

# **LAW ON THE CONDOMINIUM OWNERSHIP MANAGEMENT**

*In force from 01.05.2009*

*Prom. SG. 6/23 Jan 2009, amend. SG. 15/23 Feb 2010, amend. SG. 8/25 Jan 2011, amend. SG. 57/26 Jul 2011*

## **Chapter one. GENERAL PROVISIONS**

### **Section I. Subject-matter of the Law**

#### **Scope of the Law**

Art. 1. (suppl. – SG57/11) This Law regulates the public relations, related to the management of the common areas of the condominium ownership, as well as the rights and duties of the owners, users and occupants of separate premises or parts of them.

#### **Special regime of the condominium management**

Art. 2. (1) The management of the common areas of buildings in regime of condominium ownership, built in a housing estate of closed type shall be done by a written agreement with notarized signatures of the investor and the owners of separate premises.

(2) (suppl. – SG57/11) The agreement under Para 1 shall be entered by the investor in the Registry Agency into the account of the separate premises and shall be opposed of its following transferee.

#### **Exceptions**

Art. 3. (amend. – SG 57/11) For the management of the common areas of condominium ownership regime, in which the separate premises are up to 3 and belong to more than one owner, the provisions of Art. 30, par. 3, Art. 31, par. 1 and Art. 32 of the Law on the Ownership shall be applied.

#### **Definition of the belonging areas**

Art. 4. (1) In case of restructuring of residential areas with estate buildings and in the cases where a condominium may not be separated in a separate regulated land estate under the Law on the Spatial Planning, a belonging area to the building shall be fixed.

(2) In the cases of Para 1 the belonging area shall be fixed by the Mayor of the Municipality by his initiative or by a request of the persons, interested under a procedure, provided by an order of the Minister of the Regional Development and Public Works.

(3) With fixing the belonging area, the Mayer of the Municipality shall issue an order with and attached plan, which shall fix the borders and the purpose of the area.

(4) The fixed belonging area shall be given for maintenance and usage by the relevant condominium under the terms and conditions, provided by an Ordinance of the Municipality Council.

## **Section II.**

### **Rights and Obligations of the Owners, Users and Occupants of Separate Premises or Parts of Them (Title suppl. – SG 557/11)**

#### **Rights of the owners, users and occupants (Title suppl. – SG 57/11)**

Art. 5. (1) The owners of separate premises under condominium ownership regime, called hereinafter "owners", shall have the right to:

1. use the condominium according to their function
2. participate in the management of the condominium.

(2) (new – SG 57/11) The users of a building in a regime of condominium shall have their right referred to in par. 1, item 1 and shall participate in the condominium management, except for taking decisions under Art. 11, par. 1, item 7 and item 10, items "a", "b", "c", "d", "g" and "j", unless otherwise agreed upon between the owner and the user.

(3) (new – SG 57/11) Unless otherwise agreed upon between the owner and the user and there are disagreements between them, the owner shall participate in voting.

(4) (prev. par. 2 – SG 57/11) The occupants in the condominium shall have the right under Para 1, p. 1, as well as to participate in the condominium management with a deliberative voice.

#### **Duties of the owners, users and the occupants (title suppl. – SG 57/11)**

Art. 6. (1) The owners shall:

1. (suppl. – SG57/11) not hinder the other owners, users and occupants to use the common areas of condominium;
2. not cause damage to other premises and to the condominium;
3. not occupy common areas of the condominium;
4. (suppl. – SG57/11) not perform in their separate premise or in part of it activities, which would disturb the other owners, users and occupants to a greater extend, than the usual one;
5. not perform activities in their separate premise or in part of it, through which premises, areas or parts of them, intended for common use would change; not change the architecture appearance, the bearing walls, the stability of the building construction, the fire safety or the safe usage of the condominium;
6. implement the requirements of the legislative acts while keeping animals in their separate premises and not cause disturbance to their close neighbours;
7. not violate the good manners;
8. implement the decisions of the management bodies of the condominium;
9. (amend. – SG 57/11) pay the expenses for repair, reconstruction, modification and renovation of common areas in the building, replacement of common systems or equipment and the installments, allocated for "Repair and renovation" fund, pro rata to the possessed shares in them;
10. (amend. – SG 57/11) pay the cost of management and maintenance of the common areas of the building;
11. observe the sanitary hygiene regulations;
12. (amend. – SG 57/11) provide access in their separate premise or in part of it for performing the needed research, design, measurement, building and construction works, related to the maintenance, repair, reconstruction, modification or renovation of common areas or of other premises and for inspection of the condition of systems or structural components of the building;

13. assist the activity of the competent bodies while doing fire-extinguishing or accident-safety activity inside and in the surroundings of the building;

14. compensate the damages, caused to other premises in the building, in cases where they result from removal of damages in their own premises or part of them;

15. use the common areas of the condominium, as provided by the Rules of Internal Order;

16. (amend. – SG 57/11) enter in to the condominium book the members of their households and the occupants;

17. perform other duties, provided by the Rules of Internal Order.

(2) (new – SG 57/11) The users of separated facilities in a building in a regime of condominium shall have the obligations referred to in par. 1, except for those, referred to in par. 1, item 9, unless otherwise agreed upon between the owner and the user.

(3) (prev. par. 2, amend. – SG 57/11) The occupants of the condominium shall have the obligations under Para 1, with the exception of these, under par. 1, item 9.

### **Condominium book (title amend. – SG 57/11)**

Art. 7. (1) (amend. – SG 571 A condominium book shall be produced, kept and maintained in every condominium or in each entrance of the condominium.

(2) (amend. – SG 57/11) The following shall be recorded in the book:

1. the separate facility – purpose of use and built-up area;

2. shared parts of the facility and common parts of the building (in percentages);

3. forename, father's name and family name of the owner or of the user – for natural persons, and in cases, where the owner or the user is a legal entity or a sole trader – the name, BULSTAT code or Unified Identification Code (UIC);

4. forename, father's name and family name of members of the household, living together with the owner and/or the user;

5. period, during which the persons referred to in item 3 and 4 do not use the separate facility;

6. forename, father's name and family name of occupants, temporarily residing in the facility on a separate legal grounds for more than 30 days, the check in date and the check out date;

7. the agreed between the owner and the user rights and obligations regarding the management of building common parts.

(3) (amend. – SG 57/11) Every owner or user shall be obliged within 15 days after acquiring the right to ownership or enjoyment to record in the condominium book the information referred to in par. 2, respectively the amended particulars. The occupant shall record within the term referred to in sentence one the information referred to in par.2, item 6.

(4) (amend. - SG 8/11, in force from 25.01.2011; suppl. – SG 57/11) Access to the information in the book shall have the Managing Board (Manager), the Control Board (Controller) , the owner in reference to his/her data, as well as the bodies of the Ministry of Interior, the Ministry of Regional Development and Public Works, the Municipality or the regional administration and the Bulgarian Safety of Foods Agency subject to compliance with the provisions of the Law for the protection of personal data.

(5) (revoked – SG 57/11).

(6) (amend. – SG 57/11) In a separate individual field of the condominium book each owner, user or occupant shall enter the animals, who are owned, or kept by them, and who are taken out in public places, and for gods – also the number of the pet passport/

(7) (amend. – SG 57/11) The form of the condominium book with instructions for its

production, keeping and maintenance shall be approved by the Minister of Regional Development and Public Works.

## **Chapter two. MANAGEMENT OF THE CONDOMINIUM**

### **Section I. General Provisions**

#### **Scope of management**

Art. 8. (1) (suppl. – SG 57/11) The management shall cover the procedure and control over usage and maintenance of the common areas and observance of the internal order in the condominium ownership regime, as well as the control over the obligation implementation of the owners, the users and the occupants.

(2) In cases, where the building has more than one entrances, management may be done in each of the entrances.

#### **Forms of management**

Art. 9. (amend. – SG 57/11) The forms of the condominium management are the General Meeting and/or an owners' association.

