

HOUSE BILL 1369

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7lr2908
CF SB 809

By: **Delegates Proctor, Angel, Atterbeary, Barron, Chang, Clark, Conaway, Dumais, Frush, Haynes, C. Howard, Jackson, Moon, Pena–Melnik, Queen, Sanchez, Sophocleus, Vallario, and C. Wilson**

Introduced and read first time: February 10, 2017

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Condominiums and Homeowners Associations – Sales of Common Elements and**
3 **Common Areas**

4 FOR the purpose of requiring the governing body of a condominium to provide a certain
5 notice before the sale of any common element in the condominium; requiring the
6 governing body of a homeowners association to provide a certain notice before the
7 sale of any common area owned by the homeowners association; requiring that when
8 a tax lien is imposed on certain properties, the governing body imposing the lien
9 must provide certain notice; defining certain terms; and generally relating to the sale
10 of common elements in condominiums and common areas owned by homeowners
11 associations.

12 BY repealing and reenacting, without amendments,
13 Article – Real Property
14 Section 11–108(a)
15 Annotated Code of Maryland
16 (2015 Replacement Volume and 2016 Supplement)

17 BY adding to
18 Article – Real Property
19 Section 11–108(d) and 11B–106.2
20 Annotated Code of Maryland
21 (2015 Replacement Volume and 2016 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Tax – Property
24 Section 14–804
25 Annotated Code of Maryland
26 (2012 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Real Property**

4 11–108.

5 (a) Subject to the provisions of subsection (c) of this section, the common elements
6 may be used only for the purposes for which they were intended and, except as provided in
7 the declaration, the common elements shall be subject to mutual rights of support, access,
8 use, and enjoyment by all unit owners. However, subject to the provisions of subsection (b)
9 of this section, any portion of the common elements designated as limited common elements
10 shall be used only by the unit owner of the unit to which their use is limited in the
11 declaration or condominium plat.

12 **(D) NOTWITHSTANDING ANY BYLAW, PROVISION OF A CONDOMINIUM PLAT,**
13 **RULE, OR OTHER PROVISION OF LAW, THE GOVERNING BODY OF A COUNTY SHALL**
14 **GIVE NOTICE TO EACH UNIT OWNER, IN WRITING, NO LESS THAN 30 DAYS BEFORE**
15 **THE SALE, INCLUDING A TAX SALE, OF ANY COMMON ELEMENT IN THE**
16 **CONDOMINIUM.**

17 **11B–106.2.**

18 **NOTWITHSTANDING ANY BYLAW, PROVISION OF A DECLARATION, RULE, OR**
19 **OTHER PROVISION OF LAW, THE GOVERNING BODY OF A COUNTY SHALL GIVE**
20 **NOTICE TO EACH LOT OWNER, IN WRITING, NO LESS THAN 30 DAYS BEFORE THE**
21 **SALE, INCLUDING A TAX SALE, OF ANY COMMON AREA OWNED BY THE HOMEOWNERS**
22 **ASSOCIATION.**

23 **Article – Tax – Property**

24 14–804.

25 (a) All unpaid taxes on real property shall be, until paid, liens on the real property
26 in respect to which they are imposed from the date they became or become payable.

27 (b) All unpaid tax on personal property is a lien on the personal property and on
28 the real property of the owner of the personal property in the same manner in which taxes
29 on real property are now liens on the real property with respect to which they are imposed
30 in all subdivisions of the State; provided that the lien will attach to the real property only
31 after the notice has been recorded and indexed among the judgment records in the office of
32 the clerk of the circuit court in the county where the land lies, or is recorded and indexed
33 on the tax rolls of the subdivision. Any subdivision, in lieu of recording in the appropriate
34 court, may use a lien reporting system, and any subdivision so doing shall provide, on
35 request, a lien report or memorandum with respect to any particular person.

1 (c) The county property tax deferred under § 10–201 of this article is a lien on the
2 property for which the deferral was granted.

3 (d) The unpaid balance of a deferral granted under § 10–202 of this article is a
4 lien on the property for which the deferral was granted.

5 **(E) (1) (I) IN THIS SUBSECTION, THE FOLLOWING WORDS HAVE THE**
6 **MEANINGS INDICATED.**

7 **(II) “COMMON ELEMENT” HAS THE MEANING STATED IN §**
8 **11–101 OF THE REAL PROPERTY ARTICLE.**

9 **(III) “COMMON AREA” HAS THE MEANING STATED IN §**
10 **11–101 OF THE REAL PROPERTY ARTICLE.**

11 **(2) WHEN A TAX LIEN IS IMPOSED ON A COMMON ELEMENT OF A**
12 **CONDOMINIUM OR ON A COMMON AREA OF PROPERTY OWNED BY A HOMEOWNER’S**
13 **ASSOCIATION, THE GOVERNING BODY IMPOSING THE LIEN SHALL NOTIFY EACH**
14 **MEMBER OF THE CONDOMINIUM ASSOCIATION OR HOMEOWNER’S ASSOCIATION.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2017.