N1 4lr3418 CF SB 665

By: Delegate J. Long

AN ACT concerning

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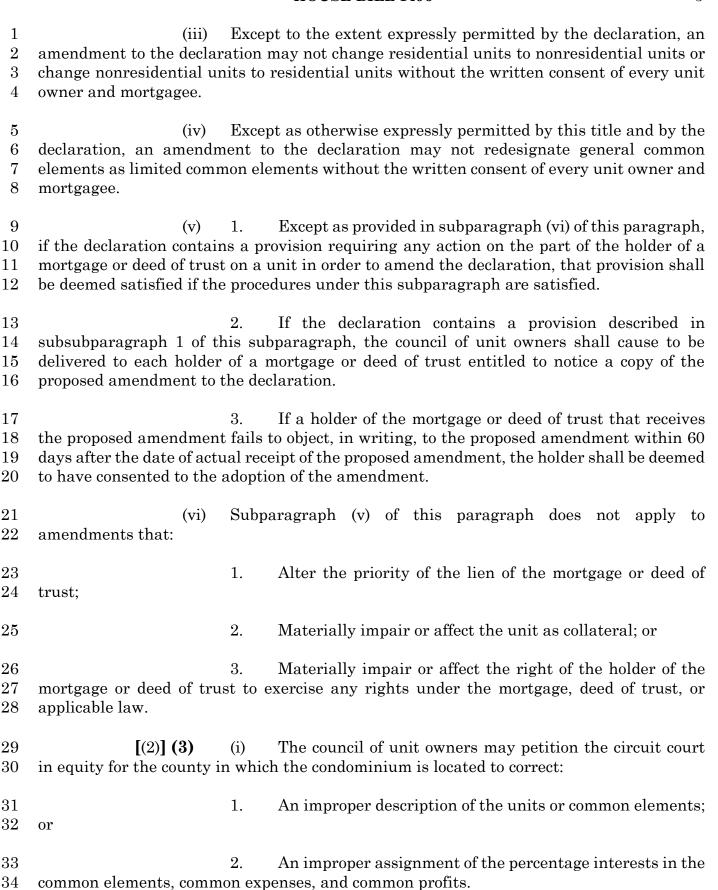
Introduced and read first time: February 16, 2024 Assigned to: Rules and Executive Nominations

## A BILL ENTITLED

Manufaud Candaminium Ast. Amandraanta to the Declaration

- Maryland Condominium Act Amendments to the Declaration 2 3 FOR the purpose of reducing the percentage of unit owners listed on the current roster of 4 a condominium needed to consent to an amendment of a condominium's declaration 5 if none of the units of the condominium are owned by a developer of the 6 condominium; and generally relating to amendments to the declaration of a condominium. 7 8 BY repealing and reenacting, with amendments, 9 Article – Real Property 10 Section 11–103(c) Annotated Code of Maryland 11 (2023 Replacement Volume) 12
- 13 BY repealing and reenacting, without amendments,
- 14 Article Real Property
- 15 Section 11–103(d)
- 16 Annotated Code of Maryland
- 17 (2023 Replacement Volume)
- 18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 19 That the Laws of Maryland read as follows:
- 20 Article Real Property
- 21 11–103.
- 22 (c) (1) (I) 1. [Except for a corrective amendment under § 11–103.1 of
- 23 this title or as provided in paragraph (2) of this subsection or subsection (d) of this section,
- 24 the declaration may be amended only with the written consent of 80 percent of the unit

