

HON. STACY A. MAYER  
CIRCUIT COURT  
JUDGE  
BALTIMORE COUNTY  
CHAIR

HON. RICHARD SANDY  
CIRCUIT COURT  
JUDGE  
FREDERICK COUNTY  
VICE-CHAIR



KELLEY O'CONNOR  
ASSISTANT STATE COURT  
ADMINISTRATOR  
GOVERNMENT RELATIONS  
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## MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

### MEMORANDUM

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 866  
Common Ownership Communities – Ombudsman Unit, Governing  
Document Database, and Local Commissions  
**DATE:** February 4, 2025  
(2/25)  
**POSITION:** Oppose, as drafted

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The Maryland Judiciary opposes Senate Bill 866, as drafted. The Judiciary has no position on the policy aims of the legislation, however, and notes its opposition only as to the particular provisions listed below on page 19.

The mandatory consolidation provision on page 19, lines 10–11 takes away necessary judicial discretion given the breadth of potential cases potentially included. The Judiciary would request that the consolidation be within the trial judge's discretion to appropriately consider the unique factors of the various cases.

In addition, on page 19, lines 8-9, "court of competent jurisdiction" is not defined. It is unclear whether the designation depends on the amount in controversy or whether the circuit court has exclusive original jurisdiction. The Judiciary believes that legislative clarification would be beneficial in that regard.

Finally, the language on page 19 regarding appeals is unclear. The language indicating that "the court shall sustain the decision of the hearing panel" in certain circumstances could be interpreted to suggest that the appeal is on the record, but the bill also provides

that a hearing is de novo. Clarification as to the manner of appeal would ensure that the court hearing the appeal, and the litigants themselves, understand the procedural posture and requirements of the hearing. Further, if the court of competent jurisdiction is intended to include the District Court, it would be unusual as the District Court does not currently conduct record appeals.

cc. Hon. C. Anthony Muse  
Judicial Council  
Legislative Committee  
Kelley O'Connor