

HB322_CBF_SUPPORT_JPR.pdf

Uploaded by: Clark, Robin Jessica

Position: FAV



CHESAPEAKE BAY FOUNDATION

*Environmental Protection and Restoration
Environmental Education*

House Bill 322

Real Property – Restrictions on Use – Low-Impact Landscaping

Date: March 17, 2021

Position: Support

To: Senate Judicial Proceedings Committee

From: Erik Fisher, AICP, Assistant Director

Chesapeake Bay Foundation (CBF) **SUPPORTS** HB 322, which would preserve property owners' ability to install and maintain "low-impact landscaping" that filters pollution and supports clean water.

Low-impact landscaping is a popular, cost-effective way to improve water quality

"Low-impact landscaping" means landscaping techniques that conserve water, lower maintenance cost, provide pollution prevention, and create habitat for desired wild species. The use of native plants often reduces the need for application of polluting fertilizers and harmful pesticides. Low-impact landscaping is a recognized management practice that homeowners can voluntarily install to achieve these benefits while helping state and local governments meet pollution reduction targets. As described by the Maryland Department of Environment, rain gardens provide a primary treatment of stormwater and help prevent pollutants such as motor oils, metals, and pesticides from entering local streams and rivers. Cleaner tributaries deliver downstream benefits to the Chesapeake Bay.

This legislation balances aesthetic and historic interests with the benefits of environmentally friendly landscaping techniques

The bill prohibits homeowners' associations from imposing unreasonable limitations on property owners' use of "low-impact landscaping" in their own yards. HOAs would reserve the ability to manage the scale of such landscape features, and limitations to maintain the integrity of registered historic properties would remain in place.

CBF urges the Committee's FAVORABLE report on HB 322. For more information, please contact Robin Jessica Clark, Maryland Staff Attorney at rclark@cbf.org and 443.995.8753.

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The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 300,000 members and e-subscribers, including over 109,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.

HB322 Low-Impact Landscaping - Janet Crouch 3-17-2

Uploaded by: Crouch, Janet

Position: FAV

Janet Crouch

Testimony in Support of HB HB322 Real Property – Restrictions on Use – Low Impact Landscaping

My family has spent the last three years in a legal battle to save our pollinator garden and fight for our property rights. We purchased our home in Beech Creek, a Columbia outparcel (not part of the Columbia Association) in 1999 and have nurtured an environmentally friendly garden since approximately 2004. Our garden's footprint had been in place for over a decade when the Beech Creek Homeowners Association's hired law firm sent us a "Notice to Cease and Desist" letter demanding that we replace our entire garden with grass in 2017.

After nearly two years of constant anxiety and living under the threat of having our yard destroyed, we filed suit against the Beech Creek HOA in August 2019. We did not do this lightly, but only took this course of action after deciding that the board's demands were untenable. In bullying letters and court documents, the HOA's lawyer wrote that gardens with plants that help birds, butterflies and other pollinators do not belong in our community or in any planned community. Even though we pointed out that this was untrue and that the Columbia Association promotes eco-friendly pollinator gardening and that such gardens are found throughout Columbia, the Beech Creek HOA dismissed us and required that our garden be replaced with grass.

Rather than consulting the community's architectural guidelines – which contain no stipulations against gardens like ours – the HOA's demands seemed to derive directly from complaints of a single neighbor, who had launched a secret, years-long campaign against our property. The HOA ignored his initial anonymous complaints. But after the single complaining neighbor began using his high-level title ".gov" Assistant Inspector General for Investigations, Legal Services Corporation e-mail address in his communications to push for replacement of our garden with turf grass, the HOA called upon its lawyer to pursue the matter.

We realized fairly early in this saga that the Beech Creek HOA board members would not communicate with us to try to work through their concerns. This became even more apparent when the HOA's lawyer told me to "shut up" as I was chatting with a board member just prior to a so-called board hearing that he presided over and yelled at my sister to "be quiet" as she shared information about environmentally friendly pollinator gardens during the same hearing.

While numerous neighbors and visitors to the community comment on the pleasure the garden provides—with some going out of their way to walk by especially in recent months during the pandemic—the HOA sided with the lone neighbor in an effort to eradicate this butterfly oasis.

As we learned about the dangers of pesticides and fertilizers over the years, we decided to discontinue their use altogether. When we mentioned this environmentally friendly practice in one of our responses, the HOA chastised this viewpoint and stated that our "wildlife friendly" and "environmentally sensitive" yard was not welcome in our community. The HOA lawyers further stated that plants intended to filter stormwater runoff and help wildlife, including nesting birds, are "a source of annoyance." Never mind that birds, like our pollinators, are also in crisis, largely due to habitat loss. And never mind that properties all along Beech Creek Drive are adjacent to protected parkland that harbors abundant animal life that will always be a part of our whole community. "All of our parks are inhabited by a wildlife such as deer, snakes, fish, rabbits, insects and birds," note county leaders on the official Howard County web page for

Janet Crouch

Testimony in Support of HB HB322 Real Property – Restrictions on Use – Low Impact Landscaping

Cedar Lane Park, which is directly behind our property. “Please do not disturb them; remember, this is their home.”

