

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Environment and Transportation Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 279
Common Ownership Communities – Local Commissions -
Requirements
DATE: January 31, 2024
(2/6)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 279. The proposed bill would allow for the establishment of local commissions on common ownership communities and task local commissions to hear certain common ownership disputes. Disputes heard by local commissions may be appealed to circuit courts. Local commissions are established by the local government under county law.

While the Judiciary has no position on the policy aims of the legislation, it has concerns with the mandatory consolidation provision on page 14, lines 21 through 22. This would be problematic and takes away from the discretion of the judge.

In addition, on page 14, lines 19 through 20, court of competent jurisdiction is not defined. Is unclear whether the designation depends on the amount in controversy or whether the circuit court has exclusive original jurisdiction.

Finally, the language on pages 14 and 15 regarding appeals is unclear. It seems to infer that the appeal would be on the record on page 14 by indicating that the court shall sustain the decision of the hearing panel in certain circumstances but then goes on to indicate on page 15 that a hearing is de novo. These provisions are in direct conflict. Further, as indicated above, if the court of competent jurisdiction is the District Court, it would be unusual as the District Court does not currently conduct record appeals.

cc. Hon. Marvin Holmes, Jr.
Judicial Council
Legislative Committee
Kelley O'Connor