023 Replacement Volume and 2024 Supplement)

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

Article – Corporations and Associations

5–6B–26.1.

(a) **(1)** In this section[, “reserve”] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) “RESERVE study” means a study of the reserves required for future major repairs and replacement of the common elements of a cooperative housing corporation that:

[(1)] (I) [Identifies] USING AN ITEMIZED LIST, CLEARLY IDENTIFIES each structural, mechanical, electrical, and plumbing component of the common elements and any other components that ~~are~~:

1. ARE the responsibility of the cooperative housing corporation to repair and replace; AND

2. IF APPLICABLE, MEET A MINIMUM COST OF REPAIR OR REPLACEMENT, AS DETERMINED BY THE GOVERNING BODY, THAT IS:

A. REASONABLY BASED ON THE EXPENSES OF THE COOPERATIVE HOUSING CORPORATION; AND

B. NOT A MINOR EXPENSE THAT IS OTHERWISE ADDRESSED BY THE BUDGET OF THE COOPERATIVE HOUSING CORPORATION;

[(2)] (II) States the normal useful life and the estimated remaining useful life of each identified component;

[(3)] (III) States the estimated cost of repair or replacement of each identified component; [and]

[(4)] (IV) States the estimated annual reserve amount necessary to accomplish any identified future repair or replacement; AND

(V) STATES THE SQUARE FOOTAGE QUANTITY OR SIZE OF EACH IDENTIFIED COMPONENT USING THE APPROPRIATE MEASUREMENT, SUCH AS UNIT AMOUNT, SQUARE FOOTAGE, OR CUBIC FEET.

(3) “UPDATED RESERVE STUDY” MEANS, FOR THE COMMON ELEMENTS SINCE THE PRIOR RESERVE STUDY WAS COMPLETED WITHIN THE PREVIOUS 5 YEARS, A STUDY THAT:

(I) ~~ANALYZES ANY WORK PERFORMED;~~

~~(II)~~ REVISES REPLACEMENT COST, REMAINING LIFE, AND USEFUL LIFE ESTIMATES; ~~AND~~

~~(III)~~ IDENTIFIES;

1 ~~1. (II) WORK ANALYZES WORK PERFORMED AND AMOUNTS~~
2 SPENT; AND

3 ~~2. (III) WHETHER IDENTIFIES WHETHER ANY~~
4 MAINTENANCE CONTRACTS ARE IN PLACE.

5 (b) (1) This subsection applies only to a cooperative housing corporation
6 established in:

7 (i) Prince George's County on or after October 1, 2020;

8 (ii) Montgomery County on or after October 1, 2021; or

9 (iii) Any county other than Prince George's County or Montgomery
10 County on or after October 1, 2022.

11 (2) The governing body of the cooperative housing corporation shall have
12 an independent reserve study completed not less than 30 calendar days before the first
13 meeting of the cooperative housing corporation at which the members other than the owner
14 have a majority of votes in the cooperative housing corporation.

15 (3) The governing body shall have an updated reserve study completed
16 within 5 years after the date of the initial reserve study conducted under paragraph (2) of
17 this subsection, which shall be updated at least every 5 years thereafter.

18 (c) (1) (i) This paragraph applies only to a cooperative housing corporation
19 established in Prince George's County before October 1, 2020.

20 (ii) If the governing body of a cooperative housing corporation has
21 had a reserve study conducted on or after October 1, 2016, the governing body shall have
22 an updated reserve study conducted within 5 years after the date of that reserve study and
23 at least every 5 years thereafter.

24 (iii) If the governing body of a cooperative housing corporation has
25 not had a reserve study conducted on or after October 1, 2016, the governing body shall
26 have a reserve study conducted on or before October 1, 2021, and an updated reserve study
27 at least every 5 years thereafter.

28 (2) (i) This paragraph applies only to a cooperative housing corporation
29 established in Montgomery County before October 1, 2021.

30 (ii) If the governing body of a cooperative housing corporation has
31 had a reserve study conducted on or after October 1, 2017, the governing body shall have
32 an updated reserve study conducted within 5 years after the date of that reserve study and
33 at least every 5 years thereafter.

(iii) If the governing body of a cooperative housing corporation has not had a reserve study conducted on or after October 1, 2017, the governing body shall have a reserve study conducted on or before October 1, 2022, and an updated reserve study at least every 5 years thereafter.

(3) (i) This paragraph applies to a cooperative housing corporation established in any county other than Prince George's County or Montgomery County before October 1, 2022.

(ii) If the governing body of a cooperative housing corporation has had a reserve study conducted on or after October 1, 2018, the governing body shall have an updated reserve study conducted within 5 years after the date of that reserve study and at least every 5 years thereafter.

(iii) If the governing body of a cooperative housing corporation has not had a reserve study conducted on or after October 1, 2018, the governing body shall have a reserve study conducted on or before October 1, 2023, and an updated reserve study at least every 5 years thereafter.

(d) Each reserve study **AND UPDATED RESERVE STUDY** required under this section shall:

(1) Be prepared by a person who:

(i) Has prepared at least 30 reserve studies within the prior 3 calendar years;

(ii) Has participated in the preparation of at least 30 reserve studies within the prior 3 calendar years while employed by a firm that prepares reserve studies;

(iii) Holds a current license from the State Board of Architects or the State Board for Professional Engineers; or

(iv) Is currently designated as a reserve specialist by the Community Association Institute or as a professional reserve analyst by the Association of Professional Reserve Analysts;

(2) Be available for inspection and copying by any unit owner;

(3) Be reviewed by the governing body of the cooperative housing corporation in connection with the preparation of the annual proposed budget; and

(4) Be summarized for submission with the annual proposed budget to the unit owners.