### **Section II. General Meeting of the Owners**

#### **Management bodies**

Art. 10. The management bodies shall be:

1. General Meeting;
2. Managing Board, (Manager).

#### **Powers of the General Meeting**

Art. 11. (1) The General Meeting shall:

1. adopt, amend and supplement the Rules of Internal Order;
2. elect and dismiss members of the Managing Board (Manager) , as well as a cashier;
3. elect and dismiss members of the Control Board (Controller);
4. adopt an annual budget for the receipts and costs and approve the annual reports of the Management board (Manager) as well as of the Control Board (Controller);
5. determine the amount of the money installments for the costs on the management and maintenance of the condominium;
6. (revoked – SG 57/11);
7. determine the money installments in the Repair and Renovation Fund;
8. adopt a plan for implementing repairs, reconstructions, reorganizations and other activities in the common areas of the condominium, including for implementing the prescribed measures in the report for the technical passport or other prescriptions of the competent bodies, as well as approve the annual report of the Managing Board (Manager) for its implementation;

9. adopt amendments of the plan for repairs, where unpredicted costs occur;

10. adopt decisions for:

a) expenses, needed or urgent for the maintenance or reconstruction of the common areas, for useful costs, as well as for determining the amount of the costs for the implementation of the instructions of the technical passport;

b) renting or granting free usage of the common areas of the condominium, while observing the regulations of the fire and accident safety;

c) (amend. – SG 57/11) renovation of the building;

d) undertaking preparatory actions for establishing right to usage, building, additional storey, extension, or change of the function of common areas, while observing the requirements of the current special legislation;

e) placing advertisements or technical equipment on the building;

f) (suppl. – SG 57/11) eviction from the building of an owner, an user or an occupant under the provision of Art, 45 of the Law on the Ownership for a certain period of time, but not longer than 3 years;

g) (amend. – SG 57/11) the cases, where this is provided in regulating acts, related to water supply, electrical power supply, central heating, gas supply, sanitation standards and provision of other services;

h) creating conditions for access to the condominium of disabled people;

i) using the common areas of the condominium and its area in cases of disputes, as well as observation of the internal order and the sanitary-hygienic rules;

j) (revoked – SG 57/11);

k) (new – SG 57/11) connection of the building to the central heating and gas supply system and for termination of central heating and gas supply in the condominium;

l) (new – SG 57/11) other issues, related to the management of the common parts;

11. be able to adopt decision for assigning activities on the maintenance of the common areas of the condominium to a legal or natural person for remuneration, defining concrete powers of the Managing Board (Manager) , which may be assigned for implementation to these persons;

12. (amend. – SG 57/11) be able to adopt a decision for management of the common parts for getting of:

a) credits for carrying out a required or emergency repair;

b) credits for making useful expenses;

c) grants and subsidies;

13. be able to adopt a decision for waiving financial debts, as well as for postponing or dividing them into installments;

14. may authorize the Managing Board (Manager) to adopt a decision for urgent repairs or costs, which cannot be postponed;

15. (new – SG 57/11) be able to adopt a decision not to elect a Control body or a Controller.

(2) The General Meeting shall not be able to refuse to adopt decisions for costs, which are needed for the maintenance or for the reconstruction of the common areas of the condominium.

(3) The General Meeting shall adopt Rules of Internal Order of the condominium ownership.

(4) (suppl. – SG 57/11) The adopted decisions of the General Meeting shall also bind new owners, users and occupants of separate premises in the condominium ownership.

(5) The Minister of the Regional Development and Public Works shall issue a sample of Rules of Procedure.

### **Initiative for calling the General Meeting**

Art. 12. (1) The General Meeting shall be called at least once a year, by:

1. The Managing Board (Manager);
2. The Control Board (Controller).

(2) The General Meeting may be called upon a written request of the Owners, who have at least 20% shares of the condominium common areas.

(3) The request upon Para 2 shall be made to the Managing Board (Manager) , who shall call the General Meeting within 10 days after receiving it.

(4) (amend. – SG 557/11) In cases, where the Managing Board (Manager) fails to call the General Meeting with the term, provided by Para 3, the General Meeting shall be called by the owners under par. 2 following the procedure, provided by this law.

(5) (new – SG 57/11) The General meeting may be called by every owner or user in emergency cases or where more than one year has expired after the last conducted General meeting.

(6) (prev. par. 5, amend. – SG 57/11) In cases where a new condominium ownership has been established, the first General Meeting shall be called within 6 months after its establishment by owners of separate premises, who have at least 20% shares of the common areas. In cases, where the General Meeting has not been called within the indicated term, it may be called by every owner or user.

### **Terms and conditions for calling the owners' General Meeting**

Art. 13. (1) (amend. – SG 57/11) General Meeting shall be called by a notification letter, signed by the persons, calling the General meeting, which shall be displayed in a visible and accessible place at the entrance of the building minimum 7 days prior to the scheduled date of the meeting, and in emergency cases – minimum 24 hours in advance. The date and the time must be indicated obligatorily in the notification letter by the persons, calling the General meeting, whereas Minutes shall be issued thereof.

(2) (amend. – SG 57/11) Owners or users, who are not using their separate facility or will be absent for more than one month, shall notify in writing the manager of the chairman of the Managing board, and shall indicate email address and mailing address, to which the notification letters for calling General meetings shall be sent, and also a telephone number.

(3) (amend. – SG 57/11) The notification referred to in par. 2 calling a General meeting may be done by verbal information about the content of the notification letter, which shall be confirmed by the signature of the persons, calling the General meeting, or by sending a notification letter to an address, including in an email, if such addresses have been provided.

(4) In cases, where the person referred to in par. 2 has failed to provide email address or mailing address, to which notification letters calling a General meeting are to be sent, as well as a telephone number, he/she shall be deemed duly notified of calling a General meeting pursuant to the provision of par. 1.

(5) (amend. – SG 57/11) Where the separate facility is municipality or governmental property, the municipality mayor or the respective body, authorized to manage the property, shall communicate in writing the information referred to in par. 2 to the manager or to the chairman of the Managing board. In this case the provisions of par. 3 and 4 shall apply.

(6) (revoked – SG 57/11).

(7) The invitation shall contain the General Meeting agenda, the date, time and place of its holding.

(8) Unless in urgent cases, the General Meeting may be called during:

1. (revoked – SG 57/11);
2. official holidays;
3. days, announced by the Board of Ministers as holidays.

### **Representation in the General Meeting**

Art. 14. (1) (amend. – SG 57/11) An owner or a user, who cannot participate in the General Meeting, may authorize an adult member of his/her household, who is registered in the condominium book or another owner to represent him/her. Authorization may be done verbally at the same or at a previous session of the General meeting, which shall be recorded in the Minutes of the meeting, or in writing.

(2) In cases, where owners of the condominium are also municipalities, the state or legal persons, the authorization shall be done by the Mayor, the regional Governor, the relevant Minister or the managing bodies of the legal persons.

(3) (amend. – SG 57/11) An owner or a user may authorize in writing also another person, who shall represent him/her, with certification of the signature by a notary public or by an attorney-at-law by a written power of attorney.

(4) (suppl. – SG 57/11) One person may represent maximum 3 owners and/or users.

(5) Participation of an authorized person shall be written in the protocol of the General Meeting, and a copy of the authorization shall be attached to it.

### **Quorum for holding the General Meeting**

Art. 15. (1) (suppl. – SG 57/11) The General Meeting shall be held if owners of at least 67% shares of the common areas of the condominium ownership or their representatives are present in person at the meeting, except for the cases referred to in Art. 17, par. 2, item 1 – 4.

(2) (amend. – SG 57/11) If the Meeting cannot be held at the time, indicated at the invitation because of lack of quorum under Para 1, the meeting shall be postponed with an hour, then it is held under the preliminary announced agenda, and shall be deemed legal, provided that minimum 33 per cent of the shares of the common parts of the condominium are presented thereon.

