

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act Regarding Actions for Failure To Follow Condominium Association Requirements

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 33 MRSA §1603-111, 2nd ¶, as enacted by PL 1981, c. 699, is amended to read:

If the wrong accrued during any period of declarant control, and if the association gives the declarant reasonable notice of and an opportunity to defend against the action, the declarant who then controlled the association is liable to the association or to any unit owner: (1) For all tort losses not covered by insurance suffered by the association or that unit owner; and (2) for all costs ~~which~~that the association would not have incurred but for the breach of contract or other wrongful act or omission. In any case where the declarant is liable to the association under this section, the declarant is also liable for all litigation expenses, including reasonable ~~attorneys'~~attorney's fees, incurred by the association. During any period in which the control of the declarant is limited to the power to approve actions of the association or executive board, as provided in section 1603-103, subsection (d), the declarant ~~shall be~~is liable under this section only for losses caused by the exercise of declarant's right of disapproval. Any statute of limitation affecting the association's right of action under this section is tolled until the period of declarant control terminates. After the association provides reasonable notice and an opportunity to be heard, the association may bring an action against a unit owner or a group of unit owners for failure to follow requirements imposed by the declaration, bylaws or adopted rules and regulations of the association. If the unit owner or the group of unit owners is found liable, the unit owner or the group of unit owners is also liable for all litigation expenses including reasonable attorney's fees incurred by the association in bringing the action. After a unit owner or a group of unit owners provides reasonable notice and an opportunity to be heard, the unit owner or the group of unit owners may bring an action against the association for failure to follow requirements imposed by the declaration, bylaws or adopted rules and regulations of the association. If the association is found liable, it is also liable for all litigation expenses, including reasonable attorney's fees incurred by the unit owner or the group of unit owners in bringing the action. A unit owner is not precluded from bringing an action contemplated by this section because he~~the unit owner~~is a unit owner or a member or officer of the association. Liens resulting from judgments against the association are governed by section 1603-117, other liens affecting the condominium.

SUMMARY

This bill provides that, following reasonable notice and an opportunity to be heard, a condominium association may bring an action against a unit owner or a group of unit owners for violating requirements imposed by association documents and that, following reasonable notice and an opportunity to be heard, a unit owner or a group of unit owners may bring an action against an association for violating requirements imposed by those same documents.