(e) To the extent that a reserve study conducted in accordance with this section indicates a need to budget for reserves, the budget shall include:

(1) For the capital components, the current estimated:

(i) Replacement cost ~~IF THE ESTIMATED REPLACEMENT COST IS GREATER THAN \$10,000 AS DETERMINED BY THE MOST RECENT RESERVE STUDY OR UPDATED RESERVE STUDY;~~

(ii) Remaining life; and

(iii) Useful life;

(2) The amount of accumulated cash reserves set aside for the repair, replacement, or restoration of capital components as of the beginning of the fiscal year in which the reserve study is conducted and the amount of the expected contribution to the reserve fund for the fiscal year;

(3) A statement describing the procedures used for estimation and accumulation of cash reserves in accordance with this section; and

(4) A statement of the amount of reserves recommended in the study and the amount of current cash for replacement reserves.

(f) (1) (i) **1. Subject to PARAGRAPH (2) OF THIS SUBSECTION AND subparagraph (ii) of this paragraph, the governing body of a cooperative housing corporation shall [provide] DEPOSIT funds to the reserve ACCOUNT in accordance with the most recent reserve study OR UPDATED RESERVE STUDY AND THE FUNDING PLAN REQUIRED UNDER SUBSECTION (G) OF THIS SECTION ON OR BEFORE THE LAST DAY OF EACH FISCAL YEAR and shall review the RESERVES AND THE MOST RECENT RESERVE STUDY OR UPDATED reserve study annually ~~for accuracy~~ TO DETERMINE WHETHER THERE IS ADEQUATE FUNDING IN ACCORDANCE WITH THE FUNDING PLAN REQUIRED UNDER SUBSECTION (G) OF THIS SECTION.**

2. THE ANNUAL REVIEW OF THE RESERVE STUDY FOR ACCURACY UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH DOES NOT REQUIRE A RESERVE STUDY OR UPDATED RESERVE STUDY IN ADDITION TO THE RESERVE STUDY REQUIREMENTS UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION.

(ii) ~~IF~~ **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF** the most recent reserve study was an initial reserve study, the governing body shall, within **[3]** 5 fiscal years following the fiscal year in which the initial reserve study was completed, attain the annual reserve funding level recommended in the initial reserve study **IN ACCORDANCE WITH THE FUNDING PLAN UNDER SUBSECTION (G) OF THIS SECTION.**

1 (2) (I) THE GOVERNING BODY OF A COOPERATIVE HOUSING
2 CORPORATION MAY DETERMINE BY A TWO-THIRDS MAJORITY VOTE THAT THE
3 COOPERATIVE HOUSING CORPORATION AND THE MEMBERS ARE EXPERIENCING A
4 FINANCIAL HARDSHIP THAT LIMITS THE ABILITY TO FUND RESERVES THAT ARE
5 REQUIRED UNDER PARAGRAPH (1)(I) OR (II) OF THIS SUBSECTION.

6 (II) SUBJECT TO SUBPARAGRAPHS (III) THROUGH (V) OF THIS
7 PARAGRAPH, IF A GOVERNING BODY MAKES A FINANCIAL HARDSHIP
8 DETERMINATION BASED ON THE RESERVE FUNDING REQUIREMENTS OF
9 PARAGRAPH (1)(I) OR (II) OF THIS SUBSECTION:

10 1. THE COOPERATIVE HOUSING CORPORATION MAY
11 REASONABLY DEVIATE FROM THAT RESERVE FUNDING REQUIREMENT; AND

12 2. THE FUNDING LEVEL UNDER THAT REQUIREMENT
13 SHALL BE AT LEAST THE FUNDING AMOUNT NECESSARY FOR THE PURPOSES
14 SPECIFIED UNDER SUBSECTION (G)(3) OF THIS SECTION.

15 (III) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF
16 THIS SUBPARAGRAPH, A COOPERATIVE HOUSING CORPORATION MAY NOT DEVIATE
17 FROM THE RESERVE FUNDING REQUIREMENTS OF PARAGRAPH (1)(I) OR (II) OF THIS
18 SUBSECTION FOR A PERIOD OF MORE THAN 1 FISCAL YEAR FOLLOWING THE
19 FINANCIAL HARDSHIP DETERMINATION.

20 2. THE GOVERNING BODY MAY RENEW A FINANCIAL
21 HARDSHIP DETERMINATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH BY A
22 TWO-THIRDS MAJORITY VOTE TO EXTEND THE PERIOD THAT A COOPERATIVE
23 HOUSING CORPORATION MAY DEVIATE FROM THE RESERVE FUNDING
24 REQUIREMENT BY 1 FISCAL YEAR FOLLOWING THE RENEWAL.

25 (IV) THE GOVERNING BODY SHALL:

26 1. MAKE GOOD FAITH EFFORTS TO RESOLVE THE
27 FINANCIAL HARDSHIP AND RESUME FUNDING RESERVES AS REQUIRED UNDER
28 PARAGRAPH (1)(I) OR (II) OF THIS SUBSECTION;

29 2. MAINTAIN DETAILED DOCUMENTATION OF THE GOOD
30 FAITH EFFORTS MADE UNDER ITEM 1 OF THIS SUBPARAGRAPH; AND

31 3. TREAT THE DOCUMENTS UNDER ITEM 2 OF THIS
32 SUBPARAGRAPH AS RECORDS FOR EXAMINATION AND COPYING UNDER § 5-6B-26
33 OF THIS SUBTITLE.