After three long years and over \$60,000, we recently settled our case and are able to retain most of our garden with some setbacks. The HOA spent well over \$75,000 in this matter without even sharing their activities with the community. Many homeowners who find themselves in this situation would not have the resources to fight back against what they feel are wrongful HOA actions. Although we understood that fighting to save our garden and defend our property rights would require a significant financial commitment, I don't think we fully understood the emotional toll it would take. We felt an obligation to stand up not only for ourselves but for others as well. As we fought to save our garden, we connected with many others in similar situations.

The bottom line is that this should have never happened. Passing this protective legislation would help ensure that other homeowners who are just trying to do the right thing are able to do so.

HB322JP_IndivisibleHoCoMD_FAV_RichardDeutschmann.p

Uploaded by: Deutschmann, Richard

Position: FAV



HB322 – Restrictions on Use – Low Impact Landscaping

Testimony before Senate Judicial Proceedings Committee

March 17, 2021

Position: Favorable

Mr. Chair, Mr. Vice Chair and members of the committee, my name is Richard Deutschmann, and I represent the 750+ members of Indivisible Howard County. We are providing written testimony today in **support of HB322**, to eliminate barriers to low impact landscaping in our communities. Indivisible Howard County is an active member of the Maryland Legislative Coalition (with 30,000+ members).

This bill will prohibit a Homeowner's Association or other similar entity from placing unreasonable restrictions on low impact landscaping such as bio-habitats, raingardens and xeriscaping. These proven types of landscaping are shown to reduce stormwater runoff, save on fossil fuels and toxic chemicals, increase habitat for pollinators and birds, while making the soil healthier and storing more carbon deep in the ground. This in turn helps to keep our Chesapeake Bay clean and healthy, and improves our air quality right here in Maryland.

Thank you for your consideration of this important legislation.

We respectfully urge a favorable report.

Richard Deutschmann
9485 Hickory Limb
Columbia, MD 21045

HB322 - Low Income Landscaping.pdf

Uploaded by: Harbeson, Kristen

Position: FAV



MARYLAND LEAGUE
OF CONSERVATION VOTERS

**Maryland League of
Conservation Voters**

Lynn Heller, Board Chair
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marylandconservation.org

March 17th, 2021

Support HB0322: Real Property - Restrictions on Use - Low-Impact Landscaping.

Dear Chairman Smith and Judicial Proceedings Committee,

Maryland LCV supports HB0322: Real Property - Restrictions on Use - Low-Impact Landscaping, and we thank Delegates Hill and Feldmark for their leadership on this issue. Urban polluted runoff from our streets and neighborhoods is the one source of pollution flowing into the Chesapeake Bay that is still growing. Reducing polluted runoff from residential areas is an important part of the Chesapeake Bay Blueprint, Maryland's Watershed Implementation Plan, and jurisdictions' Clean Water Act permits.

Our urban areas and counties are required to treat and reduce significant amounts of this pollution, but often find it challenging to find sufficient locations to install the best management projects that filter pollution. In some cases, counties find it so difficult to find private land where HOAs allow good projects to happen, that some counties have been relying too much on incredibly expensive stream restoration projects in streambeds where they have a right of way. The problem is, focusing solely on stream restorations at the expense of the needed upland projects to compliment them is ineffective. The sheer volume and power of untreated stormwater entering the streams can often break these projects and render them ineffective at reducing pollution.

We need as many projects as possible as close to the sources of pollution as possible. We also need many smaller green infrastructure practices that can hold and/or treat water before it rushes into the nearby waterway and adds to the flooding and volume issues that erode stream banks. Low impact landscaping is one of the key tools in the toolbox. Low impact landscaping not only can reduce water pollution, but serve as habitat for songbirds, butterflies and other pollinators, reduce maintenance costs, help prevent flooding, and conserve water, and lower water use during droughts. Rain gardens for example can be beautiful features filled with flowers that filter out pollution and help water soak into the ground.

However, HOAs can be a significant barrier for people that want to do the right thing. All too often uneducated HOAs can put unreasonable barriers and restrictions on folks who want to install a rain barrel or plant a rain garden. At the same time, these HOAs often push residents towards practices that are actively polluting local waterways such as encouraging people to overfertilize and overspray manicured turfgrass.

These restrictions often make doing the right thing prohibitively expensive. Some HOAs make it so cumbersome with red tape, few homeowners are able to navigate through the lengthy process of approval involved for even a small landscaping feature in their yard.

Landowners who want to use low impact development to help reduce the volume of polluted runoff rushing into their local streams are heroes that should not be punished and unreasonably barred by their HOAs without cause. There should not be arbitrary limitations that significantly increase the cost, significantly decrease the effectiveness of the landscaping. HOAs should have a good reason before being able to tell people that the only thing they can have on their property is manicured lawns devoid of any flower gardens or features that would help the environment. Marylanders should be free to use their land to do their part to protect their local waterway. This bill would help protect these homeowners and good Samaritans from undue harassment and punishment from their HOA.

For all these reasons, **Maryland League of Conservation Voters urges your support of HB0322: Real Property - Restrictions on Use - Low-Impact Landscaping.**

If you have any questions, please email Water Program Director Ben Alexandro at balexandro@mdlcv.org.

