

of his ownership of the house." However, the word "home" has been defined as "[a] house in one respect, but in a proper sense including [es] not only the house, but the entire surroundings and appurtenances enjoyed with the house." Ballentine's Law Dictionary, 564 (3rd ed. 1969).

In testing the conformity of the title of a bill to the constitutional mandate of Article III, Section 29 of the Maryland Constitution, the courts are disposed to uphold rather than strike down the enactment. Since every presumption favors its validity, it cannot be voided unless clearly in contravention of the Constitution; a reasonable doubt in its favor being sufficient to sustain it. Atkinson v. Sapperstein, 191 Md. 301 (1948); Madison National Bank v. Newrath, 261 Md. 321 (1971). Therefore, in light of this standard of review and of the definition of "home," we conclude that the title is not so affirmatively misleading so as to be defective.

Third, the bill in § 9-201 requires that the bylaws or declaration of covenants of the association must provide for the assessment of specified charges and that the assessment is a lien. However, in §§ 9-202(B)(2) and 9-203(A) the bill refers only to the bylaws.

Fourth, the bill does not define "homeowner's association". Homeowner's associations, unlike condominium regimes, are a product of the common law and are not regulated by statute. The absence of a definition could result in the provisions of the bill applying to any incorporated voluntary community association and other types of organizations. Moreover, unlike the provisions of the Horizontal Property Act, Real Property Article, § 11-101 et seq., there is no restriction whatsoever placed upon what can be included within the assessments. Finally, unlike the declaration of covenants, the bylaws of an organization often provide for amendment by a small minority of the membership. Thus, there could be a majority of existing property owners who have not consented to the imposition of various charges or to the lien provisions and who oppose them. By contrast, in the Horizontal Property Act, either when the regime is created or when a person purchases the unit, notice of the assessments authorized by statute are in the bylaws and in the declaration which must be recorded in the land records. §§ 11-102 and 11-104. Moreover, the bylaws cannot be amended by less than the "affirmative vote of unit owners having 66 2/3 percent or more of the votes." § 11-104(e)(1).

Very truly yours,
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