(V) 1. ALL MEMBERS SHALL BE GIVEN REASONABLE NOTICE
IN ADVANCE OF A VOTE ON AN INITIAL OR A RENEWAL OF A FINANCIAL HARDSHIP
DETERMINATION UNDER THIS PARAGRAPH.

2. A VOTE ON AN INITIAL OR A RENEWAL OF A FINANCIAL
HARDSHIP DETERMINATION UNDER THIS PARAGRAPH MAY BE TAKEN ONLY AT A
REGULAR OR SPECIAL MEETING OF THE COOPERATIVE HOUSING CORPORATION.

(3) The governing body of a cooperative housing corporation has the authority to increase an assessment levied to cover the reserve funding amount required under this section, notwithstanding any provision of the articles of incorporation, bylaws, or proprietary lease restricting assessment increases or capping the assessment that may be levied in a fiscal year.

(G) (1) THE GOVERNING BODY OF A COOPERATIVE HOUSING CORPORATION SHALL, IN CONSULTATION WITH A PERSON IDENTIFIED UNDER SUBSECTION (D)(1) OF THIS SECTION, DEVELOP A FUNDING PLAN TO DETERMINE HOW TO ~~FULLY~~ FUND THE RESERVES NECESSARY UNDER THIS SECTION.

(2) IN DEVELOPING THE FUNDING PLAN UNDER THIS SUBSECTION, THE GOVERNING BODY SHALL ~~CONSIDER~~ SELECT ONE OF THE FOLLOWING METHODS TO ACHIEVE THE RESERVE FUNDING UNDER THIS SECTION:

(I) THE COMPONENT ~~OR FULL FUNDING~~ METHOD;

(II) THE CASH FLOW METHOD;

(III) THE BASELINE FUNDING METHOD;

(IV) THE THRESHOLD CASH FLOW METHOD; ~~AND~~ OR

(V) ~~OTHER FUNDING METHODS ACCEPTED BY~~ ANY OTHER FUNDING METHOD CONSISTENT WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

(3) A FUNDING PLAN DEVELOPED UNDER THIS SUBSECTION SHALL PRIORITIZE ADEQUATE AMOUNTS FOR REPAIR AND REPLACEMENT OF COMMON ELEMENTS OF THE COOPERATIVE HOUSING CORPORATION THAT ARE NECESSARY FOR:

(I) THE HEALTH, SAFETY, AND WELL-BEING OF THE ~~MEMBERS~~ OCCUPANTS;

(II) ENSURING STRUCTURAL INTEGRITY, SUCH AS ROOFING REPLACEMENTS AND MAINTAINING STRUCTURAL SYSTEMS; ~~AND~~

(III) ESSENTIAL FUNCTIONING, SUCH AS PLUMBING, SEWER, HEATING, COOLING, AND ELECTRICAL INFRASTRUCTURE; AND

(IV) ANY OTHER ESSENTIAL OR CRITICAL PURPOSE, AS DETERMINED BY THE GOVERNING BODY.

~~(4) RESERVES MAY NOT BE USED FOR PURPOSES OTHER THAN THOSE SPECIFIED IN THE FUNDING PLAN.~~

(4) RESERVES MAY BE USED FOR PURPOSES OTHER THAN THOSE SPECIFIED IN THE FUNDING PLAN IF THE FUNDS ARE REPAID TO THE RESERVE FUND WITHIN 5 YEARS AFTER THEIR USE.

(5) A GOVERNING BODY SHALL REVIEW PROGRESS TOWARD COMPLIANCE WITH THE FUNDING PLAN DEVELOPED UNDER THIS SUBSECTION AT EACH ANNUAL MEETING OF THE GOVERNING BODY.

Article – Real Property

11–109.2.

(b) The annual budget shall provide for at least the following items:

(1) Income;

(2) Administration;

(3) Maintenance;

(4) Utilities;

(5) General expenses;

(6) Reserves, ~~INCLUDING REPLACEMENT COSTS IF THE ESTIMATED REPLACEMENT COST IS GREATER THAN \$10,000 AS DETERMINED BY THE MOST RECENT RESERVE STUDY OR UPDATED RESERVE STUDY;~~ and

(7) Capital items.

(c) (1) Subject to ~~paragraph (2)~~ PARAGRAPHS (2) AND (3) of this subsection AND IN ACCORDANCE WITH THE FUNDING PLAN UNDER § 11–109.4(F) OF THIS TITLE,

the reserves provided for in the annual budget under subsection (b) of this section for a residential condominium shall [be]:

(I) BE the funding amount recommended in the most recent reserve study OR UPDATED RESERVE STUDY completed under § 11–109.4 of this title; AND

(II) BE DEPOSITED IN THE RESERVE ACCOUNT ON OR BEFORE THE LAST DAY OF EACH FISCAL YEAR.

(2) ~~IF~~ SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IF the most recent reserve study was an initial reserve study, the governing body shall, within [3] 5 fiscal years following the fiscal year in which the initial reserve study was completed, attain the annual reserve funding level recommended in the initial reserve study IN ACCORDANCE WITH THE FUNDING PLAN UNDER § 11–109.4(F) OF THIS TITLE.

