

(1) IF THE SECRETARY OF STATE FINDS THAT THE REQUIREMENTS OF SUBSECTION (B) OR (C) AND SUBSECTION (D) OF THIS SECTION HAVE BEEN SATISFIED, THE SECRETARY OF STATE SHALL ENDORSE THE ARTICLES AS "APPROVED" AND ISSUE A CERTIFICATE OF APPROVAL ATTACHED TO THE ENDORSED ARTICLES.

(2) WHEN THE CERTIFICATE OF APPROVAL IS ISSUED, THE ARTICLES OF ORGANIZATION AS FILED ARE CONSIDERED TO HAVE BEEN ADOPTED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 44A, § 1-202(a) through (e).

In subsection (a)(1)(ii) of this section, the reference to the "custodian of records" as the person required to file documents with the Secretary of State is added to expressly state what was only formerly implied.

In subsection (d)(3) of this section, the defined term "political subdivision" is substituted for the former reference to "local government" to conform to the terminology used throughout this article.

In subsection (e)(2) of this section, the statement that on issuance of a certificate of approval, "the articles of organization as filed are considered to have been adopted" is substituted for the former statement that the articles of organization "are effective and are conclusively considered to have been lawfully and properly adopted" for brevity.

The Housing and Community Development Article Review Committee notes, for consideration by the General Assembly, that subsection (c)(1)(ii) of this section requires in part that before a pre-existing authority may adopt articles of organization, the custodian of records must provide documentation that within 5 years before the date the documentation is submitted the authority "is operating" one or more housing projects. The provision is unclear as to whether it requires an authority to operate one or more housing projects at the time the documentation is submitted or whether it requires an authority to have operated one or more housing projects sometime within 5 years before the documentation is submitted.

Defined terms: "Authority" § 12-101

"Bond" § 12-101

"Chief elected official" § 12-101

"Custodian of records" § 12-101

"Extraordinary majority" § 12-101

"Housing project" § 12-101

"Legislative body" § 12-101

"Political subdivision" § 12-101

"Pre-existing authority" § 12-101

12-207. AMENDMENTS TO AND RESTATEMENTS OF ARTICLES OF ORGANIZATION.

(A) REQUIREMENTS.