

# HOUSE BILL 358

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By: **Delegates Charles, Holmes, Toles, and Williams**

Introduced and read first time: January 19, 2022

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

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

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

8 BY repealing and reenacting, with amendments,  
9 Article – Real Property  
10 Section 11–103(c)(1)(i) and (d)  
11 Annotated Code of Maryland  
12 (2015 Replacement Volume and 2021 Supplement)

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

15 **Article – Real Property**

16 11–103.

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 number of votes in the council of unit owners of any unit without the written consent of  
2 every unit owner and mortgagee.

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

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

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

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

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

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

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

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