(3) (I) THE GOVERNING BODY OF A RESIDENTIAL CONDOMINIUM MAY DETERMINE BY A TWO–THIRDS MAJORITY VOTE THAT THE CONDOMINIUM AND THE UNIT OWNERS ARE EXPERIENCING A FINANCIAL HARDSHIP THAT LIMITS THE ABILITY TO FUND RESERVES THAT ARE REQUIRED UNDER PARAGRAPH (1) OR (2) OF THIS SUBSECTION.

(II) SUBJECT TO SUBPARAGRAPHS (III) THROUGH (V) OF THIS PARAGRAPH, IF A GOVERNING BODY MAKES A FINANCIAL HARDSHIP DETERMINATION BASED ON THE RESERVE FUNDING REQUIREMENTS OF PARAGRAPH (1) OR (2) OF THIS SUBSECTION:

1. THE CONDOMINIUM MAY REASONABLY DEVIATE FROM THAT RESERVE FUNDING REQUIREMENT; AND

2. THE FUNDING LEVEL UNDER THAT REQUIREMENT SHALL BE AT LEAST THE FUNDING AMOUNT NECESSARY FOR THE PURPOSES SPECIFIED UNDER § 11–109.4(F)(3) OF THIS TITLE.

(III) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, A RESIDENTIAL CONDOMINIUM MAY NOT DEVIATE FROM THE RESERVE FUNDING REQUIREMENTS OF PARAGRAPH (1) OR (2) OF THIS SUBSECTION FOR A PERIOD OF MORE THAN 1 FISCAL YEAR FOLLOWING THE FINANCIAL HARDSHIP DETERMINATION.

2. THE GOVERNING BODY MAY RENEW A FINANCIAL HARDSHIP DETERMINATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH BY A TWO–THIRDS MAJORITY VOTE TO EXTEND THE PERIOD THAT A RESIDENTIAL CONDOMINIUM MAY DEVIATE FROM THE RESERVE FUNDING REQUIREMENT BY 1 FISCAL YEAR FOLLOWING THE RENEWAL.

(IV) THE GOVERNING BODY SHALL:

1. MAKE GOOD FAITH EFFORTS TO RESOLVE THE FINANCIAL HARDSHIP AND RESUME FUNDING RESERVES AS REQUIRED UNDER PARAGRAPH (1) OR (2) OF THIS SUBSECTION;

2. MAINTAIN DETAILED DOCUMENTATION OF THE GOOD FAITH EFFORTS MADE UNDER ITEM 1 OF THIS SUBPARAGRAPH; AND

3. TREAT THE DOCUMENTS UNDER ITEM 2 OF THIS SUBPARAGRAPH AS RECORDS AVAILABLE FOR EXAMINATION AND COPYING UNDER § 11-116 OF THIS TITLE.

(V) 1. ALL UNIT OWNERS SHALL BE GIVEN REASONABLE NOTICE IN ADVANCE OF A VOTE ON AN INITIAL OR A RENEWAL OF A FINANCIAL HARDSHIP DETERMINATION UNDER THIS PARAGRAPH.

2. A VOTE ON AN INITIAL OR A RENEWAL OF A FINANCIAL HARDSHIP DETERMINATION UNDER THIS PARAGRAPH MAY BE TAKEN ONLY AT A REGULAR OR SPECIAL MEETING OF THE CONDOMINIUM.

(4) (I) ~~A~~ THE GOVERNING BODY OF A RESIDENTIAL CONDOMINIUM SHALL ANNUALLY REVIEW THE ~~RESERVE STUDY ANNUALLY FOR ACCURACY~~ RESERVES AND THE MOST RECENT RESERVE STUDY OR UPDATED RESERVE STUDY TO DETERMINE WHETHER THERE IS ADEQUATE FUNDING IN ACCORDANCE WITH THE FUNDING PLAN REQUIRED UNDER § 11-109.4(F) OF THIS TITLE.

(II) THE ANNUAL REVIEW ~~OF THE RESERVE STUDY FOR ACCURACY~~ UNDER THIS PARAGRAPH DOES NOT REQUIRE A RESERVE STUDY OR UPDATED RESERVE STUDY IN ADDITION TO THE RESERVE STUDY REQUIREMENTS UNDER § 11-109.4 OF THIS TITLE.

11-109.4.

(a) (1) In this section[, “reserve”] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “RESERVE study” means a study of the reserves required for future major repairs and replacement of the common elements of a condominium that:

[(1)] (I) [Identifies] USING AN ITEMIZED LIST, IDENTIFIES each structural, mechanical, electrical, and plumbing component of the common elements and any other components that ~~are~~:

1 1. ~~ARE~~ the responsibility of the council of unit owners to
2 repair and replace; AND

3 2. IF APPLICABLE, MEET A MINIMUM COST OF REPAIR
4 OR REPLACEMENT, AS DETERMINED BY THE GOVERNING BODY, THAT IS:

5 A. REASONABLY BASED ON THE EXPENSES OF THE
6 CONDOMINIUM; AND

7 B. NOT A MINOR EXPENSE THAT IS OTHERWISE
8 ADDRESSED BY THE BUDGET OF THE CONDOMINIUM;

9 [(2)] (II) States the normal useful life and the estimated remaining useful
10 life of each identified component;

11 [(3)] (III) States the estimated cost of repair or replacement of each
12 identified component; [and]

13 [(4)] (IV) States the estimated annual reserve amount necessary to
14 accomplish any identified future repair or replacement; **AND**

15 (V) STATES THE ~~SQUARE FOOTAGE~~ QUANTITY OR SIZE OF EACH
16 IDENTIFIED COMPONENT USING THE APPROPRIATE MEASUREMENT, SUCH AS UNIT
17 AMOUNT, SQUARE FOOTAGE, OR CUBIC FEET.