(3) (new – SG 57/11) Where in cases referred to in par. 2 the required quorum is missing, the meeting shall be held on the next day, and if it is a day off or an official holiday, on the next work day, at the time and place, indicated in the notification letter referred to in Art. 13, par. 1 for calling a General meeting. If the required quorum referred to in par. 1 is missing, the meeting shall be held under the preliminary announced agenda and it shall be deemed legal, notwithstanding the number of shares of the common parts of the condominium presented thereon.

### **Holding the General Meeting**

Art. 16. (1) The General Meeting shall be held at an appropriate place in the condominium ownership, its belonging area or at another place, close to it.

(2) The General Meeting shall be represented by the Chairperson or another member of the Managing Board or the Manager.

(3) The General Meeting of the owners shall not be able to adopt decisions on issues, outside the preliminary announced agenda, unless in cases of urgency.

(4) Records shall be kept during the General Meeting. The recorder shall be elected

with a general majority upon proposal by the chairing person.

(5) The record shall contain the date and the place of holding the General Meeting, the agenda, the present persons and the common areas of the condominium ownership, which they represent, the essence of the statements, the proposals and the decisions taken.

(6) The records shall be drafted within 7 days after the meeting and shall be signed by the chairperson and the recorder. In case of any refusal of signing the records, this shall be written down in it.

(7) (amend. – SG 57/11) The Chairperson of the Managing Board (Manager) within the term referred to in par. 6 shall display in a visible and accessible place at the entrance of the building an announcement for drawing the minutes up. A protocol shall be drawn up for the displaying of the announcement by the Chairperson of the Managing Board (Manager) and one owner, user or occupant, indicating the date, the time and the place of displaying of the announcement. A copy of the protocol shall be submitted to the owners, users or occupants upon request.

(8) (revoked – SG 57/11).

(9) (amend. and suppl. – SG 57/11) Every member of the General Meeting may object the contents of the record, including the validity of the written decisions in it. The objection shall be done in writing to the Managing Board (Manager) within 7 days after the announcement under Para 7, but not later than a month, in cases where the owner, the user or the occupant has been absent.

### **Adopting decisions of the General Meeting**

Art. 17. (1) The owners have a voting right, corresponding to the owned by them shares of the condominium common areas.

(2) The General Meeting of the owners shall adopt decisions:

1. (amend. – SG 57/11) for undertaking actions for additional storey and extending, for establishing right to use or right to construction and for modification of the purpose of use of the common parts – by 100 per cent of the shares of the common parts;

2. (amend. – SG 57/11) for evicting from the building of an owner or a user under the provisions of Art. 45 of the Law on the Ownership for a specific term, however not exceeding three years – by a majority of at least 75 per cent of the shares of the common parts, remaining after deduction of owner's or user's shares; the owner or the user, who is concerned by the decision, shall not participate in the vote; for evicting from the building of an occupant the decision shall be taken by a majority of minimum 75 per cent of the shares of the common parts;

3. (amend. – SG 57/11) for useful expenses and for getting credits - by a majority of minimum 75 per cent of the shares of the common part;

4. (new – SG 57/11) for releasing from financial liabilities, and also for deferred payment or payment in installments – by a majority of minimum 75 per cent of the share of the common parts;

5. (new – SG 57/11) for renovation, for carrying out of a general repair and for usage of money from the funds of the European Union and/or from the state or municipal budget, grants and subsidies and/or own funds or other sources of financing – by the majority of minimum 67 per cent of the shares of the common parts;

6. (new – SG 57/11) for installation of advertising and technical facilities on the building, for connection of the building to the central heating, water supply, electrical power supply and gas supply systems and for disconnection of central heating and gas supply in the condominium - by a majority of minimum 67 per cent of the shares of the common parts.

(3) Apart of the cases under Para 2, the decisions shall be adopted by a majority of at least 50% of the represented shares of the condominium ownership common areas.

(4) (new – SG 57/11) Where in the documents of ownership of separate facilities in buildings in a regime of condominium no respective shares of the common parts of the building are described, for the purposes of this present law the shares of each separated facility shall be calculated as a ratio between the sum of the area of the separated facility and the storage premises attached to the facility, divided by the sum of the area of all separated facilities and the attached storage premises, and the number so obtained shall be transformed in percentage.

(5) (new – SG 57/11) Pursuant to the provision of par. 4 the shares of the common parts shall be determined based on the information provided by the owners or the information referred to in Art. 23, par. 1, item 10, in cases where:

1. the sum of percentages of owner's shares in the common parts of the building is not equal to 100;

2. the management is provided for each individual entrance, and the sum of percentages of owner's shares in the common parts in the entrance is not equal to 100.

(6) (new – SG 57/11) The determined shares pursuant to the provisions of par. 4 and 5 shall be approved by a resolution of the General meeting by a majority of minimum two third of the separate facilities in the building or in the entrance. The General meeting may refuse to approve the determined shares only if there is a mistake in the calculations.

(7) (amend. – SG 15/10; prev. par. 4, amend. – SG 57/11) The General meeting by a majority of more than 50 per cent of the shares of the common parts may decide to adopt the following decision by a majority of more than the half of the number of individual facilities:

1. adoption, amendment and supplementation of the internal rules;

2. election and discharging of members of the Managing board (the Manager) and the fees collector;

3. election and discharging of members of the Control body (the controller);

4. determination of the amount of the cash fees for the expenses for management and maintenance of the common parts of the building;

5. provision of conditions for access to the condominium to people with disabilities;

6. use of the common parts of the building and the attached areas in case of occurring disputes, and for compliance with the internal rules and sanitation norms.

### **Holding joint General Meeting**

Art. 18. (1) In cases, where an issue, related to common areas of 2 or more condominium ownerships has to be solved, a joint General Meeting may be held, for the participation of which the condominium ownerships elect an equal number of representatives.

(2) The joint General Meeting shall be called upon the initiative of the Managing Board (Manager) of one of the condominium ownerships and shall be held under the general rules for holding a General Meeting, as provided by this Law.

(3) The decisions shall be adopted by a two third majority of those present.

### **The Managing Board (Manager)**

Art. 19. (1) The executive body of the condominium ownership shall be the Managing Board (Manager).

(2) Managing Board shall be elected for the term of up to 2 years.

(3) The Managing Board shall consist of odd number of members, determined by a

decision of the General Meeting, and at least of 3 persons.

(4) The Managing Board members shall elect a chairperson out of their staff.

(5) (amend. – SG 57/11) The Managing Board members may be owners or users. As a member of the Managing board (a Manager) may be elected also a person, nominated by the owner, living in the building and registered in the condominium book, as well as a person, nominated by the person representing the legal entity or the sole trader, where separate facilities are owned by legal entities or sole traders.

(6) The mandate of the Managing Board member (Manager) may be terminated ahead of the mandate term in cases where there is failure of the obligation fulfillment only by a decision of the General Meeting.

(7) (suppl. – SG 57/11) Upon a General Meeting decision, the Managing Board members (Manager) and the fees collector may receive remuneration.

(8) (new – SG 57/11) By a decision of the General meeting, adopted by a majority of more than 50 per cent of the shares of the common parts of the condominium, the powers or a part thereof of the Managing board (the Manager) may be assigned to natural persons, who are not owners. The assignment agreement shall be concluded by a person authorized by the General meeting.

### **Obligation to participate in the management**

Art. 20. (suppl. – SG 57/11) An owner or a user may refuse to be a member of the Managing Board (Manager) or a member of the Control Board (Controller) only in cases of long-term factual disability because of illness or long-term absence during the corresponding year, as well as upon proposal for a second election.

### **Election of Managing Board (Manager)**

Art. 21. (1) Election of a new Managing Board (Manager) shall be held on not later than the date of expiry of the mandate, under Art. 19, Para 2.

(2) The Managing Board (Manager) shall continue to perform his/her duties until a new Managing Board (Manager) has been elected.

(3) (revoked – SG 57/11).

### **Meeting and quorum of the Managing Board**

Art. 22. (1) The Managing Board shall hold meetings at least once every 3 months and shall adopt decisions with a general majority, if two thirds of its members are present.

(2) Records shall be kept for the Managing Board meeting, which shall be signed by the members present.

