

HOUSE BILL 1027

N1, L2

4lr0662

By: **Prince George's County Delegation**

Introduced and read first time: February 6, 2014

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Condominiums – Limit on Assessments**

3 **PG 419–14**

4 FOR the purpose of providing an exception to the requirement that funds for the
5 payment of certain common expenses be obtained by assessment against the
6 unit owners in a certain proportion; providing that, notwithstanding any rule,
7 declaration, or bylaw, in Prince George's County, a unit owner may not be
8 charged an assessment that exceeds a certain percentage of any mortgage
9 payments the unit owner is required to make on the unit during the period
10 covered by the assessment; prohibiting a unit owner from being held liable for
11 any portion of an assessment that exceeds a certain limit; and generally relating
12 to condominium assessments in Prince George's County.

13 BY repealing and reenacting, without amendments,
14 Article – Real Property
15 Section 11–110(a)
16 Annotated Code of Maryland
17 (2010 Replacement Volume and 2013 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Real Property
20 Section 11–110(b) and (c)
21 Annotated Code of Maryland
22 (2010 Replacement Volume and 2013 Supplement)

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

25 **Article – Real Property**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 11-110.

2 (a) All common profits shall be disbursed to the unit owners, be credited to
3 their assessments for common expenses in proportion to their percentage interests in
4 common profits and common expenses, or be used for any other purpose as the council
5 of unit owners decides.

6 (b) (1) **[Funds] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
7 **SUBSECTION, FUNDS** for the payment of current common expenses and for the
8 creation of reserves for the payment of future common expenses shall be obtained by
9 assessments against the unit owners in proportion to their percentage interests in
10 common expenses and common profits.

11 (2) (i) Where provided in the declaration or the bylaws, charges for
12 utility services may be assessed and collected on the basis of usage rather than on the
13 basis of percentage interests.

14 (ii) If provided by the declaration, assessments for expenses
15 related to maintenance of the limited common elements may be charged to the unit
16 owner or owners who are given the exclusive right to use the limited common
17 elements.

18 (iii) Assessments for charges under this paragraph may be
19 enforced in the same manner as assessments for common expenses.

20 **(3) (I) THIS PARAGRAPH APPLIES ONLY IN PRINCE GEORGE'S**
21 **COUNTY.**

22 **(II) NOTWITHSTANDING ANY DECLARATION, RULE, OR**
23 **BYLAW, A UNIT OWNER MAY NOT BE CHARGED AN ASSESSMENT THAT EXCEEDS**
24 **20% OF ANY MORTGAGE PAYMENTS THE UNIT OWNER IS REQUIRED TO MAKE ON**
25 **THE UNIT DURING THE PERIOD COVERED BY THE ASSESSMENT.**

26 (c) **(1)** A unit owner shall be liable for all assessments, or installments
27 thereof, coming due while he is the owner of a unit.

28 **(2)** In a voluntary grant the grantee shall be jointly and severally
29 liable with the grantor for all unpaid assessments against the grantor for his share of
30 the common expenses up to the time of the voluntary grant for which a statement of
31 lien is recorded, without prejudice to the rights of the grantee to recover from the
32 grantor the amounts paid by the grantee for such assessments.

33 **(3)** Liability for assessments may not be avoided by waiver of the use
34 or enjoyment of any common element or by abandonment of the unit for which the
35 assessments are made.

1 **(4) IN PRINCE GEORGE'S COUNTY, A UNIT OWNER SHALL NOT BE**
2 **LIABLE FOR ANY PORTION OF AN ASSESSMENT THAT EXCEEDS THE LIMIT**
3 **IMPOSED BY SUBSECTION (B)(3) OF THIS SECTION.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2014.