

(3) An act or omission by any unit owner, unless acting within the scope of his authority on behalf of the council of unit owners, does not void the policy and is not a condition to recovery under the policy; and

(4) If, at the time of a loss under the policy, there is other insurance in the name of a unit owner covering the same property covered by the policy, the policy is primary insurance not contributing with the other insurance.

(g) (2) (I) 1. The cost of repair or replacement in excess of insurance proceeds and reserves is a common expense.

2. A PROPERTY INSURANCE DEDUCTIBLE IS NOT A COST OF REPAIR OR REPLACEMENT IN EXCESS OF INSURANCE PROCEEDS. .

(II) IF THE CAUSE OF ANY DAMAGE TO OR DESTRUCTION OF ANY PORTION OF THE CONDOMINIUM ORIGINATES FROM THE COMMON ELEMENTS, THE COUNCIL OF UNIT OWNERS' PROPERTY INSURANCE DEDUCTIBLE IS A COMMON EXPENSE.

(III) 1. EXCEPT AS OTHERWISE PROVIDED IN THE COUNCIL OF UNIT OWNERS' BYLAWS, IF THE CAUSE OF ANY DAMAGE TO OR DESTRUCTION OF ANY PORTION OF THE CONDOMINIUM ORIGINATES FROM A UNIT, THE COUNCIL OF UNIT OWNERS' PROPERTY INSURANCE DEDUCTIBLE IS A COMMON EXPENSE.

2. IF THE COUNCIL OF UNIT OWNERS' BYLAWS PROVIDES THAT THE OWNER OF THE UNIT WHERE THE CAUSE OF THE DAMAGE OR DESTRUCTION ORIGINATED IS RESPONSIBLE FOR THE COUNCIL OF UNIT OWNERS' PROPERTY INSURANCE DEDUCTIBLE, THE UNIT OWNER'S RESPONSIBILITY MAY NOT EXCEED \$1,000.

3. THE COUNCIL OF UNIT OWNERS' PROPERTY INSURANCE DEDUCTIBLE AMOUNT EXCEEDING THE \$1,000 RESPONSIBILITY OF THE UNIT OWNER IS A COMMON EXPENSE.

(IV) IN THE SAME MANNER AS PROVIDED UNDER § 11-110 OF THIS SUBTITLE, THE COUNCIL OF UNIT OWNERS MAY MAKE AN ANNUAL ASSESSMENT AGAINST THE UNIT OWNER RESPONSIBLE UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH.

SECTION 2: AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2001.

May 17, 2001

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today