### **Powers of the Managing Board (Manager)**

Art. 23. (1) The Managing Board (Manager) shall:

1. organize the implementation of the General Meeting decisions;
2. follow the observance of the internal order of the condominium ownership;
3. (suppl. – SG 57/11) keep the record book, the building plan and as-built drawings, the book for the incoming and outgoing correspondence, the building technical passport (where such exists), the revenues and expenses book, etc.;
4. prepare the annual budget for the management, maintenance and usage of the

common areas of the condominium ownership and the annual plan for repairs, reconstructions, reorganizations and other activities in the building, as well as reports for their implementation;

5. represent the condominium ownership in its relations with the local government authorities and other legal persons;

6. (amend. – SG 57/11) produce, keep and maintain the condominium book under Art. 7;

7. (amend. – SG 57/11) notify the municipal administration of the circumstances under Art. 46b and the amendments thereof;

8. (new – SG 57/11) notify in due time, following the provision of Art. 13, par. 1, the owners, users and occupants upon receipt of written notifications from the operating company, where the thermal load of the building drops under 50 per cent;

9. (new – SG 57/11) provide the information of the registered dogs in the condominium book to the respective regional directorate of food safety and to the municipality within 30 days after the registration in the condominium book;

10. (new – SG 57/11) have the right to obtain information from the Agency of Geodesy, Map making and cadastre or from the respective municipality about the area of the separate facility and of the storage premises, attached thereto;

11. (new – SG 57/11) determine the shares pursuant to the provision of Art. 17, par. 4 and 5 based on the information provided by the owners and/or the information referred to in item 10;

12. (prev. item 8 – SG 57/11) perform other powers, assigned by the General Meeting.

(2) (amend. – SG 57/11) The Managing Board (Manager) shall report with a written report before the General Meeting at the end of its mandate. The report and the Managing Board meeting records shall be announced pursuant to the provision of Art. 16, par. 7.

(3) (new – SG 57/11) The Chairman of the Managing board (the Manager) shall represent the owners and the users in the implementation of all actions, related to the usual management of the condominium. For actions for the institution of the right for use, construction, building up, attachment or modification of the purpose of use of common parts, he/she shall represent the owners, if authorized by the General meeting.

(4) (new – SG 57/11) The Chairman of the Managing board (the Manager) shall represent before the court the owners in the condominium for the claims, filed against them regarding the common parts and for the claims, filed against an owner, user or occupant, failing to fulfill a decision of the General meeting or his/her obligations under this law. For claims against third persons regarding the common parts, the Chairman of the Managing board (the Manager) shall represent the owners, if authorized by the General meeting.

(5) (new – SG 57/11) Every owner may participate in the proceedings, in which the Manager is representing the owners.

(6) (new – SG 57/11) In case of election of a new Managing board (Manager) the kept documents and the available cash funds, information about bank accounts and bank cards shall be delivered by an acceptance certificate, which shall be signed by the members of the previous Managing board (Manager), by the members of the newly elected Managing board (Manager), by the Chairman of the Control body (the Controller) and by the fees collector.

### **The Control Board (Controller)**

Art. 24. (1) ( 57/11) By a decision of the General meeting a Control Board (Controller) may be elected for a period of two years.

(2) The Control Board shall consist of odd number of members, determined by a decision of the General Meeting, and at least of 3 persons.

(3) The Control Board members shall elect a chairperson out of their staff.

(4) The Control Board (Controller) shall control the activity of the Managing Board (Manager) on the budget implementation and the General Meeting decisions about the funds expenditure of the condominium ownership.

(5)(suppl. – SG 57/11) The Control Board (Controller) shall check the cash at least once a year and shall present a report at the General Meeting about its results. In cases, where the condominium ownership has no Control Board (controller), the General Meeting shall select from the owners and the users persons, who shall do the check and report its results.

(6) The Control Board shall hold meetings at least once every 6 months and shall adopt decisions with a general majority, if two thirds of its members are present. Records shall be kept during the Control Board meetings, which shall be signed by the members present. Upon a decision of the General Meeting, the Control Board members (Controller) may receive remuneration.

(7) (amend. – SG 57/11) A member of the Control Board, controller or fees collector may be an owner or user, who is not a spouse, a member of a household, is not in actual matrimony, is not in direct or up to second indirect blood line and by law up to first line with the remaining members of the Control board, neither with the members of the Managing board or with the Manager.

(8) The mandate of a Control Board member or the Controller may be interrupted before the expiry term upon failure of performing his/her duties, only by a General Meeting decision.

(9) (suppl. – SG 57/11) The Control Board (Controller) shall report by a written report before the General Meeting at the end of his/her mandate. The report shall be presented for information to every owner, user or occupant, upon request.

(10) (new – SG 57/11) As members of the Control Board (Controller) or fees collector may be elected and nominated by the owner persons, living in the building and who are registered in the condominium book subject to compliance with the provisions of par. 7.

### **Section III. Association of the Owners**

#### **Incorporation of Association of the Owners**

Art. 25. (amend. – SG 57/11) (1) For using the money from the European Union funds and/or from the state or the municipal budget, grants and subsidies and/or use of own funds for repairs and renovation of buildings in a regime of condominium, the owners may establish an association. The association is a legal person, established under the provisions of this Law.

(2) The association may carry out also other activities, related to the management of the common parts of the condominium, including to use funds from other sources of financing, in addition to those referred to in par. 1.

(3) For the establishment of the association a constitutive meeting of the owners of separate facilities in the building in a regime of condominium shall be called. The association shall be established by owners, representing minimum 67 per cent of the shares of the common parts of the condominium.

(4) The association of owners may be established for one or for more than one entrance of the building. In this case the association shall be established by the owners, representing minimum 67 per cent of the shares of owners' shares in the common parts in the entrance(s). Where the total sum of the percentages of the owners' shares of the common

parts in the entrance(s) is not equal to 100, the provisions of Art. 17, par. 5 and 6 shall apply.

(5) The association shall be established only for the purposes of this law and shall be registered in the register referred to in Art. 44, par. 1 at the place of location of the building in a regime of condominium. The association shall be entered in the BULSTAT register.

(6) Where during the year the association is carrying out activity only under par. 1 or has not carried out any activity, the Accountancy Law shall apply.

(7) The amounts under par. 1 and 2 shall be used upon a decision of the General meeting of the association, and where all owners of separate facilities in the building or in the entrance are members therein, the decision shall be suggested for adoption also by the General meeting of the owners pursuant to the procedure referred to in Art. 33, par. 4.

### **Terms and conditions for calling a founding meeting**

Art. 26. (1) Every owner may request calling of a founding meeting and to propose a draft agreement for founding the association.

(2) (amend. – SG 57/11) The founding meeting shall be called by an invitation, which shall be displayed in a visible and accessible place at the entrance of the building as provided by Art. 13.

(3) The invitation shall contain the agenda, the place, the date and the time of the meeting. The invitation shall also contain the draft agreement for founding the association.

### **Holding the founding meeting**

Art. 27. (1) (amend. – SG 57/11) The founding meeting shall be held, if all the owners or their representatives, representing minimum 67 per cent of the shares of the common parts of the condominium, and where the association is established for an individual entrance – the owners, representing minimum 67 per cent of the shares of the common parts of the entrance.

(2) Authorization of a representative shall be done as provided by Art. 14.

(3) (amend. – SG 57/11) The founding meeting shall be chaired by an owner, elected by a majority of more than half of the represented shares of the common parts referred to in par. 1. A record keeper shall be elected upon a proposal of the chairperson.

(4) The founding meeting shall:

1. adopt a decision for founding the association;

2. (suppl. – SG 57/11) determine the name of the association. The name of the association must obligatorily contain the name of the residential place, full administrative address, and in the cities with regional division the name of the association must contain also the name of the region.

3. adopt an agreement for founding the association;

4. elect the Managing Board (Manager) and Control Board (Controller);

5. be able to define term of existing of the association.

(5) (suppl. – SG 57/11) The decisions under Para 4, p.1-3 and 5 shall be adopted unanimously by all the owners referred to in par. 1, and the decision under Para 4 shall be adopted by a majority of more than half of the owners referred to in par. 1.