18 (3) “UPDATED RESERVE STUDY” MEANS, FOR THE COMMON
19 ELEMENTS SINCE THE PRIOR RESERVE STUDY WAS COMPLETED WITHIN THE
20 PREVIOUS 5 YEARS, A STUDY THAT:

21 (I) ~~ANALYZES ANY WORK PERFORMED;~~

22 ~~(II)~~ REVISES REPLACEMENT COST, REMAINING LIFE, AND
23 USEFUL LIFE ESTIMATES; ~~AND~~

24 ~~(III)~~ IDENTIFIES;

25 ~~1. (II) WORK~~ ANALYZES WORK PERFORMED AND AMOUNTS
26 SPENT; AND

27 ~~2. (III) WHETHER~~ IDENTIFIES WHETHER ANY
28 MAINTENANCE CONTRACTS ARE IN PLACE.

29 (b) This section applies only to a residential condominium.

1 (c) (1) This subsection applies only to a condominium established in:

2 (i) Prince George's County on or after October 1, 2020;

3 (ii) Montgomery County on or after October 1, 2021; or

4 (iii) Any county other than Prince George's County or Montgomery
5 County on or after October 1, 2022.

6 (2) The governing body of the condominium shall have an independent
7 reserve study completed not less than 30 calendar days before the meeting of the council of
8 unit owners required under § 11-109(c)(16) of this title.

9 (3) The governing body shall have an updated reserve study completed
10 within 5 years after the date of the initial reserve study conducted under paragraph (2) of
11 this subsection and at least every 5 years thereafter.

12 (d) (1) (i) This paragraph applies only to a condominium established in
13 Prince George's County before October 1, 2020.

14 (ii) If the governing body of a condominium has had a reserve study
15 conducted on or after October 1, 2016, the governing body shall have an updated reserve
16 study conducted within 5 years after the date of that reserve study and at least every 5
17 years thereafter.

18 (iii) If the governing body of a condominium has not had a reserve
19 study conducted on or after October 1, 2016, the governing body shall have a reserve study
20 conducted on or before October 1, 2021, and an updated reserve study at least every 5 years
21 thereafter.

22 (2) (i) This paragraph applies only to a condominium established in
23 Montgomery County before October 1, 2021.

24 (ii) If the governing body of a condominium has had a reserve study
25 conducted on or after October 1, 2017, the governing body shall have an updated reserve
26 study conducted within 5 years after the date of that reserve study and at least every 5
27 years thereafter.

28 (iii) If the governing body of a condominium has not had a reserve
29 study conducted on or after October 1, 2017, the governing body shall have a reserve study
30 conducted on or before October 1, 2022, and an updated reserve study at least every 5 years
31 thereafter.

32 (3) (i) This paragraph applies only to a condominium established in any
33 county other than Prince George's County or Montgomery County before October 1, 2022.

(ii) If the governing body of a condominium has had a reserve study conducted on or after October 1, 2018, the governing body shall have an updated reserve study conducted within 5 years after the date of that reserve study and at least every 5 years thereafter.

(iii) If the governing body of a condominium has not had a reserve study conducted on or after October 1, 2018, the governing body shall have a reserve study conducted on or before October 1, 2023, and an updated reserve study at least every 5 years thereafter.

(e) Each reserve study **AND UPDATED RESERVE STUDY** required under this section shall:

(1) Be prepared by a person who:

(i) Has prepared at least 30 reserve studies within the prior 3 calendar years;

(ii) Has participated in the preparation of at least 30 reserve studies within the prior 3 calendar years while employed by a firm that prepares reserve studies;

(iii) Holds a current license from the State Board of Architects or the State Board for Professional Engineers; or

(iv) Is currently designated as a reserve specialist by the Community Association Institute or as a professional reserve analyst by the Association of Professional Reserve Analysts;

(2) Be available for inspection and copying by any unit owner;

(3) Be reviewed by the governing body of the condominium in connection with the preparation of the annual proposed budget; and

(4) Be summarized for submission with the annual proposed budget to the unit owners.

(F) (1) THE GOVERNING BODY OF A CONDOMINIUM SHALL, IN CONSULTATION WITH A PERSON IDENTIFIED UNDER SUBSECTION (E)(1) OF THIS SECTION, DEVELOP A FUNDING PLAN TO DETERMINE HOW TO ~~FULLY~~ FUND THE RESERVES NECESSARY UNDER THIS SECTION.

(2) IN DEVELOPING THE FUNDING PLAN UNDER THIS SUBSECTION, THE GOVERNING BODY SHALL ~~CONSIDER~~ SELECT ONE OF THE FOLLOWING METHODS TO ACHIEVE THE RESERVE FUNDING UNDER THIS SECTION:

(I) THE COMPONENT ~~OR FULL FUNDING~~ METHOD;

(II) THE CASH FLOW METHOD;

(III) THE BASELINE FUNDING METHOD;

(IV) THE THRESHOLD CASH FLOW METHOD; ~~AND OR~~

(V) ~~OTHER FUNDING METHODS ACCEPTED BY ANY OTHER~~
FUNDING METHOD CONSISTENT WITH GENERALLY ACCEPTED ACCOUNTING
PRINCIPLES.

