

# SENATE BILL 809

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7lr2705  
CF HB 1369

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By: **Senators Muse, Currie, Lee, Manno, Miller, Ramirez, Rosapepe, and Young**  
Introduced and read first time: February 3, 2017  
Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments  
Senate action: Adopted with floor amendments  
Read second time: March 17, 2017

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## CHAPTER \_\_\_\_\_

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

14 BY repealing and reenacting, without amendments,  
15 Article – Real Property  
16 Section 11–108(a)  
17 Annotated Code of Maryland  
18 (2015 Replacement Volume and 2016 Supplement)

19 BY adding to  
20 Article – Real Property  
21 Section 11–108(d) and 11B–106.2  
22 Annotated Code of Maryland  
23 (2015 Replacement Volume and 2016 Supplement)

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,  
 2 Article – Tax – Property  
 3 Section 14–804  
 4 Annotated Code of Maryland  
 5 (2012 Replacement Volume and 2016 Supplement)

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

8 **Article – Real Property**

9 11–108.

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

17 **(D) NOTWITHSTANDING ANY BYLAW, PROVISION OF A CONDOMINIUM PLAT,  
 18 RULE, OR OTHER PROVISION OF LAW, THE GOVERNING BODY OF A ~~COUNTY~~  
 19 CONDOMINIUM OR, IF A GOVERNING BODY IS NOT YET FORMED, THE DEVELOPER  
 20 SHALL GIVE NOTICE TO EACH UNIT OWNER, IN WRITING, NO LESS THAN 30 DAYS  
 21 BEFORE THE SALE, INCLUDING A TAX SALE, OF ANY COMMON ELEMENT IN THE  
 22 CONDOMINIUM.**

23 **11B–106.2.**

24 **NOTWITHSTANDING ANY BYLAW, PROVISION OF A DECLARATION, RULE, OR  
 25 OTHER PROVISION OF LAW, THE GOVERNING BODY OF A ~~COUNTY~~ HOMEOWNERS  
 26 ASSOCIATION OR, IF A GOVERNING BODY IS NOT YET FORMED, THE DECLARANT  
 27 SHALL GIVE NOTICE TO EACH LOT OWNER, IN WRITING, NO LESS THAN 30 DAYS  
 28 BEFORE THE SALE, INCLUDING A TAX SALE, OF ANY COMMON AREA OWNED BY THE  
 29 HOMEOWNERS ASSOCIATION.**

30 **Article – Tax – Property**

31 14–804.

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

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

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

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

14 **(E) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE**  
15 **MEANINGS INDICATED.**

16 **(II) “COMMON ELEMENT” HAS THE MEANING STATED IN §**  
17 **11–101 OF THE REAL PROPERTY ARTICLE.**

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

20 **(2) WHEN A TAX LIEN IS IMPOSED ON A COMMON ELEMENT OF A**  
21 **CONDOMINIUM OR ON A COMMON AREA OF PROPERTY OWNED BY A ~~HOMEOWNER’S~~**  
22 **HOMEOWNERS ASSOCIATION, THE GOVERNING BODY ~~IMPOSING THE LIEN OF THE~~**  
23 **CONDOMINIUM ASSOCIATION OR HOMEOWNERS ASSOCIATION OR, IF A GOVERNING**  
24 **BODY IS NOT YET FORMED, THE DEVELOPER OR DECLARANT SHALL NOTIFY EACH**  
25 **MEMBER OF THE CONDOMINIUM ASSOCIATION OR ~~HOMEOWNER’S~~ HOMEOWNERS**  
26 **ASSOCIATION.**

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