

From the Courts...

★★★★ A homeowner who repeatedly sends abusive, harassing and vulgar emails and letters, and disrupts meetings of the homeowners of the homeowners association, may be prohibited from sending such communications and engaging in disruptive conduct, according to a recent ruling of the Maryland Court of Special Appeals.

The Maryland appeals court rejected a homeowner's contention that a trial court injunction interfered with a claimed constitutional right to communicate with the homeowners association manager and board members.

Applying the "fighting words" doctrine, long recognized by the United States Supreme Court as a speech not protected by the First Amendment, the Maryland appeals court ruled that an injunction was appropriate to prohibit a homeowner from engaging in abusive and threatening communications regarding association matters. The injunction did not bar all communications by the homeowner or prohibit attendance at association meetings, so long as the homeowner was not abusive or threatening. *Davis v. Seneca Crossing*, decided August 31, 2009.

★★★★ The Maryland Court of Appeals ruled that "the Maryland Condominium Act does not require the Council of Unit Owners to repair or replace property of an owner in an individual condominium unit after a casualty loss". The basis of the court ruling is its conclusion that the Condominium Act requires the unit owner to make all repairs to the unit regardless of the cause of the damage.



The court further concluded that "the master insurance provision was intended to cover only damage sustained to the common elements or the structure of the condominium" and the master policy is not meant to insure each owner's property or individual unit. The court's decision is contrary to the long-standing interpretation of the Act by managers, attorneys and insurance professionals regarding master insurance coverage for units. (The [Anderson v. Gables on Tuckerman Condominium](#), decided April 15, 2008).

In response to this court decision, the insurance provisions of the Maryland Condominium Act have been amended. The new law took effect June 1, 2010. [See New Laws and Legislation.](#)