

TO THIS SECTION, THE UNIT OWNER MAY BE SUED FOR DAMAGES CAUSED BY THE FAILURE OR FOR INJUNCTIVE RELIEF, OR BOTH, BY THE COUNCIL OF UNIT OWNERS OR BY ANY OTHER UNIT OWNER. THE PREVAILING PARTY IN ANY SUCH PROCEEDING IS ENTITLED TO AN AWARD FOR COUNSEL FEES AS DETERMINED BY COURT.

(D) THE FAILURE OF THE COUNCIL OF UNIT OWNERS TO ENFORCE A PROVISION OF THIS TITLE, THE DECLARATION, OR BYLAWS ON ANY OCCASION IS NOT A WAIVER OF THE RIGHT TO ENFORCE THE PROVISION ON ANY OTHER OCCASION.

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(A) COMMENCING NOT LATER THAN THE TIME OF THE FIRST CONVEYANCE OF A UNIT TO A PERSON OTHER THAN A DECLARANT, THE COUNCIL OF UNIT OWNERS SHALL MAINTAIN, TO THE EXTENT REASONABLY AVAILABLE:

(1) PROPERTY INSURANCE ON THE COMMON ELEMENTS AND UNITS, EXCLUSIVE OF IMPROVEMENTS AND BETTERMENTS INSTALLED IN UNITS BY UNIT OWNERS, INSURING AGAINST ALL RISKS OF DIRECT PHYSICAL LOSS COMMONLY INSURED AGAINST OR, IN THE CASE OF A CONVERSION CONDOMINIUM, AGAINST FIRE AND EXTENDED COVERAGE PERILS. THE TOTAL AMOUNT OF INSURANCE AFTER APPLICATION OF ANY DEDUCTIBLES MAY NOT BE LESS THAN 80 PERCENT OF THE ACTUAL CASH VALUE OF THE INSURED PROPERTY, EXCLUSIVE OF LAND, EXCAVATIONS, FOUNDATIONS, AND OTHER ITEMS NORMALLY EXCLUDED FROM PROPERTY POLICIES; AND

(2) COMPREHENSIVE GENERAL LIABILITY INSURANCE, INCLUDING MEDICAL PAYMENTS INSURANCE, IN AN AMOUNT DETERMINED BY THE BOARD OF DIRECTORS BUT NOT LESS THAN ANY AMOUNT SPECIFIED IN THE DECLARATION, COVERING ALL OCCURRENCES COMMONLY INSURED AGAINST FOR DEATH, BODILY INJURY, AND PROPERTY DAMAGE ARISING OUT OF OR IN CONNECTION WITH THE USE, OWNERSHIP, OR MAINTENANCE OF THE COMMON ELEMENTS.

(B) IF THE INSURANCE DESCRIBED IN SUBSECTION (A) IS NOT MAINTAINED, THE COUNCIL OF UNIT OWNERS PROMPTLY SHALL CAUSE NOTICE OF THAT FACT TO BE HAND DELIVERED OR SENT PREPAID BY UNITED STATES MAIL TO ALL UNIT OWNERS. THE DECLARATION MAY REQUIRE THE COUNCIL OF UNIT OWNERS TO CARRY ANY OTHER INSURANCE, AND THE COUNCIL OF UNIT OWNERS IN ANY EVENT MAY CARRY ANY OTHER INSURANCE IT DEEMS APPROPRIATE TO PROTECT THE COUNCIL OF UNIT OWNERS OR THE UNIT OWNERS.

(C) INSURANCE POLICIES CARRIED PURSUANT TO SUBSECTION (A) SHALL PROVIDE THAT:

(1) EACH UNIT OWNER IS AN INSURED PERSON UNDER THE POLICY WITH RESPECT TO LIABILITY ARISING OUT OF HIS OWNERSHIP OF AN UNDIVIDED INTEREST IN THE COMMON ELEMENTS OR MEMBERSHIP IN THE COUNCIL OF UNIT OWNERS;