(6) (amend. – SG 57/11) The records of the founding meeting and the adopted agreement for founding the association shall be drafted in two identical copies and shall be signed by all members of the association or by their representatives.

### **Agreement for incorporation of owners association**

- Art. 28. (1) The agreements for founding the owners association shall determine:
1. the name of the legal person and its address;
  2. (amend. – SG 57/11) Where the association has the scope of business under Art. 25, par. 1, it shall be established for an unspecified period.
  3. the terms and conditions for adopting decisions;
  4. the staff, mandate and the organizations of the Managing Board operation (Manager) and the Control Board (Controller);
  5. other conditions, for which the owners agree.
- (2) The unsettled issues in the agreement shall be settled with the internal Rules of Procedure.
- (3) The Minister of the Regional Development and Public Works shall confirm a sample of the agreement.

### **Registration of the association**

- Art. 29. (1) (amend. – SG 57/11) The Chairperson of the Managing Board (Manager) shall, within the term of 14 days from the founding meeting holding, submit in the corresponding municipal administration an application of entering the association in the Public register.
- (2) The application under Para 1 shall contain:
1. a list of the owners, participating in the association with their 3 names and address of the condominium ownership;
  2. copy of the records of the founding meeting, signed by the Chairperson of the Managing Board (Manager);
  3. copy of the adopted agreement, signed by the Chairperson of the Managing Board (Manager);
  4. notarized samples of signatures of the persons, representing the association.

### **Transfer and termination of membership in the association**

- Art. 30. (1) In cases of change of the ownership on separate premises, the association membership shall be transferred to the new owner.
- (2) (amend. – SG 57/11) An owner may not terminate his/her association membership in case of an approved project of condominium ownership for absorbing funds from the European Union and/or from the State or the municipal budget, a grant and subsidies or own funds for renovation of the building or parts of it.
- (3) (amend. – SG 57/11) The association membership may be terminated after expiry of the guarantee terms for performing construction. The membership shall be terminated upon filing a written declaration with notarized signature to the Managing Board (Manager).

### **The association bodies**

- Art. 31. (1) The association bodies shall be the General Meeting, the Managing Board (Manager) and the Control Board (Controller).
- (2) The association shall be represented in the relations with the local government bodies and other legal persons by the Managing Board (Manager).

### **General Meeting of the Association**

Art. 32. (1) (amend. – SG 57/11) The General Meeting of the association shall be composed by all the members of association. The participation in the operation of the General Meeting may be in person or through a representative. The authorization of a representative shall be as provided by Art. 14.

(2) (amend. – SG 57/11) One person may represent maximum three members of the association.

(3) The General Meeting shall adopt decisions for signing contracts with third persons for amendments in the agreement for founding the association and for its termination.

(4) For the other powers, initiative, the terms and conditions for the calling, holding and quorum of the General Meeting the provisions of Section II shall apply.

(5) General Meeting shall be held at least once a year.

### **Adopting General Meeting decisions**

Art. 33. (1) The owners shall have the right to a vote in the General Meeting, which corresponds to their owned shares of the common areas of the condominium.

(2) The General Meeting of the association shall adopt decisions:

1. (amend. – SG 57/11) for undertaking actions for building additional storey and extending, for founding right to usage and right to construction and for modification of the purpose of use of common parts – by all members of the association.

2. (amend. – SG 57/11) for evicting from the building of an owner or user, as provided by Art. 45 of the Law on the Ownership for a specific period of time, not exceeding three years - by a majority of minimum 75% of the represented shares in the association, remaining after the deduction of owner's or user's shares; the owner or the users, which is referred by the decision shall not participate in the vote; for evicting from the building of an occupant the decision shall be adopted by a majority of minimum 75 per cent of the represented shares in the association;

3. (amend. – SG 57/11) for making useful expenses and for obtaining of credits – by a majority of minimum 75 per cent of the represented shares in the association;

4. (new – SG 57/11) for releasing of financial liabilities, and for deferring or payment on installments – by a majority of minimum 75% of the represented shares in the association;

5. (new – SG 57/11) for renovation, for general repair and for using money from the European union funds and/or from the state or the municipal budget, grants and subsidies, own funds or other sources of financing, and also for termination of the association – by a majority of minimum 67 per cent of the represented shares in the association.

6. (new – SG 57/11) for installation of advertising or technical facilities on the building, for connection of the building to the central heating, water supply, electrical power supply and gas supply systems and for disconnection of central heating and gas supply in the condominium - by a majority of minimum 67 per cent of the shares of the common parts.

(3) (amend. – SG 57/11) Beyond the cases under Para 2, the decisions shall be taken by a majority of at least 50% of the represented shares of the owners in the association.

(4) (amend. – SG 15/10; amend. – SG 57/11) The decisions of the association shall be submitted to the General meeting of owners for adoption, where they address issues subject to the powers of the General meeting of owners and not all owners of separate facilities in the building or in the entrance are not members of the association. The Managing board (the Manager) of the association shall call a General meeting of owners pursuant to the provisions of Section II of this present Chapter. In this case the members of association shall participate in the General meeting of owners or shall nominate a representative to vote with a share equal to the shares, by which the decision has been taken in the association.

(5) (new – SG 57/11) Where the association has been established by all owners of separate facilities in the building or in the entrance, the General meeting of the association shall also have the powers of the General meeting of owners.

### **Managing Board (Manager) of the association**

Art. 34. (1) The Managing Board (Manager) shall be adopted for the term of up to 2 years.

(2) The Managing Board (Manager) shall:

1. organize the decision implementation of the General Meeting;
2. represent the association in its relation with the local government authorities and with other legal persons;
3. (revoked – SG 57/11);
4. (revoked – SG 57/11);
5. (revoked – SG 57/11);
6. (revoked – SG 57/11);
7. announce for entering the changes in the circumstances, which are to be entered in the Public register under Art. 44;
8. (amend. – SG 57/11) file an application for registration in the BULSTAT register within 7 days after the receipt of registration certificate of the association referred to in Art. 46a, par. 1;
9. exercise other powers, assigned to him/her by the General Meeting.

(3) The Managing Board shall select out of its body a Chairperson, who shall call and Chair its meetings.

(4) The provisions of Section II shall apply for the number of the Managing Board members, election of new Managing Board (Manager), holding of meetings and the quorum.

(5) (amend. – SG 57/11) As a Managing Board members (Manager) may only be elected owners or nominated by the owner person, living in the building and being registered in the condominium book. Where separate facilities are a property of legal entities of sole traders, as a member may be elected a person nominated by them.

(6) The mandate of a Managing Board member (the Manager) may be terminated before the expiry term in case of failure of fulfillment of his/her duties only by a decision of the General Meeting.

(7) (suppl. – SG57/11) With a General Meeting decision the Managing Board members (the Manager) and the bills collector may be paid remuneration.

(8) (revoked – SG 57/11).

(9). (new – SG 57/11) By a decision of the General meeting of owners and of the association the powers of the Managing board (the Manager), of the Control body (the controller) and of the bills collector may be assigned to the Managing board (the Manager), the Control body (the controller) and the bills collector may be assigned to the Managing board (the Manager), the control body (the controller) and the bills collector of the association.

(10) (new – SG 57/11) By a decision of the General meeting of the association, adopted by a majority of minimum 50 per cent of the represented shares in the association, the powers of the Managing board (the Manager) may be assigned to natural persons, who are not owners. The assignment contract shall be concluded by a person, authorized by the General meeting of the association.

(11) (new – SG 57/11) Where the association has been established by all owners of separate facilities in the building or in the entrance, the Managing board (the Manager), the Control body (Controller) and the bills collector of the association shall fulfill the powers of the

Managing board (the Manager), the Control body (the Controller) and the bills collector of the condominium.

### **The Control Board (Controller)**

Art. 35. (1) the Control Board (Controller ) shall be elected for the term of 2 years.

(2) The Control Board shall contain an odd number of members, determined by a General Meeting decision, but not less than 3 persons.