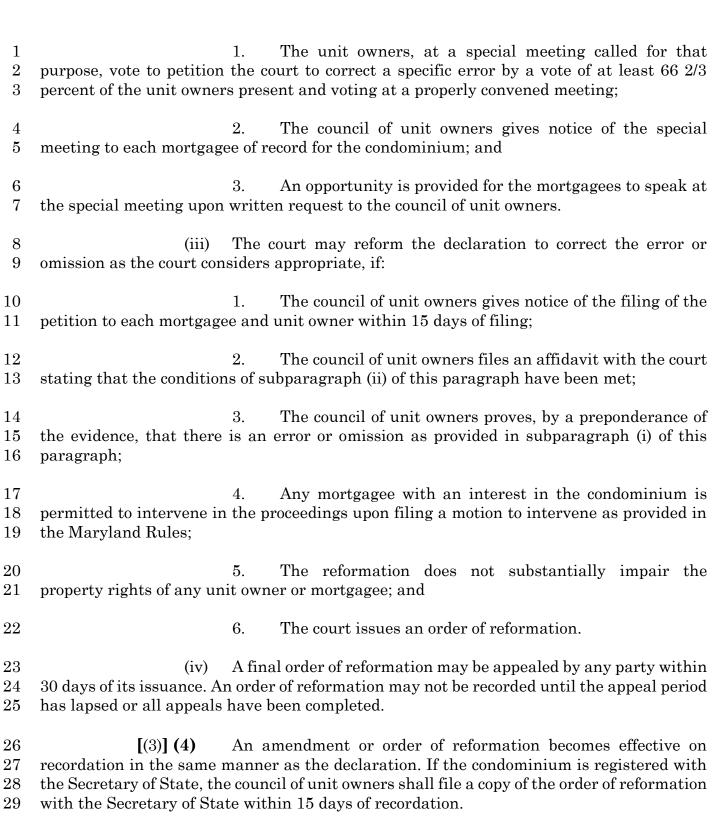
- owners listed on the current roster] EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF 1 2 THIS SUBPARAGRAPH, THE DECLARATION MAY BE AMENDED ONLY WITH THE 3 WRITTEN CONSENT OF 66 2/3 PERCENT OF THE UNIT OWNERS LISTED ON THE 4 CURRENT ROSTER. 5 2. SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH DOES 6 **NOT APPLY:** 7 TO A CORRECTIVE AMENDMENT UNDER § 11–103.1 OF Α. 8 THIS TITLE; В. 9 AS PROVIDED IN SUBPARAGRAPH (II) OF THIS 10 PARAGRAPH; OR C. 11 AS PROVIDED IN SUBSECTION (D) OF THIS SECTION. 12 1. (II) IF ANY OF THE UNITS OF THE CONDOMINIUM ARE OWNED BY THE DEVELOPER, THE DECLARATION MAY BE AMENDED ONLY WITH THE 13 WRITTEN CONSENT OF 80% OF THE UNIT OWNERS LISTED ON THE CURRENT ROSTER. 14 2. 15 SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH DOES 16 **NOT APPLY:** 17 Α. TO A CORRECTIVE AMENDMENT UNDER § 11–103.1 OF 18 THIS TITLE; В. 19  $\mathbf{A}\mathbf{S}$ **(3) PROVIDED** IN **PARAGRAPH**  $\mathbf{OF}$ THIS 20 SUBSECTION; OR C. AS PROVIDED IN SUBSECTION (D) OF THIS SECTION. 2122**(2)** Amendments under this section are subject to the following limitations: 23(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 24boundaries of any unit, the undivided percentage interest in the common elements of any 2526 unit, the liability for common expenses or rights to common profits of any unit, or the 27 number of votes in the council of unit owners of any unit without the written consent of 28 every unit owner and mortgagee.
- 29 (ii) An amendment to the declaration may not modify in any way 30 rights expressly reserved for the benefit of the developer or provisions required by any 31 governmental authority or for the benefit of any public utility.



The petition may be brought only if:

(ii)

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30 (d) (1) (i) A declaration may provide for the suspension of the use of 31 parking or recreational facility common elements by a unit owner that is more than 60 days 32 in arrears in the payment of any assessment due to the condominium.

- 1 (ii) If a declaration contains a suspension provision authorized 2 under subparagraph (i) of this paragraph, the declaration shall state that a suspension of 3 the use of common elements may not be implemented until the council of unit owners:
- 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
- 7 2. If a unit owner requests a hearing to contest a suspension, 8 provides notice and holds a hearing in accordance with § 11–113(b)(2) and (3) of this 9 subtitle.
- 10 (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.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 16 October 1, 2024.