



THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

March 15, 2021

House Bill 1135 – Follow Up  
Environment – State Wetlands – Piers and Other Improvements

Chairman Barve, Vice Chair Stein and Members of the Environment and Transportation Committee & Environment Subcommittee.

I wanted to follow up and attempt to provide clarifying answer on some of the questions and concerns that were discussed in the Subcommittee hearing regarding **HB1135**.

1. It was stated that someone should not buy in a community if there are covenants against building a pier or making improvements.
  - I agree, and in this specific case that **HB1135** seeks to correct, there are no covenants against building a pier or making improvements.
  - It is required that you get “**written permission**” from the HOA. The HOA has granted other piers and improvements in the neighborhood as pictured in the attached diagram.
  - “Written permission” can be used to discriminate against any one homeowner for any reason and is not an equally applied measure.
  - Covenants can be applied equally to all.

The attached document shows the following:

**BLUE** - Homeowners’ property with “Riparian Rights” circled.

**RED** - Other properties within this HOA and Community with existing piers and improvements.

**WHITE** – Piers and Improvements owned by the Community HOA.

2. It was suggested that if this Bill were to pass that a homeowner could dismiss certain requirements in the approval process and the term “Improvements” could be used for things not currently permitted.
  - This Bill does not change anything in the approval process for attaining a permit through MDE, Army Corp of Engineers, State and Local Governments to name a few of the required approvals.

- All the requirements for attaining improvements or piers CANNOT be changed and **HB1135** does not aim to change any of this approval process, and you cannot elude any such requirements.
- Improvements are narrowly defined by all agencies involved and are often required for permit approvals. They include "living shorelines", "erosion control" and "bulkheads" in efforts to better protect the waterways.

As a Point of Information, I wanted to submit Illustration 2 that shows **Gibson Island** on the Magothy River.

Gibson Island is one of the examples of a Homeowners Association and Community that owns the "Riparian Rights" for the entire community as opposed to each individual homeowner owning the "Riparian Rights".

HB1135 would have no impact on neighborhoods such as Gibson Island or any neighborhood that has covenants against making improvements or building a pier because the community owns all "Riparian Rights".

**HB1135** simply seeks to eliminate an HOA's ability to arbitrarily deny certain homeowners of their ability to exercise their "Riparian Rights" through a written permission clause.

Respectfully,



Delegate Brian A. Chisholm