

Annotated Code of Maryland
(1981 Replacement Volume and 1983 Supplement)

BY repealing and reenacting, without amendments,

Article - Real Property
Section 11-103(c)(2) and 11-105(e)(2)
Annotated Code of Maryland
(1981 Replacement Volume and 1983 Supplement)

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

Article - Real Property

11-103.

(c) (1) Except as provided in paragraph (2) of this subsection [or otherwise provided in this title], the declaration may be amended only [with the written consent of [every unit owner and mortgagee] ~~BY-THE-AFFIRMATIVE-VOTE-OF--~~ 80 PERCENT OF THE UNIT OWNERS LISTED ON THE CURRENT ROSTER. AMENDMENTS UNDER THIS SECTION ARE SUBJECT TO THE FOLLOWING LIMITATIONS:

(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 BOUNDARIES OF ANY UNIT, THE UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS OF ANY UNIT, THE LIABILITY FOR COMMON EXPENSES OR RIGHTS TO COMMON PROFITS OF ANY UNIT, OR THE NUMBER OF VOTES IN THE COUNCIL OF UNIT OWNERS OF ANY UNIT WITHOUT THE WRITTEN CONSENT OF EVERY UNIT OWNER AND MORTGAGEE.

(II) AN AMENDMENT TO THE DECLARATION MAY NOT MODIFY IN ANY WAY RIGHTS EXPRESSLY RESERVED FOR THE BENEFIT OF THE DEVELOPER OR PROVISIONS REQUIRED BY ANY GOVERNMENTAL AUTHORITY OR FOR THE BENEFIT OF ANY PUBLIC UTILITY.

(III) EXCEPT TO THE EXTENT EXPRESSLY PERMITTED BY THE DECLARATION, AN AMENDMENT TO THE DECLARATION MAY NOT CHANGE RESIDENTIAL UNITS TO NONRESIDENTIAL UNITS OR CHANGE NONRESIDENTIAL UNITS TO RESIDENTIAL UNITS WITHOUT THE WRITTEN CONSENT OF EVERY UNIT OWNER AND MORTGAGEE.

(IV) EXCEPT AS OTHERWISE EXPRESSLY PERMITTED BY THIS TITLE AND BY THE DECLARATION, AN AMENDMENT TO THE DECLARATION MAY NOT REDESIGNATE GENERAL COMMON ELEMENTS AS LIMITED COMMON ELEMENTS WITHOUT THE WRITTEN CONSENT OF EVERY UNIT OWNER AND MORTGAGEE.

(V) NO PROVISION OF THIS TITLE SHALL BE CONSTRUED IN DEROGATION OF ANY REQUIREMENT IN THE DECLARATION OR BYLAWS THAT ALL OR A SPECIFIED NUMBER OF THE MORTGAGEES OF THE