(3) The Control Board members shall elect a Chairperson out of their staff.

(4) (amend. – SG 57/11) The Control Board (Controller) shall control the activity of the Managing Board (Manager) on the budget implementation and the General Meeting decisions about the funds expenditure of the association.

(5) The Control Board (Controller) shall check the cash at least once a year and shall present a report at the General Meeting about its results.

(6) The Control Board shall hold meetings at least once every 6 months and shall adopt decisions with a general majority, if two thirds of its members are present. Records shall be kept during the Control Board meetings, which shall be signed by the members present.

(7) (amend. – SG 57/11) A member of the Control Board (Controller) and bills collector of the association may be owners, who are not spouses, members of the household, are not in actual matrimony, in a relationship in direct line or up to second indirect blood line and by law in direct line with the remaining members of the Control body, neither with the members of the Managing board. By a decision of the General Meeting of the members of the Control Board (the Controller) may be paid remuneration.

(8) The mandate of a Control Board member or the Controller may be terminated before expiry term upon failure of performing his/her duties, only by a General Meeting decision.

(9) (amend. – SG 57/11) The Control Board (Controller) shall report by a written report before the General Meeting at the end of his/her mandate. The report shall be presented for information to every owner upon request.

### **Termination of the association**

Art. 36. (1) The owners association shall be terminated:

1. with a General Meeting decision;
2. upon loss of the building or the separate entrance in a condominium ownership regime;
3. upon expiry of the term for which it was founded;
4. (amend. – SG 57/11) where the share of the represented shares drops under the required pursuant to Art. 25, par. 3 or 4.

(2) (amend. – SG 57/11) Where there is an approved project for absorption of funds under Art. 25, par. 1, the association may be terminated by a decision of the General Meeting after expiration of the project guarantee terms for performing construction and mounting works but not before 5 years after their accomplishment.

(3) (amend. – SG 57/11) The Managing Board (Manager) within 14 days after occurrence of the circumstances under Para 1, shall lodge an application in the Municipality administration for deleting the registration. In cases, where the association has been terminated upon a General Meeting decision, the application shall contain a copy of the decision, signed by the Managing Board chairman, (the Manager).

(4) (amend. – SG 57/11) Where all owners are members of the association, within 2

months after termination of the association, a General Meeting of the owners shall be called. The calling of the General Meeting of the owners shall be done as provided by Art. 12.

### **Liquidation**

Art. 37. (1) With the termination of the association, a liquidation under the Law on the Non-profit Legal Persons

(2) The liquidation shall be done by the Control Board chairperson (the Controller).

## **Section IV.**

### **Implementation and Control of Acts of the General Meeting and the Managing Board (Manager)**

#### **Implementation of the General Meeting decisions**

Art. 38. (1) (amend. – SG 57/11) The General Meeting decisions shall be implemented within the determined terms in them. In cases, where the term has not been determined, the decisions shall be implemented within 14 days after their announcement pursuant to the provisions of Art. 16, Para 7.

(2) (suppl. – SG 57/11) If an owner, a user or an occupant fails to fulfill a decision in the determined term, the Managing Board Chairperson (the Manager) may file an application for issuing an order for execution under the provisions of Art. 410, Para.1, p.1 of the Civil Procedure Code. The application shall contain a copy of the General Meeting decision.

(3) (suppl. – SG57/11) For issuing and executive order for evicting an owner, user or occupant of a separate premises or part of them, the written request shall have attached a copy of the warning under Art. 45, Para 2 of the Law on the Ownership.

#### **Preliminary execution**

Art. 39. The General Meeting may request a preliminary execution of a decision, related to expenses for a needed repair.

#### **Repeal of a General Meeting decision**

Art. 40. (1) Every owner may request a repeal of an illegal decision of the General Meeting.

(2) (amend. – SG 57/11) The application shall be filed to the Regional court, of the region where the condominium ownership is situated, within 30 days after the announcement of the decision pursuant to the provisions of Art. 16, Para 7.

(3) Filing an application shall not stop the implementation of the decision, unless the Court has ordered something else.

#### **Representation in the Court**

Art. 41. (suppl. – SG 57/11) The owners of the association shall be represented before the court by the chairperson of the Managing Board (the Manager), or by a person, authorized by them subject to compliance with the provisions of Art. 24, par. 3 and 4.

### **Procedure and jurisdiction of the court**

Art. 42. (1) The application shall be proceeded under the Civil Procedure Code.

(2) With its decision, the court shall confirm in force or repeal the decision of the General Meeting.

(3) The court's decision shall be subject to appeal under the civil Procedure Code.

### **Repealing the acts of the Managing Board (the Manager)**

Art. 43. (1) Every owner may request a repeal of an illegal act of the Managing Board (the Manager).

(2) (amend. – SG 57/11) The application shall be filed to the Regional court of the region where the condominium ownership is situated, within 14 days after the announcement subject to compliance with the provisions of Art. 16, par. 7.

(3) The application shall be proceeded under the Civil Procedure Code.

(4) The court shall confirm in force or repeal the act of the Managing Board (the Manager)

(5) The decision of the court shall be final.

## **Chapter three.**

### **REGISTRATION AND NOTIFICATION REGIME (TITLE AMEND. – SG 57/11)**

#### **Register**

Art. 44. (1) (amend. – SG 57/11) The owners' associations shall be register in the respective municipality at the place of location of the building in a regime of condominium. The Municipal or regional administration shall create and maintain a public register and shall publish on its Internet site the information referred to in par. 3, respectively the amendments thereof, within 14 days after the entering into the register.

(2) Registration and access to the register data shall not be charged.

(3) (amend. – SG 57/11) The register shall contain information about the name of the association, the address, the term for which it is established, the scope of activity, the represented shares in the association, the name and the address of the members of the Managing board (the Manager) and the form of representation.

(4) (suppl. – SG 57/11) The procedure for keeping, the access and the sample of the register shall be determined by an Ordinance of the Minister of the Regional Development and Public Works.

#### **Powers of the Municipal Administration on the register entering (Title amend. – SG 57/11)**

Art. 45. (1) (revoked – SG 57/11).

(2) (amend. – SG 57/11) In case of entering into the register of an owners' association, the municipality mayor or an official authorized by him/her shall verify whether the provisions of this law have been complied with.

(3) (amend. – SG 57/11) After the check under Para 2, the Mayor of the Municipality or the person authorized by him/her shall enter the association into the register.

(4) (amend. – SG 57/11) In cases where the body under Para 2 finds, that the given information, which is to be entered does not respond to the requirements of the Law, he/she instructs the Managing Board (the Manager) of the owners' association within 14 days to

remove the incorrect information.

(5) (amend. – SG 57/11) In cases where the incorrect information has not been removed, under Para 4, the Mayor of the Municipality shall order a motivated refusal for entering. The refusal shall be delivered to the Manager board (the Manager) of the owners' association immediately after the order, as provided by the Administrative Procedure Code.

### **Disputed refusal for entering**

Art. 46. (1) The refusal shall be subject to dispute before the Administrative Court on the territory of the condominium ownership within 7 days after its delivery.

(2) (amend. – SG 57/11) The complained shall be filed through the Mayor of the Municipality, who shall submit it immediately to the court with its attachments.

(3) The complained shall be examined under the provisions of the Administrative Procedure Code.

### **Registration Certificate**

Art. 46a. (new – SG 57/11) (1) Following entering into the register under Art. 44 the municipal administration shall issue a registration certificate of the association, containing the information referred to in Art. 44, par. 3.

(2) The form of the certificate referred to in par. 1 shall be approved by the Minister of Regional Development and Public Works.

### **Notification Obligation**

Art. 46b. (new – SG 57/11) The Manager or the Chairpersons of the Managing Boards of buildings or individual entrances in a regime of condominium shall file within one month after their election a notification to the municipal or regional administrations. The notification shall contain the name, address and telephone number of the Managing board members or of the Manager and the address of the building in a regime of condominium, as well as mailing address.

### **Obligation to submit summary information (Title amend. – SG 57/11)**

Art. 47. (1) (prev. text of Para 47 – SG 15/10; revoked – SG 57/11).

