



MONTGOMERY VILLAGE FOUNDATION, INC.

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January 25, 2021

Via email: emily.shetty@house.state.md.us

The Hon. Emily Shetty
House Office Building, Room 224
6 Bladen St., Annapolis, MD 21401

Re: HB0248 -- Composting in Common Ownership Communities

Dear Delegate Shetty:

The Montgomery Village Foundation (MVF) near Gaithersburg serves almost 40,000 people living in more than 12,000 units in 23 communities of single-family homes, townhouses, condos and apartments in Montgomery Village.

MVF provides parks, trails, recreation programs, swimming pools, and tennis courts throughout the Village, all overseen by a nine-member Board of Directors elected by the members of those communities. MVF also provides review and approval of exterior architectural changes throughout the entire community.

During each General Assembly Session, MVF monitors legislation affecting common ownership communities, and in past years has offered its insights to legislators on many subjects from governance standards in associations to nuances of real property law.

With regard to your bill on composting, we note that the bill proposes a broad prohibition of any provision in a covenant or bylaw that restricts composting. MVF has supported legislation that promotes environmentally friendly activities and energy conservation initiatives, and supports composting in communities.

However, we think HB0248 would be improved if the absolute prohibition on *any* restriction were revised to permit an Association to restrict the location on a residential lot where composting activity could occur. This would allow Associations to direct that composting structures be placed in a rear or side yard, rather than a front yard.

One example of how an overall prohibition can be modified can be found in the Maryland Annotated Code, Real Property Article §2-119, which prevents homeowners' associations in Maryland from denying homeowners the right to install solar systems, but does allow for restrictions that are not "unreasonable." The test for unreasonable is whether the Association's action significantly reduces the efficiency of the panels, or significantly increases the cost of their installation. Worded this way, the statute has allowed MVF to develop a process for architectural approval of solar panels that includes restricting the panels to rear roofs when that location will comply with the requirements of §2-119.

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Thank you for your continued interest in issues affecting Montgomery Village.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Humpton', with a long horizontal line extending to the right.

David B. Humpton, Executive Vice President
Montgomery Village Foundation, Inc

cc: Chairman Kumar Barve
MVF Board of Directors