
By: **Delegates O'Donnell and Owings**
Introduced and read first time: February 13, 2004
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Condominiums - Conditions on the Right to Expand - Calvert County**

3 FOR the purpose of altering the amount of time during which a right shall be deemed
4 reserved in a developer in Calvert County to add to a condominium an
5 additional section under certain circumstances; altering the abrogation date for
6 a certain law regarding a certain condition on the reservation of the right of a
7 developer in Calvert County to add to a condominium an additional section
8 under certain circumstances; providing for the application of this Act; and
9 generally relating to conditions on the reservation of the right of developers in
10 Calvert County to expand condominiums.

11 BY repealing and reenacting, with amendments,
12 Article - Real Property
13 Section 11-120(b)
14 Annotated Code of Maryland
15 (2003 Replacement Volume and 2003 Supplement)

16 BY repealing and reenacting, with amendments,
17 Chapter 697 of the Acts of the General Assembly of 2000
18 Section 2

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

21 **Article - Real Property**

22 11-120.

23 (b) The reservation of the right to expand a condominium is subject to the
24 conditions provided in this subsection.

25 (1) The declaration establishing the condominium shall describe each
26 parcel of property which may be included in each section to be added to the
27 condominium. This description may be made by reference to the condominium plat.

1 (2) The declaration establishing the condominium shall show:

2 (i) The maximum number of units which may be added; and

3 (ii) The percentage interests in the common elements, the
4 percentage interests in the common expenses and common profits, and the number of
5 votes appurtenant to each unit following the addition of each section of property to
6 the condominium, if added. The percentage interests in the common elements and in
7 common expenses and common profits, and the number of votes that each unit owner
8 will have may be shown by reference to a formula or other appropriate method of
9 determining them following each expansion of the condominium.

10 (3) The condominium plat for the original condominium shall include, in
11 general terms, the outlines of the land, buildings, and common elements of each
12 successive section that may be added to the condominium.

13 (4) (i) Except as provided in subparagraph (ii) of this paragraph, in
14 the declaration establishing the condominium a right shall be reserved in the
15 developer for a period, not exceeding 10 years from the date of recording of the
16 declaration, to add to the condominium any successive section described in the
17 declaration and in the condominium plat.

18 (ii) In Calvert County, in an existing or new declaration for the
19 condominium and notwithstanding anything contained in the declaration to the
20 contrary, a right shall be deemed reserved in the developer for a period not exceeding
21 [15] 18 years from the date of recording of the declaration, to add to the condominium
22 any successive section described in the declaration and in the condominium plat.

23

Chapter 697 of the Acts of 2000

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2000. It shall remain effective for a period of [5] 8 years and, at the end of
26 September 30, [2005] 2008, with no further action required by the General Assembly,
27 this Act shall be abrogated and of no further force and effect.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
29 construed to apply only prospectively and may not be applied or interpreted to have
30 any effect on or application to any declaration regarding a condominium located in
31 Calvert County that was recorded before the effective date of this Act.

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2004.