
By: Senator Madden

Introduced and read first time: January 31, 1997

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 26, 1997

CHAPTER ____

1 AN ACT concerning

2 Condominiums - Parking for the Handicapped - Council of Unit Owners

3 FOR the purpose of ~~providing that the declaration of a condominium does not have to be~~
4 ~~amended in order for the council of unit owners to designate parking for the~~
5 ~~handicapped~~; authorizing the council of unit owners of a condominium to designate
6 parking for the handicapped, notwithstanding any provision in the declaration,
7 bylaws, or rules and regulations; and generally relating to the designation of parking
8 for the handicapped by the council of unit owners of a condominium.

9 BY repealing and reenacting, with amendments,
10 Article - Real Property
11 Section ~~11-103(e)~~ and 11-109(d)
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 1996 Supplement)

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

16 **Article - Real Property**

17 ~~11-103-~~

18 ~~(e)(1)(i) THIS SUBSECTION DOES NOT APPLY TO:~~

19 1. ~~[Except for a] A corrective amendment under § 11-103.1 of~~
20 ~~this subtitle; [or]~~

21 2. ~~[as provided in paragraph] PARAGRAPH (2) of this~~
22 ~~subsection[.]; OR~~

3

1 ~~(iii) The court may reform the declaration to correct the error or~~
2 ~~omission as the court considers appropriate, if:~~

3 ~~1. The council of unit owners gives notice of the filing of the~~
4 ~~petition to each mortgagee and unit owner within 15 days of filing;~~

5 ~~2. The council of unit owners files an affidavit with the court~~
6 ~~stating that the conditions of subparagraph (ii) of this paragraph have been met;~~

7 ~~3. The council of unit owners proves, by a preponderance of the~~
8 ~~evidence, that there is an error or omission as provided in subparagraph (i) of this~~
9 ~~paragraph;~~

10 ~~4. Any mortgagee with an interest in the condominium is~~
11 ~~permitted to intervene in the proceedings upon filing a motion to intervene as provided in~~
12 ~~the Maryland Rules;~~

13 ~~5. The reformation does not substantially impair the property~~
14 ~~rights of any unit owner or mortgagee; and~~

15 ~~6. The court issues an order of reformation.~~

16 ~~(iv) A final order of reformation may be appealed by any party within~~
17 ~~30 days of its issuance. An order of reformation may not be recorded until the appeal~~
18 ~~period has lapsed or all appeals have been completed.~~

19 ~~(3) An amendment or order of reformation becomes effective on~~
20 ~~recording in the same manner as the declaration. If the condominium is registered with~~
21 ~~the Secretary of State, the council of unit owners shall file a copy of the order of~~
22 ~~reformation with the Secretary of State within 15 days of recording.~~

23 11-109.

24 (d) The council of unit owners may be either incorporated as a nonstock
25 corporation or unincorporated and it is subject to those provisions of Title 5, Subtitle 2 of
26 the Corporations and Associations Article of the Code which are not inconsistent with
27 this title. The council of unit owners has, subject to any provision of this title, AND
28 EXCEPT AS PROVIDED IN PARAGRAPH (22) OF THIS SUBSECTION, the declaration, and
29 bylaws, the following powers:

30 (1) To have perpetual existence, subject to the right of the unit owners to
31 terminate the condominium regime as provided in § 11-123 of this title;

32 (2) To adopt and amend reasonable rules and regulations;

33 (3) To adopt and amend budgets for revenues, expenditures, and reserves
34 and collect assessments for common expenses from unit owners;

35 (4) To sue and be sued, complain and defend, or intervene in litigation or
36 administrative proceedings in its own name on behalf of itself or two or more unit owners
37 on matters affecting the condominium;

4

1 (5) To transact its business, carry on its operations and exercise the powers
2 provided in this subsection in any state, territory, district, or possession of the United
3 States and in any foreign country;

4 (6) To make contracts and guarantees, incur liabilities and borrow money,
5 sell, mortgage, lease, pledge, exchange, convey, transfer, and otherwise dispose of any
6 part of its property and assets;

7 (7) To issue bonds, notes, and other obligations and secure the same by
8 mortgage or deed of trust of any part of its property, franchises, and income;

9 (8) To acquire by purchase or in any other manner, to take, receive, own,
10 hold, use, employ, improve, and otherwise deal with any property, real or personal, or any
11 interest therein, wherever located;

12 (9) To hire and terminate managing agents and other employees, agents,
13 and independent contractors;

14 (10) To purchase, take, receive, subscribe for or otherwise acquire, own,
15 hold, vote, use, employ, sell, mortgage, loan, pledge or otherwise dispose of, and
16 otherwise use and deal in and with, shares or other interests in, or obligation of
17 corporations of the State, or foreign corporations, and of associations, partnerships, and
18 individuals;

19 (11) To invest its funds and to lend money in any manner appropriate to
20 enable it to carry on the operations or to fulfill the purposes named in the declaration or
21 bylaws, and to take and to hold real and personal property as security for the payment of
22 funds so invested or loaned;

23 (12) To regulate the use, maintenance, repair, replacement, and modification
24 of common elements;

25 (13) To cause additional improvements to be made as a part of the general
26 common elements;

27 (14) To grant easements, rights-of-way, licenses, leases in excess of 1 year, or
28 similar interests through or over the common elements in accordance with § 11-125(f) of
29 this title;

30 (15) To impose and receive any payments, fees, or charges for the use, rental,
31 or operation of the common elements other than limited common elements;

32 (16) To impose charges for late payment of assessments and, after notice and
33 an opportunity to be heard, levy reasonable fines for violations of the declaration, bylaws,
34 and rules and regulations of the council of unit owners, under § 11-113 of this title;

35 (17) To impose reasonable charges for the preparation and recordation of
36 amendments to the declaration, bylaws, rules, regulations, or resolutions, resale
37 certificates, or statements of unpaid assessments;

38 (18) To provide for the indemnification of and maintain liability insurance
39 for officers, directors, and any managing agent or other employee charged with the
40 operation or maintenance of the condominium;

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1 (19) To enforce the implied warranties made to the council of unit owners by
2 the developer under § 11-131 of this title;

3 (20) To enforce the provisions of this title, the declaration, bylaws, and rules
4 and regulations of the council of unit owners against any unit owner or occupant; [and]

5 (21) Generally, to exercise the powers set forth in this title and the
6 declaration or bylaws and to do every other act not inconsistent with law, which may be
7 appropriate to promote and attain the purposes set forth in this title, the declaration or
8 bylaws; AND

9 (22) TO DESIGNATE PARKING FOR THE HANDICAPPED,
10 NOTWITHSTANDING ANY PROVISION IN THE DECLARATION, BYLAWS, OR RULES
11 AND REGULATIONS.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 1997.