

COUNTY LOCAL LAWS

THE COUNTY COUNCIL FOR MONTGOMERY COUNTY HEREBY FINDS THAT THERE IS AN INCREASING PERCENTAGE OF CONSTRUCTION OF RESIDENTIAL UNITS IN THE COUNTY THAT ARE INTENDED FOR CONDOMINIUM DEVELOPMENT AND FURTHER THAT A CONSIDERABLE PORTION OF THE COUNTY'S RENTAL HOUSING IS BEING CONVERTED TO CONDOMINIUM STATUS; THAT PROSPECTIVE PURCHASERS OF THESE CONDOMINIUM UNITS ARE OFTEN WITHOUT KNOWLEDGE OF THE UNIQUE CONCEPTS OF OWNERSHIP INVOLVED IN CONDOMINIUM HOUSING; THAT OFTEN THERE IS UNEQUAL BARGAINING POWER BETWEEN BUYERS AND SELLERS OF CONDOMINIUM UNITS; THAT OFTEN THE BUYERS HAVE LITTLE FACTUAL BASIS PRESENTED TO THEM ON WHICH TO MAKE A DECISION; THAT THE COUNCIL IS AWARE OF REPORTED ABUSES BY SELLERS OF CONDOMINIUM UNITS; THAT IN ORDER TO FACILITATE FAIR AND EQUITABLE BARGAINING AND TO PROVIDE THE BUYERS OF CONDOMINIUM UNITS WITH BASIC INFORMATION BY WHICH TO MAKE AN INTELLIGENT HOUSING CHOICE AND PROMOTE THE HEALTH, SAFETY AND WELFARE OF THE PEOPLE, IT IS NECESSARY AND APPROPRIATE FOR THE COUNTY TO REQUIRE THAT SELLERS OF CONDOMINIUM UNITS PREPARE AND DISTRIBUTE INFORMATION DEEMED RELEVANT TO THE BUYERS OF THIS TYPE OF RESIDENTIAL PROPERTY.

11A-2. DEFINITIONS.

FOR THE PURPOSES OF THIS CHAPTER, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS RESPECTIVELY ASCRIBED TO THEM BY THIS SECTION:

(1) AGENT: THE WORD "AGENT" MEANS ANY PERSON, FIRM, PARTNERSHIP, ASSOCIATION, JOINT VENTURE, CORPORATION OR ANY OTHER ENTITY OR COMBINATION OF ENTITIES WHO REPRESENTS OR ACTS FOR OR ON BEHALF OF A DEVELOPER IN SELLING OR OFFERING TO SELL ANY CONDOMINIUM UNITS.

(2) BLANKET ENCUMBRANCE: THE PHRASE "BLANKET ENCUMBRANCE" MEANS A TRUST DEED, MORTGAGE, JUDGEMENT OR OTHER LIEN OR ENCUMBRANCE INCLUDING AN OPTION OR CONTRACT TO SELL OR A TRUST AGREEMENT AFFECTING A CONDOMINIUM INCLUDING ANY LIEN OR OTHER ENCUMBRANCE ARISING AS A RESULT OF THE IMPOSITION OF ANY TAX ASSESSMENT BY A PUBLIC AUTHORITY.

(3) CLOSING OF THE SALE: THE PHRASE "CLOSING OF THE SALE" MEANS THE OPERATION OF TRANSFERRING OWNERSHIP OF A CONDOMINIUM UNIT TO THE PROSPECTIVE PURCHASER FROM THE DEVELOPER THROUGH A DEED OF CONVEYANCE.

(4) COMMON ELEMENTS: THE PHRASE "COMMON ELEMENTS" MEANS ALL OF THE CONDOMINIUM EXCEPT THE CONDOMINIUM UNITS.

A. LIMITED COMMON ELEMENTS: THE PHRASE