Senate HB322_ low-impact landscaping Testimony.pdf

Uploaded by: Hill, Terri

Position: FAV

TERRI L. HILL, M.D.
Legislative District 12
Baltimore and Howard Counties

Health and Government Operations
Committee

Subcommittees

Government Operations
and Health Facilities

Public Health and
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March 17, 2021

House Bill 322

Real Property – Restrictions on Use – Low Impact Landscaping

Dear Chairman Smith, Vice Chair Waldstreicher, and Members of the Judicial Proceedings Committee,

HB322 is the reintroduction and amended version of the 2020 Session's HB279 which passed in the Environment and Transportation Committee 23-1 and the House floor 133-2. That bill was referred to this committee and, like the many others, was derailed in our pandemic-related, premature adjournment. This session, **HB322** passed its House committee unanimously and the House floor 126-4. There is no Senate crossfile.

HB322 protects individual homeowners from unreasonable Home Owner Association (HOA) restrictions on a property owner's installation of low-impact landscaping - defined as landscaping techniques that conserve water, lower maintenance costs, provide pollution prevention, and create habitat for wildlife.

Consistent with the need for all of us to take greater personal responsibility for mitigating the existential impacts of climate change, **HB322** strikes the correct balance between such interest, when held by an individual homeowner, and the protection of property values and maintenance of standards, which is the prime objective of most HOAs. The Community Associations Institute supports this legislation.

Low-impact landscaping techniques, and the sustainable gardens that result, reduce the use of chemicals in gardening and lawn maintenance, gasoline by mowers, toxic and carcinogenic pollutant emissions into the air, and water for maintaining lawns and non-sustainable gardens.

Sustainable gardening reduces storm water runoff into the Chesapeake Bay; bio-habitat and pollinator gardens support pollinator friendly birds and increasing fruit harvest; rain gardens make soil healthier by filtering excess nutrients; xeriscaping reduces or eliminates the need for supplemental water from irrigation; and planting more trees cleans the air we breathe.

Because such practices benefit all of us, it is appropriate that we take action to encourage such efforts while not undermining the important role of the HOA. Passing **HB322** will be doing exactly that.

I respectfully request a favorable report.

A handwritten signature in black ink, appearing to read "Terri L. Hill".

Terri L. Hill, M.D.

HB322.pdf

Uploaded by: Itwaru, Kelly

Position: FAV

Kelly Utter Itwaru
14770 Triadelphia Mill Rd
Dayton, MD 21036

March 15, 2021

Dear Maryland Senators,

I am writing in support of HB 322.

Though I recently moved, for years I lived in the Miramar Landing community in Middle River, where the HOA made a concerted effort, along with the Gunpowder Valley Conservancy, to get better control of water runoff, flooding, and pollution, by installing native gardens, planting trees, and building environmentally -friendly retention areas. As part of this effort, the HOA encouraged homeowners to build small “bayscapes” and rain gardens on their property, and encouraged “baywise” practices. Such lawn and garden practices are typically restricted by HOAs, much to the detriment of local wildlife populations, area storm drains, and the Chesapeake Bay.

As an example, leaving lawns just 1” longer than is standard can keep the lawn healthier, leading to less water usage. In addition, slightly longer grass holds more water and helps prevent runoff, and requires less chemical fertilizers. Additionally, gardens featuring native plants, which are often deemed “weeds” in many communities, help support vital insect and bird populations at a time those populations – the very base of the food chain – are dwindling precipitously.

As a volunteer and partner in the project in Miramar Landing, I was shocked to learn how much of an impact a single homeowner with a small garden and a few management changes could make. The same year we planted our rain garden, Monarch butterflies began laying their eggs there. We cut runoff from our property by around 25% (living right next to the storm drain, we could see this in action). After several years, between our garden and the community gardens behind our house, the Monarch population began to thrive – at the same time that national populations are so low that the species is being considered for the endangered species list. Native birds began to return and compete with the house sparrows and starlings. The lightning bug population has increased, much to the delight of neighborhood children. There was an increase in native bee populations (including a specialist bee whose whole life cycle depends on a single plant – native hibiscus, which we had in our garden). Our community went from being sterile to being full of life, rampant with opportunities to connect children to wildlife and nature even in the middle of a thriving and over-developed area. At the same time, with less runoff, and greater filtering of rainfall, we were directly impacting the health of local waterways leading to the bay.

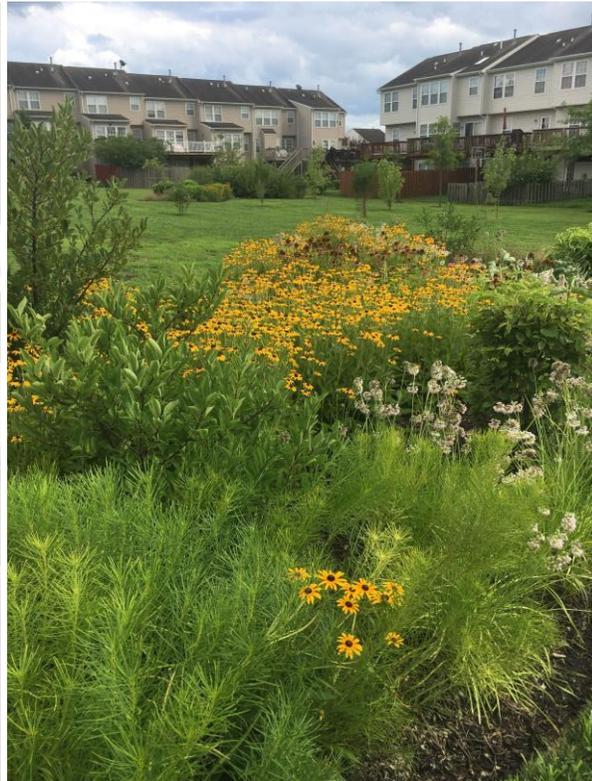
The practices I learned through that project have come with me – there is no HOA at my new home, but we do live directly next to waterways leading to the Triadelphia reservoir. I’ve learned how to handle the lawn, how to landscape our hilly property to best control and filter runoff. I’ve learned which plants are invasive and dangerous for our forests and can be a better steward of our property. Everyone across Maryland should be encouraged to learn these practices and put them into action. No property is too small to make an impact, and HOA communities are especially well placed to make a difference. The construction of many of these communities has directly led to many runoff and flooding issues – more

