HOUSE BILL 1328

N1   7lr2965

By: **Delegates McComas and Shewell**
Introduced and read first time: February 28, 2007
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1   AN ACT concerning

2   **Real Property – Condominium Regimes – Liability for Defect of Common**
3   **Element**

4   FOR the purpose of establishing the liability of a council of unit owners to a unit
5   owner for a defect of a common element that renders an owner's unit
6   uninhabitable and remains unabated for a certain period; establishing that the
7   amount of damages shall be treble a certain amount; and generally relating to
8   liability for a council of unit owners for a defect of a common element.

9   BY repealing and reenacting, with amendments,
10   Article – Real Property
11   Section 11–108.1
12   Annotated Code of Maryland
13   (2003 Replacement Volume and 2006 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   11–108.1.

18   **(A)**   [Except] **SUBJECT TO SUBSECTION (B) OF THIS SECTION AND**
19   **EXCEPT** to the extent otherwise provided by the declaration or bylaws, the council of
20   unit owners is responsible for maintenance, repair, and replacement of the common

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1   elements, and each unit owner is responsible for maintenance, repair, and
2   replacement of his unit.

3   **(B)   THE COUNCIL OF UNIT OWNERS SHALL BE LIABLE TO A UNIT OWNER**
4   **FOR ANY DEFECT OF A COMMON ELEMENT THAT:**

5   **(1)   RENDERS AN OWNER'S UNIT UNINHABITABLE; AND**

6   **(2)   REMAINS UNABATED FOR 30 DAYS.**

7   **(C)   (1)   A UNIT OWNER SHALL BE ENTITLED TO TREBLE DAMAGES**
8   **UNDER THIS SECTION FOR A VIOLATION OF SUBSECTION (B) OF THIS SECTION.**

9   **(2)   THE AMOUNT OF DAMAGES SHALL BE EQUIVALENT TO THE**
10 **GREATER OF THE TOTAL CONDOMINIUM FEE ASSESSMENT PER DIEM OR THE**
11 **FAIR MARKET RENT OF THE UNIT.**

12   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2007.