

HOUSE BILL 179

N1

8lr0435

By: **Delegate Carr**

Introduced and read first time: January 18, 2018

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Condominiums – Amendment of Declarations**

3 FOR the purpose of decreasing the percentage of unit owners whose written consent is
4 required to amend the declaration of a condominium under certain circumstances;
5 defining a certain term; and generally relating to the amendment of condominium
6 declarations.

7 BY repealing and reenacting, without amendments,
8 Article – Real Property
9 Section 11–102(a)(1)
10 Annotated Code of Maryland
11 (2015 Replacement Volume and 2017 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Real Property
14 Section 11–103(c)(1)
15 Annotated Code of Maryland
16 (2015 Replacement Volume and 2017 Supplement)

17 BY adding to
18 Article – Real Property
19 Section 11–103(c)(4)
20 Annotated Code of Maryland
21 (2015 Replacement Volume and 2017 Supplement)

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

24 **Article – Real Property**

25 11–102.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) The fee simple owner or lessee under a lease that exceeds 60 years of
2 any property in the State may subject the property to a condominium regime by recording
3 among the land records of the county where the property is located, a declaration, bylaws,
4 and condominium plat that comply with the requirements specified in this title.

5 11–103.

6 (c) (1) Except for a corrective amendment under § 11–103.1 of this title or as
7 provided in paragraph (2) of this subsection, the declaration may be amended only with the
8 written consent of [80 percent of the] unit owners [listed on the current roster] **AS**
9 **PROVIDED UNDER PARAGRAPH (4) OF THIS SUBSECTION.** Amendments under this
10 section are subject to the following limitations:

11 (i) Except to the extent expressly permitted or expressly required
12 by other provisions of this title, an amendment to the declaration may not change the
13 boundaries of any unit, the undivided percentage interest in the common elements of any
14 unit, the liability for common expenses or rights to common profits of any unit, or the
15 number of votes in the council of unit owners of any unit without the written consent of
16 every unit owner and mortgagee.

17 (ii) An amendment to the declaration may not modify in any way
18 rights expressly reserved for the benefit of the developer or provisions required by any
19 governmental authority or for the benefit of any public utility.

20 (iii) Except to the extent expressly permitted by the declaration, an
21 amendment to the declaration may not change residential units to nonresidential units or
22 change nonresidential units to residential units without the written consent of every unit
23 owner and mortgagee.

24 (iv) Except as otherwise expressly permitted by this title and by the
25 declaration, an amendment to the declaration may not redesignate general common
26 elements as limited common elements without the written consent of every unit owner and
27 mortgagee.

28 (v) No provision of this title shall be construed in derogation of any
29 requirement in the declaration or bylaws that all or a specified number of the mortgagees
30 of the condominium units approve specified actions contemplated by the council of unit
31 owners.

32 **(4) (I) IN THIS PARAGRAPH, “IN GOOD STANDING” MEANS NOT**
33 **BEING MORE THAN 90 DAYS IN ARREARS IN THE PAYMENT OF ANY ASSESSMENT OR**
34 **CHARGE DUE TO THE CONDOMINIUM.**

35 **(II) NOTWITHSTANDING THE PROVISIONS OF THE**
36 **DECLARATION, THE DECLARATION MAY BE AMENDED ONLY WITH THE WRITTEN**

1 CONSENT OF UNIT OWNERS IN GOOD STANDING HAVING AT LEAST **60%** OF THE
2 VOTES IN THE COUNCIL OF UNIT OWNERS.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2018.