

Testimony to Senate Judicial Proceedings Committee
by
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on
SB0447 (Residential Owners in Common Ownership Communities Bill of Rights)

Back in 2005, the Maryland General Assembly foresaw the need to upgrade State laws that govern homeowners associations, condominiums, and cooperative housing corporations. It established the Task Force on Common Ownership Communities to prepare proposals for protecting the existing rights of homeowners in such communities and adding a few more rights to improve and fill gaps in those laws.

State Task Force advocated Bill of Rights. In its 2006 report, the original Task Force felt that there was a pressing need to create a Bill of Rights statute for residential owners of common ownership communities. It would be comparable to other bills of rights that the General Assembly has already approved, such as:

- The Property Owner's Bill of Rights
- Law Enforcement Officer's Bill of Rights
- State Correctional Officer's Bill of Rights
- Basic Rights of Patients in Comprehensive Care or Extended Care Facilities
- Rights of Individuals with Regard to Medical Care

National Uniform Law Commission advocated Bill of Rights. Then in 2008, the national Uniform Law Commission also saw an urgent need to identify and establish in state laws the basic rights that all owners in common ownership communities deserve. This Commission approved a model Bill of Rights for such homeowners for consideration by the states. The Uniform Law Commission includes lawyers from all of the states, whose purpose is to prepare model legislation designed for critical areas of state laws.

Text of Bill of Rights created. The State Task Force was re-assembled in 2021 and benefited from that model legislation as well as several other sources to prepare a Bill of Rights for owners in common ownership communities in Maryland. It was a very collegial effort, with a wide cross-section of residents as well as professionals serving on the Task Force.

Bill of Rights is a foundation. Like many other bills of rights, the description of each right is intentionally short and compact. Once approved by the General Assembly, it will serve as the foundation for more detailed laws that have a bit more legalese to actually implement each right. Identifying such rights will be very useful to our delegates and senators because it offers the general framework for subsequent laws for common ownership communities in our state.

For these very important reasons, I urge a favorable report on SB0447.