(2) (new – SG 15/10; amend. – SG 57/11) The mayor of municipality or region shall submit on an yearly basis not later than the end of March to the Minister of Regional Development and Public Works summary information about the filed notifications for the condominium referred to in Art. 46b. The mayor of the municipality shall submit on a monthly basis reference information to the Minister of Development and Public Works about the entered into the register under Art. 44 associations, containing the information referred to in Art. 44, par. 3.

## **Chapter four.**

### **REPAIR, RENOVATION, AND MAINTENANCE OF THE COMMON AREAS**

#### **General provisions**

Art. 48. (1) (amend. – SG 57/11) Repair, renovation, reconstruction and reorganization

of the common areas or replacement of common systems and equipment shall be carried out following a decision of the General Meeting of the owners.

(2) In cases of repair of the common areas, primarily shall be done the activities of the construction-technical nature for bringing the building into compliance with the measures and the instructions in its technical passport.

(3) (amend. – SG 57/11) The costs of the repair, renovation, reconstruction or reorganization of the common areas, about which there is a decision of the General Meeting of the owners, shall be distributed among the owners of separate premises in reference to their shares of the common areas of the condominium.

(4) The decision for repair, renovation, reconstruction or reorganization of the common areas of the separate condominium ownership shall be adopted by the mutual General Meeting, as provided by Art. 18.

(5) For a repair, needed for the common areas of the building, financial means shall be provided immediately, with a decision of the Managing Board (the Manager). The General Meeting shall confirm the costs made, which shall be proved by payment documents.

(6) (amend. – SG 57/11) Every owner may carry out with his/her own funds, materials and/or labor necessary repair of common parts of the building without a decision of the General thereof. The cost of the repair, made by an owner on his/her account, by a decision of the general meeting shall be reimbursed or shall be deducted from his/her installments under Art. 50, upon presentation of documents, evidencing the payments.

(7) (amend. – SG 57/11) In cases, where costs of an owner have not been reimbursed, as provided by Para 6, he/she shall have the right to file a claim against the rest of the owners.

(8) (amend. and suppl. – SG 57/11) For the maintenance of the common areas of the condominium ownership, the owners, users and the occupants of separate premises shall make monthly installments in an amount, determined by the Rules of Internal Order, or by the General Meeting decision.

### **Urgent repairs**

Art. 49. (1) In cases, where the building or a separate entrance in a condominium ownership regime need an urgent repair, financial means from the fund under Art. 50 shall be provided immediately, after a Managing Board (Manager) decision.

(2) In cases where there are not enough means in the fund under Art. 50, or the means are insufficient, the chairperson of the Managing Board (Manager) shall call immediately the General Meeting, as provided by Art. 13, Para 1 in order to adopt decision for raising funds for the repair.

(3) If the General Meeting has not been called, or it fails to take a decision under Para 2, the chairperson of the Managing Board (Manager) or the person interested shall inform the Mayor of the Municipality, or the region about the circumstances under Para 1.

(4) The Mayor of the Municipality shall perform checks and shall issue and order, which shall oblige the owners to perform the repair in due time, under Para 1. The order shall be announced to the chairperson of the Managing Board (Manager) of the condominium ownership.

(5) In cases, where the order under Para 4 has not been implemented in due time, or has been implemented preliminary, the urgent repair shall be performed by the Mayor of the Municipality or the region. In this case, on the basis of the payment documents for the costs, a warrant shall be issued in favour of the Municipality or the region for the collection of the costs, as provided by the Civil Procedure Code.

### **Repair and Renovation Fund**

Art. 50. (1) The General Meeting of the owners or the association shall establish and maintain a Repair and Renovation Fund

(2) The fund means shall be collected from:

1. (amend. – SG 57/11) monthly installments of the owners in an amount, determined by the General Meeting decision in consideration of the shares of individual owners in the common parts of the condominium, but not less than one per cent of the minimum fixed salary in the country;

2. other sources.

(3) (amend. – SG 57/11) The fund means shall be collected in an account with a special purpose, which shall be open on the name of the chairperson of the Managing Board (Manager) or of the association.

(4) The fund means shall be used for:

1. performing the activities under art. 48, Art. 49, and for equipment;

2. implementation of the measures and instructions of the technical passport of the building;

3. other expenses, determined by the General Meeting decision.

(5) The disposition with the funds on the account under Para 3 shall be done by the chairperson of the Managing Board (Manager), based on a decision about their usage, adopted by the General Meeting.

### **Cost of management and maintenance of the common parts of the condominium (Title amend. – SG 57/11)**

Art. 51. (1) (amend. – SG 57/11) The cost of management and maintenance of the common areas of the condominium shall be distributed equally according to the number of the owners, users and occupants.

(2) (amend. – SG 57/11) The costs referred to in par. 1 shall not be charged for children up to 6 years of age, neither to an owner, user or occupant, residing in the condominium for not longer than 30 days within one calendar year.

(3) (amend. – SG 57/11) By a majority of more than 50 per cent of the shares of the common parts the General meeting may decide that an owner, user or occupant, who is absent for more than 30 days within one calendar year to pay for the time of his/her absence 50% of the cost of management and maintenance referred to in Para 1. The chairperson of the Managing Board (Manager) shall be notified in writing about the absence.

(4) In cases, where under an owners General Meeting decision or of the association that in the building there will be a door-keeper, the expenses for him/her shall be distributed under the terms and conditions of Para 1 and 3.

(5) (amend. – SG 57/11) An owner or an occupant, exercising a profession or carrying out activity in a separate facility in the condominium, requiring access of foreign persons, shall pay the cost of management and maintenance of the common parts amounting to three to five times the cost, determined by a decision of the General meeting.

(6) (amend. – SG 57/11) An owner, user or occupant referred to in par. 5 shall pay the cost of management and maintenance of the common parts of the building in the amount referred to in par. 1, where an individual entrance is provided for their separate facilities.

(7) (amend. and suppl. – SG 57/11) Owners, users and occupants, who keep animals in the condominium, who need to be taken out for walks, shall pay the cost of electricity, water, heating, cleaning of the common parts and after-sale service of the lift for each animal in the

amount for one occupant.

### **Technical passport**

Art. 52. (1) For every building in a condominium ownership regime shall have a technical passport issued under the terms and conditions of the Law on the Territory Planning.

(2) The chairperson of the Managing Board (Manager) shall be obliged to keep the technical passport for an unlimited term.

(3) The technical passport shall be drawn up for:

1. finished new buildings – before bringing them into exploitation;
2. made general repairs, reconstruction and general renovation – within 6 months after their finalization;
3. existing buildings, which on the date of this Law becomes effective have been in course of exploitation – up to 31 December 2012.

### **Implementation of the measures and instructions in the technical passport**

Art. 53. (1) The measures and instruction in the technical passport shall be obligatory for the owners of separate premises.

(2) Within 3 month after issuing the technical passport, the General Meeting of the owners or of the association shall adopt decisions on the implementation of the prescribed measures and instructions.

(3) The decisions under Para 2 shall determine the amount of the needed expenses, their distribution among the owners and the term of their collection.

### **Control over the implementation of the measures in the technical passport**

Art. 54. The Mayor of the Municipality or the region shall exercise current control for the stage implementation of the measures, provided in the technical passport.

## **Chapter five.**

### **ADMINISTRATIVE PENAL PROVISIONS**

Art. 55. (1) (suppl. – SG 57/11) Owner, user or occupant in a building with a separate entrance in a condominium ownership regime, who fails to execute obligation on this law, shall punished by a fine of BGN 20 to 100, in case of a natural person, or by a property sanction of BGN 150 to 350, in case of a legal person.

(2) (suppl. – SG 57/11) Owner, user of occupant in a building with a separate entrance in a condominium ownership regime, who breaks the Rules of Internal Order in the condominium ownership and causes disturbance, greater than the usual for the other owners and/or users and occupants, shall be punished by a fine of BGN 50 to 150, in case of a natural person, or by a property sanction of BGN 200 to 500 in case of a legal person.

