



2018 End of Session Report

The Maryland Legislative Action Committee (the "LAC") was once again extremely busy during the 2018 Session of the Maryland General Assembly. As LAC Chair I am still amazed by the hundreds of collective hours that are spent by LAC volunteers reviewing bills, drafting testimony for or against, consulting with the full LAC and subcommittees, working with our lobbyists, meeting with legislators and other decision makers and testifying in Annapolis for and against bills.

We were happy to continue our intern program that allows interested persons an opportunity to participate and get a sense of how the LAC operates. Thanks to our newest interns, Vicki Caine (manager), John Taylor (board member), Aimee Winegar (manager) and Judyann Lee (attorney).

LAC member Marie Fowler helped roll out our new dollar-a-door fundraising campaign materials that we hope will help generate donations to allow the LAC to continue its strong efforts in Annapolis and maintain its relationship with its excellent lobbyist, Harris, Jones and Malone LLC (HJM). Our effectiveness, as a representative of community associations and their partners, depends not only on our volunteers but our ability to navigate the corridors of Annapolis and HJM helps us greatly in that regard.

I also want to thank those CAI members that responded to our overtures to become "LAC partners". The response has been terrific and we believe the response of some of these partners to our call for action late during this last session helped push a key LAC initiative (HB575 discussed below) through. We hope to build on this list of partners going forward and are planning a LAC Partner/Committee forum later this year (prior to the next Session).

Kudos once again to the volunteers (especially our Executive Committee of Kathleen Elmore, Steve Randol, Charlene Morazzani, Susan Rappaport and Marie Fowler) that gave so willingly and generously of their time for LAC work, which is year-round but certainly peaks in December through March of each year.

The LAC reviewed and dealt with dozens of bills that directly or indirectly impacted community associations. Most of these bills, this session, did not pass. Manager-licensing was back but failed to get out of committee as did bills attempting to make certain provisions of the condominium and homeowner association acts more comparable. A bill which would have required electric charging stations in condominiums (and limited approval authority by an association) was opposed by the LAC and defeated.

WHAT DID PASS?

CONDOMINIUMS-SUSPENSION OF USE OF COMMON ELEMENTS (HB 575) - this legislation was a LAC initiative to try and address a 2017 Court of Appeals ruling which held that in order to suspend common element privileges due to non-payment of dues, such power was required to be authorized by the declaration of a condominium association (as opposed to the bylaws, where traditionally such powers are found). Delegate Marvin Holmes worked with the LAC to introduce this bill which will allow a condominium association to amend its declaration provided that at least 60% of the owners (in good standing) agree to such an amendment. The existing law required a daunting 80% approval for declaration amendments and made no allowance for deduction for persons not in good standing. The new law will allow communities to amend

their declarations to allow, after notice, suspension of parking and recreational facilities for owners that are more than 60 days in arrears in the payment of assessments (effective *October 1, 2018*). Bill link: http://mgaleg.maryland.gov/2018RS/Chapters_noln/CH_345_hb0575t.pdf

CONDOMINIUM-CLAIMS AGAINST DEVELOPERS (HB77/SB258) - The LAC supported this bill which will restrict, for condominiums that are created after the 10/1/18 effective date, inclusion in the condominium instruments of provisions that restrict the ability of associations or unit owners to bring claims against a developer (effective *October 1, 2018*). Bill link: http://mgaleg.maryland.gov/2018RS/Chapters_noln/CH_346_hb0077t.pdf

HOMEOWNER ASSOCIATIONS-NUMBER OF DECLARANT VOTES (HB669) -The LAC supported this bill which clarifies that a developer is entitled to cast, on a homeowner association matter, a number of votes equal to the number of subdivided lots that have not been sold to the public. This bill will impact both new and existing homeowner associations (effective *July 1, 2018*). Bill link: http://mgaleg.maryland.gov/2018RS/Chapters_noln/CH_332_hb0669t.pdf

HOMEOWNER ASSOCIATIONS-DELETION OF DISCRIMINATORY OWNERSHIP RESTRICTIONS (SB621) - Believe it or not, there are still HOA restrictive covenants (albeit older) that restrict ownership based on skin color, religion etc. This law, which the LAC supported with amendments, will empower and require that HOAs proactively act to remove such covenants (effective *October 1, 2018*). Bill link: <http://mgaleg.maryland.gov/2018RS/bills/sb/sb0621e.pdf>



Your Assistance is Needed!

The MD-LAC uses a professional, paid lobbyist as a vital and integral part of the legislative process. As volunteers, MD-LAC members significantly rely on this highly effective professional representation.

The MD-LAC receives funding from CAI National and from the local chapters. However, *these funds do not fully cover the expense for a professional lobbyist that is essential to the MD-LAC successes.*

To help fund the MD-LAC advocacy activities in 2018/2019 and beyond, donations are vital to our continued successes. **We encourage donations from Maryland community associations and individuals.** We welcome any donations — individuals, associations or companies. Donations should be made payable to CAI Maryland LAC and mailed to:

Maryland Legislative Action Committee
Post Office Box 6636
Annapolis, Maryland 21401

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