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6lr0739

(PRE-FILED)

By: Chairman, Economic Matters Committee (Departmental - Assessments and Taxation)

Requested: November 1, 1995

Introduced and read first time: January 10, 1996

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 14, 1996

CHAPTER ____

1 AN ACT concerning

2 **Real Property - Condominiums**

3 FOR the purpose of repealing the requirement that certain developers must appoint
4 resident agents when property is subject to a condominium regime; repealing
5 requirements that certain registrations of resident agents and officers and directors
6 of a condominium council of unit owners be filed with the Department of
7 Assessments and Taxation; repealing a filing fee; authorizing the service of certain
8 suits against certain condominium unit owners under certain conditions; and
9 generally relating to condominium regimes.

10 BY repealing and reenacting, with amendments,
11 Article - Real Property
12 Section 11-104(b) and 11-119
13 Annotated Code of Maryland
14 (1988 Replacement Volume and 1995 Supplement)

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

17 **Article - Real Property**

18 11-104.

19 (b) The bylaws shall express at least the following particulars:

20 (1) The form of administration, indicating whether the council of unit
21 owners shall be incorporated or unincorporated, and whether, and to what extent, the
22 duties of the council of unit owners may be delegated to a board of directors, manager, or

2

1 otherwise, and specifying the powers, manner of [selection] SELECTION, and removal of
2 them;

3 (2) The mailing address of the council of unit owners;

4 (3) The method of calling the unit owners to assemble; the attendance
5 necessary to constitute a quorum at any meeting of the council of unit owners; the manner
6 of notifying the unit owners of any proposed meeting; who presides at the meetings of the
7 council of unit owners, who keeps the minute book for recording the resolutions of the
8 council of unit owners, and who counts votes at meetings of the council of unit owners;
9 AND

10 (4) The manner of assessing against and collecting from unit owners their
11 respective shares of the common expenses[; and].

12 [(5) A statement of the statutory duty that the council of unit owners has
13 under § 11-119(d) of this title.]

14 11-119.

15 [(a) When any property is subjected to a condominium regime, the developer shall
16 appoint a resident agent for the condominium who shall be a citizen and actual resident
17 of the State or a corporation duly registered or qualified to do business in the State. He
18 shall file the name and address of the resident agent with the Department of Assessments
19 and Taxation. The name or address of the resident agent may be changed by the council
20 of unit owners or other proper authority of the condominium in the same manner and to
21 the same extent that names and addresses of resident agents may be changed by
22 corporations. If the council of unit owners is incorporated, the resident agent for the
23 council of unit owners shall be the resident agent for the condominium.

24 (b) The Department shall keep indexes of the names and addresses of resident
25 agents and shall make the information available to the public on request.

26 (c) Suit may be brought by service on the resident agent in actions against the
27 council of unit owners, or which arise through any cause relating to the common
28 elements.

29 (d) (1) Following the first annual meeting of the condominium, the council of
30 unit owners shall register with the Department of Assessments and Taxation. The council
31 of unit owners shall provide the Department with the names and mailing addresses of the
32 condominium's officers and directors, if any. The initial registration fee to be paid to the
33 Department is \$10.

34 (2) An updated list, including the name and address of the resident agent
35 and managing agent, if any, shall be provided to the Department on the following April 15
36 and each April 15 thereafter. The fee for filing the updated list, to be paid to the
37 Department, is \$10.]

38 A PERSON MAY BRING SUIT AGAINST THE COUNCIL OF UNIT OWNERS, OR
39 AGAINST THE CONDOMINIUM UNIT OWNERS AS A WHOLE IN ANY CAUSE RELATING
40 TO THE COMMON ELEMENTS, BY SERVICE AS FOLLOWS:

HOUSE BILL 103

3

1 (1) IF THE COUNCIL OF UNIT OWNERS IS A CORPORATION, IN THE SAME
2 MANNER AS THE MARYLAND RULES AUTHORIZE SERVICE ON A CORPORATION; OR

3 (2) IF THE COUNCIL OF UNIT OWNERS IS NOT A CORPORATION, IN THE
4 SAME MANNER AS THE MARYLAND RULES AUTHORIZE SERVICE ON AN
5 UNINCORPORATED ASSOCIATION.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 1996.