

**§1602-103. Construction and validity of declaration and bylaws**

(a) All provisions of the declaration and bylaws are severable. [PL 1981, c. 699 (NEW).]

(b) Neither the rule against perpetuities nor the provisions of section 116, as it or its equivalent may be amended from time to time, may be applied to defeat any provision of the declaration, bylaws or rules and regulations adopted pursuant to section 1603-102, subsection (a), paragraph (1). [PL 2017, c. 402, Pt. B, §3 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

(c) In the event of a conflict between the provisions of the declaration and the bylaws, the declaration prevails except to the extent the declaration is inconsistent with this Act. [PL 1981, c. 699 (NEW).]

(d) Title to a unit and common elements is not rendered unmarketable or otherwise affected by reason of an insubstantial failure of the declaration to comply with this Act. Whether a substantial failure impairs marketability is not affected by this Act. [PL 1981, c. 699 (NEW).]

**SECTION HISTORY**

PL 1981, c. 699 (NEW). PL 2017, c. 402, Pt. B, §3 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF).

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