

Alert

New Maryland Legislation Affecting Condominiums

June 13, 2012

The Maryland Legislature recently completed its 2012 regular session and despite an increasing number of bills introduced in both the House of Delegates and the Senate that had potential impact on condominiums and homeowners associations, only a few bills passed, none of which included the anticipated manager licensing requirements.

RIGHT OF ENTRY TO INVESTIGATE DAMAGE AND MAKE REPAIRS

The most significant change this session is to Section 11-125 (e) of the Maryland Condominium Act, which authorizes condominium associations to enter units to perform investigations in addition to the existing right to make repairs. Previously, unless the governing documents provided such inspection authority, a condominium association could not enter a unit merely to inspect and determine if a repair or other action was necessary. **This law goes into effect October 1, 2012.**

RECYCLING PROGRAM REQUIREMENTS

Further, recycling legislation was passed that impacts condominium associations in the future. On or before October 1, 2014, each condominium association that contains 10 or more units shall provide for the collection and removal of recyclable materials, and a county may require condominium associations to report to the county on recycling activities in a manner determined by the county. Please note that Montgomery County already has a recycling program and reporting requirements for single-family and multi-family properties. The regulations may be found at COMCOR 48.00.33, Solid Waste and Recycling, Chapter 48.

We welcome the opportunity to discuss any questions or issues you have related to any recent Maryland legislation passed in 2012 or other issues impacting community associations. The Condominium and Common Interest Practice Group represents community associations and developers in Maryland, Washington, D.C. and Virginia, and its attorneys are active in reviewing and commenting on legislation. Brian D. Bichy, Partner, is a member of Community Associations Institute's ("CAI") Maryland Legislative Committee and is Vice-Chair of the D.C. Legislative Action Committee. Renee M. Finley, Of Counsel, participates in and is a speaker with CAI. Judyann M. Lee, Associate, is a member of CAI's Maryland and Virginia Legislative Committees.

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