Art. 56. (1) Member of the Managing Board (Manager), member of the Control Board (Controller) who breaks or fails to execute his/her obligations under this law, if the committed is not a crime, shall be punished by a fine of BGN 300 to 1000.

(2) Chairperson of the Managing Board (Manager) who fails to state for entering

circumstances, which are to be entered in the public register under Art. 44, as well as the changes in them, shall be punished by a fine of BGN 100 to 500.

(3) (new – SG 57/11) A chairman of the Managing board (Manager) failing to file a notification to the municipal or regional administration under Art. 46b, shall be punished with a fine from 50 to 400 levs.

Art. 56a. (new – SG 57/11) For non-fulfillment of the obligation under Art. 44, par. 1 or under Art. 47, par. 3 the mayor of the municipality or of the region shall be punished with a fine from 100 to 500 levs.

Art. 57. (1) (amend. and suppl. – SG 57/11) The breaches shall be written down in a protocol, drawn up by the Managing board. In cases of no Managing board, the protocol shall be drawn up by the Manager and two owners and/or users. The certifying protocol shall contain information about the person, having committed the breach, description, time and date of the breach.

(2) (amend. and suppl. – SG 57/11) In cases of found breaches, committed by a member of the Managing board, (Manager), the protocol shall be drawn up by the Control Board. In case of no Control Board in the condominium ownership, the protocol shall be made by the Controller and two owners and/or users.

(3) The protocol of findings shall be drawn up in two identical copies – one for the Chairperson of the Managing Board (Manager), one for the person committed the breach and one for the Municipal or regional administration.

(4) (amend. – SG 57/11) The act for establishing the breach shall be drawn up by the Municipal or regional administration, and the penal order shall be issued by the Mayor of the Municipality or the region, or by a empowered by him/her official.

(5) (new – SG 57/11) The act for establishment the breach under Art. 56a shall be drawn up by the officials of the respective regional administration, nominated by the regional governor, and the penal decrees shall be issued by the regional governor or by an official authorized by him/her.

(6) (prev. par. 5 – SG 57/11) The establishment of the breaches, the issuing, appeal and execution of the penal orders shall be done under the provisions of the Law on the Administrative Violations and Punishments.

### **Additional provisions**

§ 1. In the meaning of this law:

1. "Separate premises in a building in a condominium ownership regime" is a separate part of a building in a condominium ownership regime with a separate functioning purpose.

2. "Belonging area to a building in a condominium ownership regime" is part of the territory of a land site with complex building, where the building is constructed in a condominium ownership regime and which included along with it or separately sites as green areas, playgrounds, car-parks etc.

3. "Residential area of closed type" is a complex, specified as a separate regulated land site, in which buildings have been constructed in a condominium ownership regime and other sites, serving the owners and occupants, while observing the requirements of controlled

access for strangers.

4. "Household" represents two or more persons, living together in separate premises or in parts of them, where they have been registered at a permanent or current address, and have mutual budget, notwithstanding their relative connection.

5. (suppl. – SG 57/11) "Occupants" are natural or legal persons, who are not owners or users of separate premises in a building in a condominium ownership regime, but live in them on another legal grounds.

6. (new – SG 57/11) "Users" are natural persons or legal entities, holding real right of use on somebody else's thing, a separate facility in a building in a regime of condominium.

7. (prev. item 6, suppl. – SG 57/11) "Direct neighbours" are owners, users or occupants of separate premises, which are situated at the same floor under, or above the corresponding premises.

8. (prev. item 7 – SG 57/11) "Needed repair" is an activity for bringing the building, the common areas, installations or parts of them into compliance with the legal requirements for technical suitability of the building and the installations, including the roofs for removal of the obstacles or inconveniences for the normal usage of the building and the separate premises in it.

9. (prev. item 8, suppl. – SG 57/11) "Urgent repair" is an activity for prevention of the building destruction, of its construction elements, common areas, installation or parts of them, as well as for removal of significant damages and deformations, leading to danger for the life and health of the owners, the users, the occupants and other persons, to damages of the environment and the neighbouring buildings.

10. (new – SG 57/11) "Renovation" are construction and installation works, related to the implementation of any of the essential requirements referred to in Art. 169, par. 1 and 2 of the Law for the spatial planning, which are carried out during the operation and involve structural components of the building, fencing structures and/or components of buildings, facilities and/or components of the technical infrastructure – heating, ventilation, air conditioning, electrical, water supply, sewage and other systems.

11. (prev. item 9, amend. – SG 57/11) "Cost of management and maintenance" is the cost of consumables, needed for the management, for the remuneration of the members of Managing and control boards and for the fees collector, and also for electricity, water and heating bills, for cleaning, after-sale service of the lift and other expenses, needed for the management and maintenance of the common areas of the building.

12. (prev. item 10, suppl. – SG 57/11) "Useful costs" are those, which raise the value of the building after reconstruction and repair of the common areas, which are not legally required and are beyond the expenses for a needed or emergency repair and for renovation.

13. (prev. item 11, amend. – SG 57/11) "Maintenance of the common areas" is an activity, directed to keeping ally required the common areas in a good state.

14. (prev. item 12. – SG 57/11) "Reconstruction of the common area of the building" is an activity, after which the function of the site may be changed with, or without execution of building and mounting works.

15. (prev. item 13, suppl. – SG 57/11) "Long-term absence" is absence of an owner, user or occupant without interruption, which is longer than 3 months.

16. (new – SG 57/11) "Emergency case" is presence of facts or circumstances, causing reasons for destruction of the building or of neighbouring or closely located buildings, of their structural components, common parts, systems or parts thereof or for such a damage of the building or of neighbouring or closely located buildings, of their structural components, common parts, systems or parts thereof, which prevents the normal use of the building or of separate facilities therein, and also the existence of facts and circumstances resulting in

hazard for the life and health of the owners, occupants and other persons.

### **Transitional and concluding provisions**

§ 2. In cases where there has not been called a General Meeting for more than a year, calling of such a meeting and entering in the owners book shall be done within 6 months after the enforcement of the law.

§ 3. The Mayor of the Municipality of the region, within 3 months after expiry of the term under § 2, shall organize holding of General Meetings and election of managing bodies in the buildings with condominium ownership regime, where such meetings have not been called and no such bodies have been elected, because of lack of initiative of the owners and the occupants of the corresponding condominium ownership.

§ 4. The Municipalities, on the territories of which there are buildings in a condominium ownership regime shall envisage in the expense part of their budgets for the year in question the budget credits for funding the activities under Art. 49, Para 5.

§ 5. For issues, not regulated by this Law, the Law on the Ownership shall be applied.

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§ 11. By 31 March, 2009, the Minister of the Regional Development and Public Works shall issue the legislative acts on the application of this Law.

§ 12. The implementation of this Law shall be assigned to the Minister of the Regional Development and Public Works.

§ 13. This Law shall come into force on 1 May, 2009.

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This Law has been adopted by the 40th National Meeting on 13 January 2009, and has been sealed with the official stamp of the National Assembly.

### **Transitional provisions TO THE LAW ON THE CONDOMINIUM OWNERSHIP MANAGEMENT**

(PROM. – SG 15/10)

§ 4. The convening of the general meeting of the condominium ownership, the entry into the book of the owners and the submission of an application for entry into the register under Art. 44 shall be made by 30 June 2010.

§ 5. Within 6 months from expiry of the time limit under § 4 the mayor of municipality or region shall organize the convening of general meetings and election of governing bodies in the buildings under condominium ownership regime, if such general meetings have not been convened.

§ 6. The mayor of the municipality or region shall submit to the Minister of Regional Development and Public Works a reference of the registered buildings and entrances under condominium ownership regime within one month from the expiration of the time limit under § 5.

**Transitional and concluding provisions  
TO THE ALW ON THE BULGARIAN SAFETY OF FOODS AGENCY**

(PROM – SG 8/11, IN FORCE FROM 25.01.2011)

§ 30. This Law shall enter into force from the day of its promulgation in the State Gazette.