

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 1571
Judiciary

(Delegate Lee, *et al.*)

**Bar Admission Requirements - Exemption - Representation Before Boards or
Commissions on Common Ownership Communities**

This bill exempts a person representing a person in a dispute, hearing, or other matter before a board or commission established to oversee common ownership communities from the requirement of admission to the Bar of Maryland.

Fiscal Summary

State Effect: None. Exempting persons from the requirement of admission to the Bar of Maryland would not affect governmental finances.

Local Effect: None – see above.

Small Business Effect: None.

Analysis

Current Law: Current law generally prohibits an individual from representing clients in court in Maryland without being admitted to the Bar of Maryland. The following individuals are exempt from the bar admission requirement:

- a person representing a landlord in a summary ejectment proceeding;
- a law student practicing in a clinical program or an employee of a nonprofit organization representing a tenant in a summary ejectment proceeding;
- an insurance company while defending an insured through staff counsel;

- an officer of a corporation or an employee designated by an officer, a partner in a business operated as a partnership or an employee designated by a partner, or an employee designated by the owner of a business operated as a sole proprietorship appearing on behalf of a business entity in a small claims action; or
- an individual authorized by a county employee to represent the employee during a county's grievance procedure.

Background: Community associations are governed by local, State, and federal law. State statutes regulate association governance and procedures, including the Maryland Condominium Act, Maryland Homeowners' Association Act, and the Maryland Cooperative Housing Corporation Act. Generally, disputes that arise between owners and the community associations are governed by the procedures of the bylaws of the association and the courts.

Chapter 44 of 2003 authorized Charles County to establish a Homeowners' Association Commission with the authority to hear and resolve disputes between a homeowners' association and a homeowner regarding the enforcement of the recorded covenants or restrictions of the homeowners' association. The Montgomery County Commission on Common Ownership Communities, established in 1995, provides similar services for homeowners and homeowners' associations in Montgomery County.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

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mp/jr

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