HOUSE BILL 358

By: Delegates Charles, Holmes, Toles, and Williams
Introduced and read first time: January 19, 2022
Assigned to: Environment and Transportation

A BILL ENTITLED

AN ACT concerning

Maryland Condominium Act – Amendments to the Declaration – Interest in
Common Elements

FOR the purpose of authorizing the council of unit owners of a condominium to alter, by a
certain vote, the undivided percentage interest in the common elements of any unit
without the written consent of every unit owner and mortgagee; and generally
relating to amendments to the declaration of a condominium.

BY repealing and reenacting, with amendments,

Article – Real Property
Section 11–103(c)(1)(i) and (d)
Annotated Code of Maryland
(2015 Replacement Volume and 2021 Supplement)

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

Article – Real Property

11–103.

(c) (1) Except for a corrective amendment under § 11–103.1 of this title or as
provided in paragraph (2) of this subsection or subsection (d) of this section, the declaration
may be amended only with the written consent of 80 percent of the unit owners listed on
the current roster. Amendments under this section are subject to the following limitations:

(i) Except to the extent expressly permitted or expressly required
by other provisions of this title, an amendment to the declaration may not change the
boundaries of any unit, [the undivided percentage interest in the common elements of any
unit,] the liability for common expenses or rights to common profits of any unit, or the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
number of votes in the council of unit owners of any unit without the written consent of every unit owner and mortgagee.

(d) (1) (i) A declaration may provide for the suspension of the use of parking or recreational facility common elements by a unit owner that is more than 60 days in arrears in the payment of any assessment due to the condominium.

(ii) If a declaration contains a suspension provision authorized under subparagraph (i) of this paragraph, the declaration shall state that a suspension of the use of common elements may not be implemented until the council of unit owners:

1. Mails to the unit owner a demand letter specifying a time period of at least 10 days within which the unit owner may pay the delinquent assessment or request a hearing to contest the suspension; and

2. If a unit owner requests a hearing to contest a suspension, provides notice and holds a hearing in accordance with § 11–113(b)(2) and (3) of this subtitle.

(2) Notwithstanding the provisions of the declaration or bylaws, the council of unit owners may amend the declaration to add or repeal a suspension provision authorized under paragraph (1)(i) of this subsection by the affirmative vote of at least 60% of the total eligible voters of the condominium under the voting procedures contained in the declaration or the bylaws THE COUNCIL OF UNIT OWNERS MAY AMEND THE DECLARATION TO:

(I) ADD OR REPEAL A SUSPENSION PROVISION AUTHORIZED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION; OR

(II) ALTER THE UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS OF ANY UNIT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.