(3) A FUNDING PLAN DEVELOPED UNDER THIS SUBSECTION SHALL
PRIORITIZE ADEQUATE AMOUNTS FOR REPAIR AND REPLACEMENT OF COMMON
ELEMENTS OF THE CONDOMINIUM THAT ARE NECESSARY FOR:

(I) THE HEALTH, SAFETY, AND WELL-BEING OF THE ~~MEMBERS~~
OCCUPANTS;

(II) ENSURING STRUCTURAL INTEGRITY, SUCH AS ROOFING
REPLACEMENTS AND MAINTAINING STRUCTURAL SYSTEMS; ~~AND~~

(III) ESSENTIAL FUNCTIONING, SUCH AS PLUMBING, SEWER,
HEATING, COOLING, AND ELECTRICAL INFRASTRUCTURE; AND

(IV) ANY OTHER ESSENTIAL OR CRITICAL PURPOSE, AS
DETERMINED BY THE GOVERNING BODY.

~~(4) RESERVES MAY NOT BE USED FOR PURPOSES OTHER THAN THOSE~~
~~SPECIFIED IN THE FUNDING PLAN.~~

(4) RESERVES MAY BE USED FOR PURPOSES OTHER THAN THOSE
SPECIFIED IN THE FUNDING PLAN IF THE FUNDS ARE REPAID TO THE RESERVE FUND
WITHIN 5 YEARS AFTER THEIR USE.

(5) A GOVERNING BODY SHALL REVIEW PROGRESS TOWARD
COMPLIANCE WITH THE FUNDING PLAN DEVELOPED UNDER THIS SUBSECTION AT
EACH ANNUAL MEETING OF THE GOVERNING BODY.

11B-112.2.

(c) The annual budget shall provide for at least the following items:

(1) Income;

(2) Administration;

(3) Maintenance;

(4) Utilities;

(5) General expenses;

(6) Reserves, ~~INCLUDING REPLACEMENT COSTS IF THE ESTIMATED REPLACEMENT COST IS GREATER THAN \$10,000 AS DETERMINED BY THE MOST RECENT RESERVE STUDY OR UPDATED RESERVE STUDY~~; and

(7) Capital expenses.

(d) (1) Subject to ~~paragraph (2)~~ **PARAGRAPHS (2) AND (3)** of this subsection **AND IN ACCORDANCE WITH THE FUNDING PLAN UNDER § 11B-112.3(F) OF THIS TITLE**, reserves provided for in the annual budget under subsection (c) of this section shall [be]:

(I) **BE** the funding amount recommended in the most recent reserve study **OR UPDATED RESERVE STUDY** completed under § 11B-112.3 of this title; **AND**

(II) **BE DEPOSITED IN THE RESERVE ACCOUNT ON OR BEFORE THE LAST DAY OF EACH FISCAL YEAR.**

(2) ~~IF~~ **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IF** the most recent reserve study was an initial reserve study, the governing body shall, within [3] **5** fiscal years following the fiscal year in which the initial reserve study was completed, attain the annual reserve funding level recommended in the initial reserve study **IN ACCORDANCE WITH THE FUNDING PLAN UNDER § 11B-112.3(F) OF THIS TITLE.**

(3) (I) **THE GOVERNING BODY OF A HOMEOWNERS ASSOCIATION MAY DETERMINE BY A TWO-THIRDS MAJORITY VOTE THAT THE HOMEOWNERS ASSOCIATION AND THE LOT OWNERS ARE EXPERIENCING A FINANCIAL HARDSHIP THAT LIMITS THE ABILITY TO FUND RESERVES THAT ARE REQUIRED UNDER PARAGRAPH (1) OR (2) OF THIS SUBSECTION.**

(II) **SUBJECT TO SUBPARAGRAPHS (III) THROUGH (V) OF THIS PARAGRAPH, IF A GOVERNING BODY MAKES A FINANCIAL HARDSHIP DETERMINATION BASED ON THE RESERVE FUNDING REQUIREMENTS OF PARAGRAPH (1) OR (2) OF THIS SUBSECTION:**

1. THE HOMEOWNERS ASSOCIATION MAY REASONABLY DEVIATE FROM THAT RESERVE FUNDING REQUIREMENT; AND

1 2. THE FUNDING LEVEL UNDER THAT REQUIREMENT
2 SHALL BE AT LEAST THE FUNDING AMOUNT NECESSARY FOR THE PURPOSES
3 SPECIFIED UNDER § 11B-112.3(F)(3) OF THIS TITLE.

4 (III) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF
5 THIS SUBPARAGRAPH, A HOMEOWNERS ASSOCIATION MAY NOT DEVIATE FROM THE
6 RESERVE FUNDING REQUIREMENTS OF PARAGRAPH (1) OR (2) OF THIS SUBSECTION
7 FOR A PERIOD OF MORE THAN 1 FISCAL YEAR FOLLOWING THE FINANCIAL
8 HARDSHIP DETERMINATION.

9 2. THE GOVERNING BODY MAY RENEW A FINANCIAL
10 HARDSHIP DETERMINATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH BY A
11 TWO-THIRDS MAJORITY VOTE TO EXTEND THE PERIOD THAT A HOMEOWNERS
12 ASSOCIATION MAY DEVIATE FROM THE RESERVE FUNDING REQUIREMENT BY 1
13 FISCAL YEAR FOLLOWING THE RENEWAL.