pavement, roofs, and shallow-rooted turf where forests used to be, along with extensive fertilizer and pesticide use, have led to many problems for this state. Planting of invasive decorative plants is damaging our forests as well (a problem I am noticing is particularly severe here in Howard County).

While it seems this bill has broad support, for which I am grateful, I wanted to share our experience and my voice. If people in every HOA community were encouraged to try more environmentally friendly lawn and garden practices, it can have a massive positive impact on our state. Thank you for your consideration!

Sincerely,

Kelly Utter Itwaru & Family



Written Testimony_HB322_NancyLawson_3_15_21.pdf

Uploaded by: Lawson, Nancy

Position: FAV



Support for HB322 Real Property – Restrictions on Use – Low-Impact Landscaping

For years in my professional capacity, I've advised homeowners in both unincorporated and HOA-governed communities on benefits and techniques of gardening for pollinators, birds and the environment. The issue became more personal in 2017, when my sister's HOA in Howard County said that pesticide-free gardens with native plants for birds and pollinators were "completely contrary" to its lawn-only design scheme—even though no requirements for lawn-only landscapes actually existed in the community's bylaws. We successfully argued against that arbitrarily applied standard. That experience, combined with 20 years of accumulated expertise in native plant landscaping and habitat consulting, has crystallized basic misunderstandings that lead to prohibitions of pollinator gardens in many HOA communities:

Myth: Native plant/pollinator gardening "decreases property values."

Reality: Native plant and pollinator gardens are a hot selling point on the real estate market.

Area top-selling real estate agents report that homeowners actively seek properties landscaped with native plant gardens designed to mitigate stormwater runoff and attract pollinators. In fact, the *New York Times* Sunday Real Estate section featured my own Maryland native plant garden as an example of a beautiful landscape on its front page in November 2017.

Myth: Native plants are "unruly" or "wild."

Reality: Native plants, like any other plants, come in all shapes, colors and sizes.

Native plants can fit beautifully into any neighborhood; they often look like they have always belonged—and that's no coincidence. Unlike turfgrass, which isn't well-adapted to our climate, plants that grow naturally in Maryland are accustomed to our soils, climate and rainfall. They grow more lushly than lawn, which is usually made up of nonnative turf species that prefer cooler or warmer climates. Native plants can fit into any design, from a cottage gardening style to a Japanese garden aesthetic. Because of their popularity and versatility, they have entered the mainstream, literally coming back home to our gardens, thanks to many entrepreneurial local nurseries in Maryland that foresaw the trend.

Myth: Pollinator gardens are dangerous because "bees sting."

Reality: Maryland's many native bee species are solitary and generally do not sting at all.

This is a pervasive misunderstanding because people often think only of honeybees when they think of bees. Honeybees are domesticated animals living in hives; near those hives, they instinctively protect their young and their families. But Maryland is home to more than 400 native bee species, most of which are solitary and have no hives to defend—and thus no reason to sting. In fact, many don't even have the capability of stinging. Even bee species capable of stinging, such as bumblebees, do not do so unless highly provoked. A good example of

provocation is the time 20 years ago when I plucked a spent flower in the evening, not realizing I was disturbing a bumblebee sleeping peacefully underneath. Though our property now hosts many bee species, including the threatened American bumblebee, I have never again been stung by a bee. Honeybees do visit our flowers, flying in from nearby farms, but their sole goal is to collect pollen and nectar. Away from their hives and in the flower patches, they have zero reason to sting anyone. And they're simply too busy pollinating to bother!

Myth: Native plant gardens “attract pests” such as mosquitoes, squirrels and ticks.

Reality: Native plant gardens create more balance of predators and prey.

Especially when allowed throughout a community, native plant gardens are key to healthy habitats for both animals and people. Standing water attracts mosquitoes, an easily preventable problem. Native plants, on the other hand, attract mosquito predators such as hummingbirds. Creating habitat for pollinators also draws animals like opossums, gentle and misunderstood creatures who eat a phenomenal number of ticks; research has shown that a single opossum can eat more than 5,000 ticks in a single week during peak season. Squirrels are canopy dwellers, nesting in trees and eating seeds, nuts, buds and fruit of trees. They are endemic to our communities and to any place where trees are planted, whether a pollinator garden is present or not. For anyone who thinks there are too many squirrels at their birdfeeders, I advise putting out natural food instead—in the form of native plants that are more nutritious for birds and that provide habitat for all our wild neighbors.

These are just a few of the many reasons to support HB322. Thank you for considering this important legislation!

