

property without due process of law if the courts were to determine that the necessary element of "state action" were present. The Attorney General advises that the question of whether the requisite "state action" is found in a statutory scheme similar to the one set out in Senate Bill 473 should be resolved by the Supreme Court within the next few weeks. So long as the constitutionality of the bill is under a cloud, I believe that it is not proper that it become law.

For these reasons, I have decided to veto Senate Bill 473.

Sincerely,
Harry Hughes
Governor

May 25, 1982

The Honorable Harry Hughes
Governor of Maryland
State House
Annapolis, Maryland 21404

Re: Senate Bill 473

Dear Governor Hughes:

We have reviewed and hereby approve for constitutionality and legal sufficiency Senate Bill 473. In so doing, however, we note that the bill contains certain interpretative problems and raises a possible constitutional issue.

Senate Bill 473 would add new Sections 9-201 through 9-203 to the Real Property Article to be under the new subtitle "Subtitle 2. Statutory Real Property Lien By A Homeowners' Association." Under this subtitle, an assessment by a homeowners' association is a lien on the members' property if the bylaws or declaration of covenants of the association provide for the assessment and provide that an assessment is a lien. The statement of the lien must be recorded in the land records of the appropriate county within two years after the assessment is due and the lien is effective from that recordation. The statement must give the name of the owner, the address of the house, the amount due and the length of time the assessment is due. The statement must be signed and verified by an officer of the association. The lien may be enforced and foreclosed in the same manner as foreclosure of a mortgage or deed of trust that contains a power of sale or an assent to a decree. The action to foreclose must be brought within three years following recordation of the statement, but cannot be initiated until after ten days' written notice has