14 (IV) THE GOVERNING BODY SHALL:

15 1. MAKE GOOD FAITH EFFORTS TO RESOLVE THE
16 FINANCIAL HARDSHIP AND RESUME FUNDING RESERVES AS REQUIRED UNDER
17 PARAGRAPH (1) OR (2) OF THIS SUBSECTION;

18 2. MAINTAIN DETAILED DOCUMENTATION OF THE GOOD
19 FAITH EFFORTS MADE UNDER ITEM 1 OF THIS SUBPARAGRAPH; AND

20 3. TREAT THE DOCUMENTS UNDER ITEM 2 OF THIS
21 SUBPARAGRAPH AS RECORDS FOR EXAMINATION AND COPYING UNDER § 11B-112
22 OF THIS TITLE.

23 (V) 1. ALL LOT OWNERS SHALL BE GIVEN REASONABLE
24 NOTICE IN ADVANCE OF A VOTE ON AN INITIAL OR A RENEWAL OF A FINANCIAL
25 HARDSHIP DETERMINATION UNDER THIS PARAGRAPH.

26 2. A VOTE ON AN INITIAL OR A RENEWAL OF A FINANCIAL
27 HARDSHIP DETERMINATION UNDER THIS PARAGRAPH MAY ONLY BE TAKEN AT A
28 REGULAR OR SPECIAL MEETING OF THE HOMEOWNERS ASSOCIATION.

29 (4) (I) ~~A~~ THE GOVERNING BODY OF A HOMEOWNERS ASSOCIATION
30 SHALL ANNUALLY REVIEW THE ~~RESERVE STUDY ANNUALLY FOR ACCURACY~~
31 RESERVES AND THE MOST RECENT RESERVE STUDY OR UPDATED RESERVE STUDY
32 TO DETERMINE WHETHER THERE IS ADEQUATE FUNDING IN ACCORDANCE WITH THE
33 FUNDING PLAN REQUIRED UNDER § 11B-112.3(F) OF THIS TITLE.

(II) ~~THE ANNUAL REVIEW OF THE RESERVE STUDY FOR~~
~~ACCURACY UNDER THIS PARAGRAPH~~ DOES NOT REQUIRE A RESERVE STUDY OR
UPDATED RESERVE STUDY IN ADDITION TO THE RESERVE STUDY REQUIREMENTS
UNDER § 11B-112.3 OF THIS TITLE.

11B-112.3.

(a) (1) In this section[, “reserve”] THE FOLLOWING WORDS HAVE THE
MEANINGS INDICATED.

(2) “RESERVE study” means a study of the reserves required for future
major repairs and replacement of the common areas of a homeowners association that:

[(1)] (I) [Identifies] USING AN ITEMIZED LIST, IDENTIFIES each
structural, mechanical, electrical, and plumbing component of the common areas and any
other components that ~~are~~:

1. ARE the responsibility of the homeowners association to
repair and replace; AND

2. IF APPLICABLE, MEET A MINIMUM COST OF REPAIR
OR REPLACEMENT, AS DETERMINED BY THE GOVERNING BODY, THAT IS:

A. REASONABLY BASED ON THE EXPENSES OF THE
HOMEOWNERS ASSOCIATION; AND

B. NOT A MINOR EXPENSE THAT IS OTHERWISE
ADDRESSED BY THE BUDGET OF THE HOMEOWNERS ASSOCIATION;

[(2)] (II) States the estimated remaining useful life of each identified
component;

[(3)] (III) States the estimated cost of repair or replacement of each
identified component; [and]

[(4)] (IV) States the estimated annual reserve amount necessary to
accomplish any identified future repair or replacement; AND

(V) STATES THE ~~SQUARE FOOTAGE~~ QUANTITY OR SIZE OF EACH
IDENTIFIED COMPONENT USING THE APPROPRIATE MEASUREMENT, SUCH AS UNIT
AMOUNT, SQUARE FOOTAGE, OR CUBIC FEET.

(3) “UPDATED RESERVE STUDY” MEANS, FOR THE COMMON ELEMENTS AREAS SINCE THE PRIOR RESERVE STUDY WAS COMPLETED WITHIN THE PREVIOUS 5 YEARS, A STUDY THAT:

(I) ~~ANALYZES ANY WORK PERFORMED;~~

~~(II) REVISES REPLACEMENT COST, REMAINING LIFE, AND USEFUL LIFE ESTIMATES; AND~~

~~(III) IDENTIFIES;~~

~~1. (II) WORK ANALYZES WORK PERFORMED AND AMOUNTS SPENT; AND~~

~~2. (III) WHETHER IDENTIFIES WHETHER ANY MAINTENANCE CONTRACTS ARE IN PLACE.~~

(b) (1) This section applies only to a homeowners association:

(i) That has responsibility under its declaration for maintaining and repairing common areas; and

(ii) For which the total ~~initial purchase and installation~~ **REPAIR OR REPLACEMENT** costs for all components identified in subsection [(a)(1)] (A) of this section is at least \$10,000.

(2) This section does not apply to a homeowners association that issues bonds for the purpose of meeting capital expenditures.

(c) (1) This subsection applies only to a homeowners association established in:

(i) Prince George’s County on or after October 1, 2020;

(ii) Montgomery County on or after October 1, 2021; or

(iii) Any county other than Prince George’s County or Montgomery County on or after October 1, 2022.

(2) The governing body of the homeowners association shall have an independent reserve study completed not more than 90 calendar days and not less than 30 calendar days before the meeting of the homeowners association required under § 11B–106.1(a) of this title.

(3) The governing body shall have an updated reserve study completed within 5 years after the date of the initial reserve study conducted under paragraph (2) of this subsection and at least every 5 years thereafter.