Nancy Lawson, Sykesville, Howard County, Maryland

About Humane Gardener: Nancy Lawson founded Humane Gardener, LLC, to pioneer creative planting strategies and other animal-friendly landscaping methods. A habitat consultant and national speaker on garden ecology, she is the author of *The Humane Gardener: Nurturing a Backyard Habitat for Wildlife*. Lawson's presentations at diverse venues—from national wildlife refuges to local wildflower preserves—have inspired even seasoned horticulturists and wildlife experts to look at their landscapes in new ways. Certified as a Chesapeake Bay Landscape Professional and master naturalist, she partners with local environmental organizations, including the Audubon Society of Central Maryland and Howard County Bee City. Her book, garden and website have been featured in *The New York Times*, *The Washington Post*, and other media outlets.



HB0322_FAV_Montgomery County Food Council.pdf

Uploaded by: Nardi, Catherine

Position: FAV



March 17, 2021

2021 SESSION POSITION PAPER

BILL: HB0322: Real Property - Restrictions on Use - Low-Impact Landscaping
COMMITTEE: Senate Judicial Proceedings Committee
POSITION: Testimony of Support of House Bill 0322
BILL ANALYSIS: Prohibiting a certain restriction on use from imposing unreasonable limitations on low-impact landscaping such as rain gardens, pollinator gardens, and xeriscaping; requiring the property owner to regularly maintain landscaping; providing that "unreasonable limitations" includes items that increase the cost and efficiency of the low-impact program; providing that the Act may not be construed to prohibit a certain restriction on use from including certain reasonable guidelines; etc.

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

The Montgomery County Food Council urges you to **SUPPORT** this bill as it will promote gardening efforts that support food education and food access opportunities in Maryland, while also offering environmental benefits such as wildlife and pollinator habitat, water conservation, improved soil health, and pollution prevention.

The COVID-19 pandemic has led to an increased interest amongst residents to grow food and cultivate at-home gardens as a form of self-sufficiency and as a safe, healthy outdoor activity. The Montgomery County Food Council, as the primary nonprofit organization leading the work of the Montgomery County Food Security Task Force, oversaw the implementation of a Resident and Community Gardening Grant Program in the fall of 2020, as an opportunity to support nonprofit partners and community-based organizations with projects that would increase resident access to yard, patio, and community gardening supplies. The gardening projects funded through this grant program serve as catalysts to expand food education and culturally appropriate food access in Montgomery County, while also promoting low-impact, environmentally conscious food cultivation that also provides wildlife and pollinator habitats.

HB0322 would effectively support and protect similar low-impact landscaping projects throughout the state, which all serve the purpose of reducing stormwater runoff into the Chesapeake Bay, improving soil health, and providing cleansing properties to the air that we breathe. This is a critical measure to ensure that Maryland residents can continue to establish these types of projects and contribute to a more sustainable and accessible food system.

For these reasons, the Montgomery County Food Council supports HB0322 and urges you to vote **FOR** this bill.

The Montgomery County Food Council is an independent council formed and led by individual community members and representatives of local businesses, government, non-profit organizations, and educational institutions. Our mission is to bring together a diverse representation of stakeholders to improve the environmental, economic, social and nutritional health of Montgomery County, Maryland through the creation of a robust, local, sustainable food system. Our vision is to cultivate a vibrant food system in Montgomery County that consciously produces, distributes, and recycles food, making it accessible to all residents while promoting the health of the local food economy, its consumers, and the environment.

For more information, please contact: Heather Bruskin, MCFC Executive Director at the email and phone number below.



HB322_CleanWaterAction_Support_EmilyRanson (1).pdf

Uploaded by: Ranson, Emily

Position: FAV



HB 322: Real Property - Restrictions on Use - Low-Impact Landscaping

Senate Judicial Proceedings

March 17, 2020

Positon: Favorable

Dear Chairman Smith and Members of the Committee,

Polluted runoff continues to be a challenge for Maryland as we strive to return our streams, rivers, and Chesapeake Bay to safe, swimmable bodies of water. While we need government and coordinated action to install stormwater facilities to mediate the impact of large parking lots, roads, and large impervious areas, actions homeowners take on their own property can have a large impact on slowing and cleaning the stormwater leaving their individual property.

Low-impact landscaping and the installation of projects like rain barrels and rain gardens can go a long way towards treating the stormwater coming off a single property. People who are willing to make the investment in this type of landscaping should not have to perfectly navigate through a series of hoops and challenges, but unfortunately when homeowners associations get into the mix the process to installation can be difficult.

To illustrate the barrier that a homeowners association can be, in 2018 we were working on a project to install rain barrels at homes in the Red Branch tributary of the Patapsco River. The project provided both a rain barrel as well as installation by a local youth employment non-profit. We quickly ran into the barrier of homeowners associations. Despite our offer to help homeowners through their hearings and paperwork, every homeowner who had been interested in getting a rain barrel backed out once they realized they were going to have to face their HOA. These were homeowners who had originally been interested in the opportunity to get not only a free rain barrel, but also to get it installed.

Had these HOAs had reasonable requirements for stormwater practices and low-impact landscaping, we could have complied with those. The vast majority of people were willing to install rain barrels in the back of their homes, and I understand the hesitancy to install certain color barrels (sometimes counties get blue barrels instead of white barrels). But by adding burdensome review practices, the end result was no rain barrels and no stormwater improvements in those neighborhoods.

