

HOUSE BILL 126

N1

2lr1104

By: **Delegates Beidle, Niemann, and Weir**
Introduced and read first time: January 23, 2012
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Condominium Act – Right of Entry to Investigate Damage and**
3 **Make Repairs**

4 FOR the purpose of authorizing the council of unit owners of a condominium or its
5 authorized designee to enter units to investigate damage; repealing a certain
6 restriction on the right of a council of unit owners or its designee to enter a unit;
7 requiring a council of unit owners to make a reasonable effort to give notice to
8 the owner of a unit to be entered for the purpose of investigation except under
9 certain circumstances; making stylistic changes; and generally relating to the
10 right of a council of unit owners to enter a unit to investigate damage and make
11 repairs.

12 BY repealing and reenacting, with amendments,
13 Article – Real Property
14 Section 11–125(e)
15 Annotated Code of Maryland
16 (2010 Replacement Volume and 2011 Supplement)

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

19 **Article – Real Property**

20 11–125.

21 (e) **(1)** The council of unit owners or its authorized designee shall have an
22 irrevocable right and an easement to enter units to **INVESTIGATE DAMAGE OR** make
23 repairs [when the repairs reasonably appear necessary for public safety or to prevent
24 damage to other portions of the condominium].

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2)** Except in cases involving manifest danger to public safety or
2 property, the council of unit owners shall make a reasonable effort to give notice to the
3 owner of any unit to be entered for the purpose of **INVESTIGATION OR** repair.

4 **(3)** If damage is inflicted on the common elements or any unit through
5 which access is taken, the council of unit owners is liable for the prompt repair.

6 **(4)** An entry by the council of unit owners for the purposes specified in
7 this subsection may not be considered a trespass.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2012.