

Maryland LAC Spikes So-Called Freedom of Speech Bill

Maryland LAC members pull out all the stops to block passage of [Senate Bill 212](#) (SB212), a bill that would have gutted association rule enforcement and required associations to allow non-residents access to private association property for “Non-Commercial” purposes. The bill died on the floor of the Senate by just four votes.

Introduced by Republican Senator Alexander Moody and supported by the ACLU, SB212 was presented to legislators as “restoring the Constitutional rights of expression for residents who live in community associations.” The problem with the bill is that it not only misinterpreted the Constitution, it also would have put in place some of the most invasive, anti-property rights laws in the country. Among the elements of the bill were:

- A requirement that associations must allow non-residents access to secure condominium buildings and gated communities to go door to door for any non-commercial purpose.
- A provision that would have prevented any association from enforcing or adopting rules that would ban or restrict any non-commercial sign, banner, flag or decoration.
- A requirement that landlords get permission from tenants prior to adopting any lease limitations on any non-commercial display on leased property.

What the proponents of SB212 ignored is the clearly articulated legal decisions about community associations and Constitutional rights. The fact is that by living in a community association, people are expressing their Constitutional rights, not surrendering them. This principle has been recognized by courts across the country, including the Supreme Court of New Jersey and appellate courts in Maryland, most recently in [*Committee for a Better Twin Rivers v. Twin Rivers Homeowners Association*](#).

Had the bill passed, the end result would have been to undermine association resident rights, most notably by granting third parties the right to enter the private, common elements of a community association and by limiting the rights of association residents to make agreements with each other on how to regulate their community. CAI’s Maryland LAC worked hard to remind the legislature that one person’s rights of expression end where another’s private property begins. Read the LAC’s testimony on [SB212](#).

The Maryland LAC has now turned its attention to passing a priority lien bill to help associations recoup past-due assessments in foreclosures.