With that illustration, we urge a favorable report on HB 322.

Thank you,

Emily Ranson
Clean Water Action
eranson@cleanwater.org

2021-03-14 Merged Final - MAECG Group Testimony on

Uploaded by: Sherman-Marks, Katherine

Position: FAV

Maryland Area Environmentally-Conscious Gardening Group
% Cassie Sherman Marks, Co-Founder
Baltimore, MD 21207

March 7, 2021

Dear Maryland State Senators,

We write to testify in support of House Bill 322.

Our group represents over three thousand gardeners from in and around Maryland who are gardening differently than our parents did in order to be better stewards for the environment and local ecosystems. Among us are Master Naturalists, Master Gardeners, Master Watershed Stewards, teachers, scientists, Weed Warriors from county-based programs around the state, DNR employees, farmers, landscapers, nursery managers, employees of virtually every major national conservation organization and a smattering of smaller, local ones - alongside folks from every walk of life who decided to do some good through the low-impact, responsible stewardship of private land in their care.

Here are just a few compelling reasons that we think you should pass HB 322 into law:

1. Several of us live in HOA-governed communities. There are a few such communities that are embracing better practices, like the HOA of Miramar Landing in Middle River, which has installed beautiful native plantings that require less watering and maintenance because they were informed by science and planned with care. Most HOAs, however, landscape their neighborhoods in ways that, for instance, increase the Lyme-carrying deer tick population, kill native songbirds (whose population is already plummeting), and cause the kind of stormwater runoff disasters that have brought about tragedies like the floods we have seen in historic Ellicott City these past few years – to say nothing of the pesticide use harming our local waterways and food webs.
2. Individual homeowners are capable of helping to offset such practices through better informed stewardship of their own yards. More and more Marylanders want to do so and have the information, supportive gardening communities, nurseries, and landscapers necessary to help them do so successfully and attractively. We'd be delighted to introduce you to several of them - not just gardeners, but also Maryland businesses who support them and continue to multiply. In short, there are so many gardeners who would love to spend their money to make these Maryland businesses more profitable *and* help the environment at the same time, so getting out of the way and letting them seems like an unambiguous win for the state.
3. Our group has supported some of its HOA-bound members when their neighbors have engaged in trespassing, harassment, destruction of valuable personal property, and protracted battles that escalated to the HOA level even when the gardens in question didn't break any HOA rules. We believe this bill is an

important first step toward not only freeing homeowners to make smarter choices, but toward protecting HOAs from becoming embroiled in lengthy, costly, and specious disputes between their members.

There are more reasons - *so* many more reasons - why this is important, and why we must change how we think of our relationships with our yards and gardens if we are to continue to live in the diverse and robust ecosystems that enable our survival, especially in light of the climate crisis. For anyone interested in learning more, we recommend starting with the engaging and well-researched works of *New York Times* best-selling author Prof. Douglas Tallamy, who shares our love of and proximity to the Chesapeake, starting with *Bringing Nature Home* or *Nature's Best Hope*. Or start with our friends in the Maryland Sierra Club's testimony in support of this very same bill.

For now, though, we are pleased that this bill hasn't seen any opposition to speak of so far and hope that it continues on to be signed into law unhindered - and can be a step toward starting more serious conversations about what Maryland can do to enable its citizens to use their own time, energy, and funds to improve our state's ecological resilience.

Thank you for your consideration.

Sincerely,

The undersigned members of the Maryland Area Environmentally-Conscious Gardening Group, including:

Cassie (Katherine), Martin, & Samuel
Sherman-Marks
Baltimore, Maryland 21207 - District 41

Bridget Creekmore
Pasadena, Maryland 21122 - District 31B

Michelle Cole and Kenneth Letendre
Phoenix, Maryland 21131 - District 7

John and Meghan Cole
Columbia, Maryland 21045 - District 2

Adrienne Kilby
Baltimore, Maryland 21218 - District 43

Delicia Ferguson
Overlea, Maryland 21206 - District 14

Kari & Edwin Perez
Mount Airy, Maryland 21771 - District 4

Janine and Nathan Pollack & Family
Columbia, Maryland 21045 - District 13

Ann Lutrzykowski-Ford
Essex, Maryland 21221 - District 6

Cassandra Hostetler
West Laurel, Maryland 20707 - District 21

Shanna Godissart & Michael Beach
Prince Frederick, Maryland 20678 - District 27C

Jillian and Josh Adams
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Ginger Woolridge
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Cecelia Petro
Galesville, Maryland 20765 - District 30

Daniel Mills & Deborah Landau
Rockville, Maryland 20850 - District 17

Kerry Wixted and Daniel Shiplett
Crownsville, Maryland 21032 - District 33

Mandy Elder & Family
Columbia, Maryland 21045 - District 12

Vickie Walters
Baltimore, Maryland 21214 - District 43

Lauren Stranahan
Towson, Maryland 21286 - District 42a

Elizabeth Dahl
Parkville, Maryland 21234 - District 8

Emily Hansroth
Huntingtown, Maryland 20639 - District 5

Cristina Garcia Green
Baltimore, Maryland 21229 - District 44B

Stephanie Petzing and David Magnani
Montgomery Village, Maryland 20886 - District 39