(d) (1) (i) This paragraph applies only to a homeowners association established in Prince George's County before October 1, 2020.

(ii) If the governing body of a homeowners association has had a reserve study conducted on or after October 1, 2016, the governing body shall have an updated reserve study conducted within 5 years after the date of that reserve study and at least every 5 years thereafter.

(iii) If the governing body of a homeowners association has not had a reserve study conducted on or after October 1, 2016, the governing body shall have a reserve study conducted on or before October 1, 2021, and an updated reserve study at least every 5 years thereafter.

(2) (i) This paragraph applies only to a homeowners association established in Montgomery County before October 1, 2021.

(ii) If the governing body of a homeowners association has had a reserve study conducted on or after October 1, 2017, the governing body shall have an updated reserve study conducted within 5 years after the date of that reserve study and at least every 5 years thereafter.

(iii) If the governing body of a homeowners association has not had a reserve study conducted on or after October 1, 2017, the governing body shall have a reserve study conducted on or before October 1, 2022, and an updated reserve study at least every 5 years thereafter.

(3) (i) This paragraph applies only to a homeowners association established in any county other than Prince George's County or Montgomery County before October 1, 2022.

(ii) If the governing body of a homeowners association has had a reserve study conducted on or after October 1, 2018, the governing body shall have an updated reserve study conducted within 5 years after the date of that reserve study and at least every 5 years thereafter.

(iii) If the governing body of a homeowners association has not had a reserve study conducted on or after October 1, 2018, the governing body shall have a reserve study conducted on or before October 1, 2023, and an updated reserve study at least every 5 years thereafter.

(e) Each reserve study **AND UPDATED RESERVE STUDY** required under this section shall:

(1) Be prepared by a person who:

(i) Has prepared at least 30 reserve studies within the prior 3 calendar years;

(ii) Has participated in the preparation of at least 30 reserve studies within the prior 3 calendar years while employed by a firm that prepares reserve studies;

(iii) Holds a current license from the State Board of Architects or the State Board for Professional Engineers; or

(iv) Is currently designated as a reserve specialist by the Community Association Institute or as a professional reserve analyst by the Association of Professional Reserve Analysts;

(2) Be available for inspection and copying by any lot owner;

(3) Be reviewed by the governing body of the homeowners association in connection with the preparation of the annual proposed budget; and

(4) Be summarized for submission with the annual proposed budget to the lot owners.

(F) (1) ~~A~~ THE GOVERNING BODY OF A HOMEOWNERS ASSOCIATION SHALL, IN CONSULTATION WITH A PERSON IDENTIFIED UNDER SUBSECTION (E)(1) OF THIS SECTION, DEVELOP A FUNDING PLAN TO DETERMINE HOW TO ~~FULLY~~ FUND THE RESERVES NECESSARY UNDER THIS SECTION.

(2) IN DEVELOPING THE FUNDING PLAN UNDER THIS SUBSECTION, THE ~~HOMEOWNERS~~ GOVERNING BODY SHALL ~~CONSIDER~~ SELECT ONE OF THE FOLLOWING METHODS TO ACHIEVE THE RESERVE FUNDING UNDER THIS SECTION:

(I) THE COMPONENT ~~OR FULL FUNDING~~ METHOD;

(II) THE CASH FLOW METHOD;

(III) THE BASELINE FUNDING METHOD;

(IV) THE THRESHOLD CASH FLOW METHOD; ~~AND~~ OR

(V) ~~OTHER FUNDING METHODS~~ ANY OTHER FUNDING METHOD CONSISTENT WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

1 **(3) A FUNDING PLAN DEVELOPED UNDER THIS SUBSECTION SHALL**
2 **PRIORITIZE ADEQUATE AMOUNTS FOR REPAIR AND REPLACEMENT OF COMMON**
3 ~~**ELEMENTS AREAS**~~ **OF THE HOMEOWNERS ASSOCIATION THAT ARE NECESSARY FOR:**

4 **(I) THE HEALTH, SAFETY, AND WELL-BEING OF THE ~~MEMBERS~~**
5 **OCCUPANTS;**

6 **(II) ENSURING STRUCTURAL INTEGRITY, SUCH AS ROOFING**
7 **REPLACEMENTS AND MAINTAINING STRUCTURAL SYSTEMS; ~~AND~~**

8 **(III) ESSENTIAL FUNCTIONING, SUCH AS PLUMBING, SEWER,**
9 **HEATING, COOLING, AND ELECTRICAL INFRASTRUCTURE; AND**

10 **(IV) ANY OTHER ESSENTIAL OR CRITICAL PURPOSE, AS**
11 **DETERMINED BY THE GOVERNING BODY.**

12 ~~**(4) RESERVES MAY NOT BE USED FOR PURPOSES OTHER THAN THOSE**~~
13 ~~**SPECIFIED IN THE FUNDING PLAN.**~~

14 **(4) RESERVES MAY BE USED FOR PURPOSES OTHER THAN THOSE**
15 **SPECIFIED IN THE FUNDING PLAN IF THE FUNDS ARE REPAID TO THE RESERVE FUND**
16 **WITHIN 5 YEARS AFTER THEIR USE.**

17 **(5) A GOVERNING BODY OF A HOMEOWNERS ASSOCIATION SHALL**
18 **REVIEW PROGRESS TOWARD COMPLIANCE WITH THE FUNDING PLAN DEVELOPED**
19 **UNDER THIS SUBSECTION AT EACH ANNUAL MEETING OF THE HOMEOWNERS**
20 **ASSOCIATION.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.