

HOUSE BILL No. 4919

September 29, 2015, Introduced by Reps. Kesto, Iden and Vaupel and referred to the Committee on Judiciary.

A bill to amend 1978 PA 59, entitled "Condominium act," by amending sections 60, 107, and 115 (MCL 559.160, 559.207, and 559.215), section 107 as amended by 2000 PA 379 and section 115 as amended by 1982 PA 538.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 60. (1) Actions on behalf of and against the co-owners
2 shall be brought in the name of the association of co-owners. The
3 association of co-owners may assert, defend, or settle claims on
4 behalf of all co-owners in connection with ~~the common elements of~~
5 the condominium project.

6 (2) **THE BOARD OF DIRECTORS OF AN ASSOCIATION OF CO-OWNERS HAS**
7 **THE POWER TO ASSERT, DEFEND, OR SETTLE CLAIMS ON BEHALF OF ALL CO-**
8 **OWNERS IN CONNECTION WITH THE CONDOMINIUM PROJECT.**

9 (3) **THE ARTICLES OF INCORPORATION FOR AN ASSOCIATION OF CO-**

1 OWNERS AND THE CONDOMINIUM DOCUMENTS SHALL NOT RESTRICT THE POWER
2 OF THE BOARD OF DIRECTORS GRANTED UNDER SUBSECTION (2). ANY
3 PROVISION IN THE ARTICLES OF INCORPORATION OR THE CONDOMINIUM
4 DOCUMENTS THAT REQUIRES A VOTE OF THE CO-OWNERS TO AUTHORIZE THE
5 BOARD OF DIRECTORS OF AN ASSOCIATION OF CO-OWNERS TO INCUR LEGAL
6 FEES AND COSTS IN THE EXERCISE OF THE POWER GRANTED UNDER
7 SUBSECTION (2) OR THAT OTHERWISE SEEKS TO RESTRICT THAT POWER IS
8 VOID.

9 Sec. 107. A ~~SUBJECT TO SECTION 60, A~~ co-owner may maintain an
10 action against the association of co-owners ~~and its officers and~~
11 ~~directors to compel these persons to enforce~~ **THE ENFORCEMENT OF** the
12 terms and provisions of the condominium documents. In such a
13 proceeding, the association of co-owners or the co-owner, if
14 successful, shall recover the costs of the proceeding and
15 reasonable attorney fees, as determined by the court, to the extent
16 that the condominium documents expressly so provide. A co-owner may
17 maintain an action against any other co-owner for injunctive relief
18 or for damages or any combination thereof for noncompliance with
19 the terms and provisions of the condominium documents or this act.

20 Sec. 115. (1) A person or, **SUBJECT TO SECTION 60,** association
21 of co-owners adversely affected by a violation of or failure to
22 comply with this act, rules promulgated under this act, or any
23 provision of an agreement or a master deed may bring an action for
24 relief in a court of competent jurisdiction. The court may award
25 costs to the prevailing party.

26 (2) A developer who offers or sells a condominium unit in
27 violation of section 21 or 84a is liable to the person purchasing

1 the condominium unit for damages.

2 Enacting section 1. This amendatory act takes effect 90 days

3 after the date it is enacted into law.