Margaret Park
Baltimore, Maryland 21202 - District 45

Stacy Ditto
Middletown, Maryland 21769 - District 4

Chrissy & August (Ned) Aull
Centreville, Maryland 21617 - District 36

Colleen Lacy
Linthicum Heights, Maryland 21090 - District 31A

Diamond Nwaeze
Princess Anne, Maryland 21853 - District 38A

Ashley Reinhart
Towson, Maryland 21286 - District 42A

Sallie McElrath
Hyattsville, Maryland 20781 - District 22

Sarah Stocks
Rockville, Maryland 20853 - District 19

Cassandra Burke and Family
Jarrettsville, Maryland 21084 - District 7

Jessica and Joshua Ourisman
Baltimore, Maryland 21210 - District 41

Cindy Benedek
Clarksville, Maryland 21029 - District 13

Debra Mallory and Steve Mallory
Silver Spring, Maryland 20902 - District 18

Jennifer Glover-Falkler and Michael Falkler
Parkville, Maryland 21234 - District 42B

Jillian Seagraves
Glen Burnie, Maryland 21061 - District 32

Kathleen Michels
Silver Spring, Maryland 20902 - District D18

Janis Lankford
Delmar, Maryland 21875 - District 37A

Patricia A. Ellison
Wittman, Maryland 21676 - District 37B

Elizabeth R and Steven D Miller
Cabin John, Maryland 20818-1410 - District 16

Susanna C Mann
Gaithersburg, Maryland 20878 - District 39

Martha Johnston
Baltimore, Maryland 21212 - District 43

Brett & Suzette Morgan
Baltimore City, Maryland 21214 - District 45

Nicole & Evan Hartig
Baltimore, Maryland 21214 - District 45

Erin Markel
Abingdon, Maryland 21009 - District 34B

Kim Drake
Ellicott City, Maryland 21043 - District 12

Nathan Bowen
Baltimore, Maryland 21229 - District 44A

Lisbeth Jorgensen
Columbia, Maryland 21045 - District 13

Mary Stein-Cascio
Timonium, Maryland 21093 - District 42B

Katherine T. Hartig
Parkton, Maryland 21120 - District 7

Patrick, Julia, Peter, & Isaac Bunn
Gambrills, Maryland 21054 - District 33

Catherine Mikelson
Marriottsville, Maryland 21104 - District 9A

Mary Ann Barry
Columbia, Maryland 21045 - District 12

David Christopher
Brookeville, Maryland 20833 - District 14

Jon Taylor & Lauren Toomey
Odenton, Maryland 21113 - District 33

Robin Moore Lasky
Silver Spring, Maryland 20902 - District 18

Deirdre Middleton
Burtonsville, Maryland 20866 - District 14

Becky Boia & Christian Ricciardelli
Glen Burnie, Maryland 21060 - District 31A

T. Ripani
Bel Air, Maryland 21015 - District 34B

Kimberly Akers
Columbia, Maryland 21045 - District 12

Jane Shivnan
Glen Burnie, Maryland 21061 - District 32

Sabrina J. Lovell
Columbia, Maryland 21044 - District 13

Jaime Loizzo
Suitland, Maryland 20746 - District 4

Catherine Stirling
Annapolis , Maryland 21403 - District 30A

JT Merryman
Catonsville, Maryland 21228 - District 12

Piali Aditya, Christian Cruz & family
Columbia, Maryland 21045 - District 13

Samuel Young
Baltimore, Maryland 21217 - District 44A

Cara Dudzic
Baltimore , Maryland 21212 - District 43

Marie Samuelson
Germantown, Maryland 20874 - District 15

Ann Mosher Paulsen and Russ Paulsen
Bethesda, Maryland 20817 - District 16

Sharon Cooper & John Croft
Upper Marlboro, Maryland 20774 - District 23B

Silver-Isenstadt Family
Laurel, Maryland 20723 - District 13

Melissa Omerberg
Takoma Park, Maryland 20912 - District 20

Erica & Jeff Jones
Laurel, Maryland 20723 - District 13

Kali Schumitz and Colin Burke
Elkridge , Maryland 21075 - District 11

Jacqueline Anne (Annie) Lemarie
Sharpsburg, Maryland 21782 - District 2A

Kathy Lough
Severna Park, Maryland 21146 - District 33

Rose Tileston
Bowie, Maryland 20715 - District 23B

Barbara M Lynch
Takoma Park, Maryland 20912-4719 - District
20

Ellen Wright
Elkton, Maryland 21921 - District 1

Roxana Segovia Beltran
Columbia, Maryland 21044 - District 12

Mike and Pam Perna
Woodbine, Maryland 21797 - District 9A

Renee Stephens
Crofton, Maryland 21114 - District 33

Kelly Williams and Steven Yenser
Montgomery Village, Maryland 20886 -
District 39

Lisa Henderson
Chevy Chase, Maryland 20815 - District 18

Beverly Shomo
Odenton, Maryland 21113 - District 33

Rosemary and David Rest
Westminster, Maryland 21158 - District 5

Robin and Phil Farabaugh
Catonsville, Maryland 21228 - District 12

Gail Mackiernan
Colesville, Maryland 20904 - District 14

Ekaterina Tregub-Emrick and the family
Silver Spring, Maryland 20904 - District 14

