

HB0331—Real Property—Cooperative Housing Corporations, Condominiums, and Homeowner' Associations—Virtual Meetings.

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I support—with amendment—HB0331 regarding virtual meetings and its clarification that meetings held via email are by their nature closed meetings.

Although virtual meetings initially became a necessity during Covid-19 quarantines, my community and others have happily seen an increase in the number of homeowners who are able to attend as a result. It has also made it easier for community managers to be able to attend without the added burden of driving out to their physical communities.

However, virtual meetings can also lead to a decrease in homeowners' ability to meaningfully participate. Sometimes Board members have used their virtual privileges to mute members of the community without warning, or to entirely end the meeting when a homeowner starts expressing views they disagree with. Sometimes Board members will disable the chat function at meetings to prevent homeowner input. If virtual meetings are to be a reasonable substitute for in-person meetings, then ensuring the right of homeowner participation is vital. HB0331 aims to do just that and therefore should be supported.

I also applaud the clarification that an email meeting held by the Board of Directors is deemed to be a closed meeting and may only be held according to those rules. When decisions regarding the business of the association are made via email then homeowners have no insight into why the decision was made, no way of objecting, and often no idea the decision even existed until it has already been implemented. Email becomes a convenient loophole for circumventing the open meetings requirement.

That said, I believe that this legislation needs to be amended to include a clear definition for what constitutes a "meeting" in the first place, which is not included anywhere in the Maryland HOA Act. This has been at the core of my own struggles with my current HOA. In an effort to come to a shared understanding, I requested that the OAG provide their definition for a meeting. In December 2022 Ms. Straughn of the OAG wrote:

"[T]he Attorney General's office considers a meeting of a homeowner's association to occur whenever a quorum of the Board gathers, formally or informally, to discuss association business regardless of whether a vote is taken or a decision is made. Meetings can be closed only when they meet one of the specified exceptions in the Homeowner's Act Section 11B-111. A closed meeting should discuss the topic allowed by the specified exception in the statute but any other matters should only be discussed in an open meeting."

Whether this precise language or something similar, a clear definition would solve a number of disagreements and lead to much more transparency. Without this clarification, unscrupulous Boards can

try to circumvent the requirement that business take place in the open by simply claiming an email exchange or informal gathering was not truly a “meeting”. This loophole needs to be closed in order to make the bill effective.

In conclusion, I urge you please vote in favor of HB0331, and to strongly consider an amendment defining a “meeting” in the Maryland HOA Act.

Thank you.