

Department of Legislative Services  
Maryland General Assembly  
2012 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 126

(Delegate Beidle, *et al.*)

Environmental Matters

Judicial Proceedings

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Maryland Condominium Act - Right of Entry to Investigate Damage and Make  
Repairs

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This bill broadens the irrevocable right and easement of a council of unit owners or its authorized designee to enter units to make repairs by authorizing the entry in order to investigate damage when the investigation reasonably appears necessary for public safety or to prevent damage to other portions of the condominium. The bill requires that the council of unit owners make a reasonable effort to give notice to the owner of a unit to be entered in order to investigate damage unless the damage involves manifest danger to public safety or property.

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Fiscal Summary

**State Effect:** The bill does not directly affect State governmental operation or finances.

**Local Effect:** The bill does not directly affect local governmental operation or finances.

**Small Business Effect:** None.

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Analysis

**Current Law:** The council of unit owners or its authorized designee has the irrevocable right and an easement to enter a condominium unit to make repairs if it is reasonably apparent that the repairs are necessary for public safety or to prevent damage to other portions of the condominium.

Unless there is a manifest danger to public safety or property, the council of unit owners must make a reasonable effort to give notice to the owner of any unit to be entered for the

purpose of repair. If any damage is inflicted on either the condominium's common elements or any unit through which access is taken, the council of unit owners is liable for the prompt repair. It may not be considered a trespass if the council of unit owners does enter into a unit to make any necessary repair.

The Maryland Homeowners Association Act does not grant the governing body of a homeowners association the irrevocable right or an easement to enter a lot to make necessary repairs.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Office of the Attorney General (Consumer Protection Division), Secretary of State, Department of Legislative Services

**Fiscal Note History:** First Reader - February 7, 2012  
mc/kdm Revised - House Third Reader - March 26, 2012

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