

Part I. Applicability

TABLE OF CONTENTS

Part II. APPLICABILITY

- § -21 Applicability to new condominiums
- § -22 Applicability to preexisting condominiums
- § -23 Amendments to governing instruments

PART II. APPLICABILITY

§ -21 Applicability to new condominiums. This chapter applies to all condominiums created within this State after the effective date of this chapter. The provisions of chapter 514A do not apply to condominiums created after the effective date of this chapter. Amendments to this chapter apply to all condominiums created after the effective date of this chapter or subjected to this chapter, regardless of when the amendment is adopted.

Real Estate Commission's Comment

- 1. UCIOA §1-201 is the source of this section.

§ -22 Applicability to preexisting condominiums. Sections -4, -5, -46, -72, and part VI, and section -3 to the extent definitions are necessary in construing any of those provisions, apply to all condominiums created in this State before the effective date of this chapter; but those sections apply only with respect to events and circumstances occurring after the effective date of this chapter and do not invalidate existing provisions of the declaration, bylaws, condominium map, or other constituent documents of those condominiums.

For purposes of interpreting this chapter, the terms "condominium property regime" and "horizontal property regime" shall be deemed to correspond to the term "condominium"; the term "apartment" shall be deemed to correspond to the term "unit"; the term "apartment owner" shall be deemed to correspond to the term "unit owner"; and the term "association of apartment owners" shall be deemed to correspond to the term "association".

Real Estate Commission's Comment

- 1. UCIOA §1-204, modified by the addition of the second paragraph (similar to §55-79.40 of the Virginia Condominium Act), is the source of this section.

§ -23 Amendments to governing instruments. (a) The declaration, bylaws, condominium map, or other constituent documents of any condominium created before the effective date of this chapter may be amended to achieve any result permitted by this chapter, regardless of what applicable law provided before the effective date of this chapter.

(b) An amendment to the declaration, bylaws, condominium map or other constituent documents authorized by this section shall be adopted in conformity with any procedures and requirements for amending the instruments specified by those instruments or, if there are none, in conformity with the amendment procedures of this chapter. If an amendment grants to any person any rights, powers, or privileges permitted by this chapter, all correlative obligations, liabilities, and restrictions in this chapter also apply to that person.

Real Estate Commission's Comment

- 1. UCIOA §1-206 is the source of this section.