

OPERATING IN THE CONDOMINIUM ANY INCREASE IN INSURANCE COSTS OF THE CONDOMINIUM THAT ARE SOLELY AND DIRECTLY ATTRIBUTABLE TO THE OPERATION OF FAMILY DAY CARE HOMES IN THE CONDOMINIUM; AND

(3) IMPOSES A FEE FOR USE OF COMMON ELEMENTS IN A REASONABLE AMOUNT NOT TO EXCEED \$50 PER YEAR ON EACH FAMILY DAY CARE HOME WHICH IS REGISTERED AND OPERATING IN THE CONDOMINIUM.

(F) IF THE CONDOMINIUM REGULATES THE NUMBER OR PERCENTAGE OF FAMILY DAY CARE HOMES UNDER SUBSECTION (E)(1) OF THIS SECTION, IN ORDER TO ASSURE COMPLIANCE WITH THE REGULATION, THE CONDOMINIUM MAY REQUIRE RESIDENTS TO NOTIFY THE CONDOMINIUM BEFORE OPENING A FAMILY DAY CARE HOME.

(G) (1) A DAY CARE PROVIDER IN A CONDOMINIUM:

(I) SHALL OBTAIN THE LIABILITY INSURANCE DESCRIBED UNDER ARTICLE 48A, § 481D OF THE CODE IN AT LEAST THE MINIMUM AMOUNT DESCRIBED UNDER THAT STATUTE; AND

(II) MAY NOT OPERATE WITHOUT THE LIABILITY INSURANCE DESCRIBED UNDER ITEM (I) OF THIS PARAGRAPH.

(2) A CONDOMINIUM MAY NOT REQUIRE A DAY CARE PROVIDER TO OBTAIN INSURANCE IN AN AMOUNT GREATER THAN THE MINIMUM AMOUNT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(H) TO THE EXTENT THAT THIS SECTION IS INCONSISTENT WITH ANY OTHER PROVISION OF THIS SUBTITLE, THIS SECTION SHALL TAKE PRECEDENCE OVER ANY INCONSISTENT PROVISION.

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(b) "Common areas" means property which is owned or leased by a homeowners association.

(d) (1) "Declaration" means an instrument, however denominated, recorded among the land records of the county in which the property of the declarant is located, that creates the authority for a homeowners association to impose on lots, or on the owners or occupants of lots, or on another homeowners association, condominium, or cooperative housing corporation any mandatory fee in connection with the provision of services or otherwise for the benefit of some or all of the lots, the owners or occupants of lots, or the common areas.

(2) "Declaration" includes any amendment or supplement to the instruments described in paragraph (1) of this subsection.

(3) "Declaration" does not include a private right-of-way or similar agreement unless it requires a mandatory fee payable annually or at more frequent intervals.