Linda Pierce and Matt Stanley
Parkville, Maryland 21234 - District 8

Jennifer Evans-Muir
Takoma Park, Maryland 20912 - District 20

Madelyn Bloom
Columbia, Maryland 21046 - District 13

Bridget Warren
University Park , Maryland 20782 - District 21

Chuck and Holly Willos
Millersville, Maryland 21108 - District 33

Buffy Illum
Ellicott City, Maryland 21042 - District 9B

Henry S. Gibbons
Edgewood, Maryland 21040 - District 34A

Erica Valdes
Churchville, Maryland 21028 - District 35B

Regina & Michael Wilhide and Family
Catonsville, Maryland 21228 - District 44B

Winnie Tan & Family
Lutherville-Timonium, Maryland 21093 -
District 11

Nau Family
Jarrettsville, Maryland 21084 - District 7

Claudia Ardale
Bel Air, Maryland 21015 - District 35B

Susan White
Columbia, Maryland 21046 - District 13

Paula Roberts and Family
Odenton, Maryland 21113 - District 21

Esposito Family
Baltimore, Maryland 21229 - District 40

Angelita M. Porcella
Baltimore, Maryland 21214 - District 45

Katalin Clendenin
Columbia, Maryland 21045 - District 13

Madelyn Bloom
Columbia, Maryland 21046 - District 13

Nicole Williamson
Baltimore, Maryland 21209 - District 41

Inja Lin
Takoma Park, Maryland 20912 - District 47B

Susan Cho & Eric Jonas
Takoma Park, Maryland 20912 - District 20

Lani Hummel
Annapolis, Maryland 21403-0250 - District 30

Allyson Rogan
Columbia , Maryland 21045 - District 13

Kim Ulmer
Derwood , Maryland 20855 - District 19

Kurt and Kathleen Hoenke
Abingdon, Maryland 21009 - District 35B

Adam, Sarah Laye, and Family
Fork, Maryland 21082 - District 7

Michael Lachance
Baltimore, Maryland 21234 - District 45

Megan Boddy-Pickard and Kyle Pickard
Baltimore, Maryland 21230 - District 46

Laurie Stinebaugh
Woodstock, Maryland 21163 - District 9A

Laura Hickok
Ijamsville, Maryland 21754 - District 4

Susan Putnam
Catonsville, Maryland 21228 - District 44B

Susan Peckham and Daniel Abraham
Silver Spring, Maryland 20910 - District 20

Maureen Connors
Lutherville-Timonium, Maryland 21093 -
District 42B

Jennifer Blalock
Owings Mills, Maryland 21117 - District 11

Paula C. Shepherd
Ellicott City, Maryland 21042 - District 9A

Theresa, William and Eric Meadows
Bowie, Maryland 20716 - District 23B

Dr. Chiara D'Amore
Columbia, Maryland 21044 - District 12

Kelly & Cliff Itwaru and family
Dayton, Maryland 21036 - District 9A

Ann Wacha & Richard Magomu-Wacha
Columbia, Maryland 21045 - District 12

Scott D. Guzewich
Columbia, Maryland 21045 - District 13

Rick & Marike van der Veen-Box
Severna Park, Maryland 21146 - District 33

McCoy Quinones
Frederick, Maryland 21703 - District 3B

Josh and Bethany Adams
Frederick, Maryland 21704 - District 8

Patty Mochel
Towson, Maryland 21204 - District 42B

Southerland SSM Testimony in Support of HB 322 Low

Uploaded by: Southerland, Mark

Position: FAV

HB 322 – Restrictions on Use – Low-Impact Landscaping

Position: SUPPORT

Testimony of Mark Southerland PhD, Safe Skies Maryland



More and more communities are looking at natural, cost-effective ways to lessen the economic impact and environmental damage from stormwater runoff and habitat loss on private properties. Indeed, the legal requirements of the Chesapeake Bay TMDL and local MS4 stormwater permits can only be met by implementing stormwater management, such as low-impact landscaping, on private land (in addition to public land). To that end, many jurisdictions are offering incentives, rebates, and other programs to implement low-impact landscaping in residential yards and other private property.

Fortunately, many homeowners, renters, and other private landowners are ready and able to heed the call to join in this effort by managing their yards and properties with low-impact landscaping.

Unfortunately, some communities and HOAs restrict low-impact landscaping through outdated rules and lack of understanding of the economic, environmental, and aesthetic benefits it provides.

Low-impact gardening is intentional, utilizes native plants, maintained borders, and manages stormwater, while reducing demand for limited resources. These yards and properties are often the showplaces of their communities. While many community leaders have updated their rules to allow low-impact landscaping, other homeowners continue to face significant barriers when outdated, costly, and sometimes hazardous requirements are enforced by their communities and HOAs. Crippling fines, costly legal banter, and the removal of productive, beautiful, and healthy habitat often results. In many cases these homeowners have spent years doing their part to remove invasive species, practice xeriscaping (water conservation), manage runoff properly (stormwater management), and grow native trees, plants, and shrubs that are not only beautiful to look at, but that provide food and habitat for our declining pollinators and other biodiversity.

Low-impact landscaping reduces:

- 100 million pounds of dangerous chemicals used by homeowners EVERY YEAR
- 2 billion gallons of gas used for lawn equipment
- 3 billion pounds of toxic and carcinogenic air pollutants emitted from leaf blowers and mowers
- 9 billion gallons of water used PER DAY

Low-impact landscaping also:

- Helps keep the Chesapeake Bay healthy by reducing stormwater runoff
- Fights climate change by making soils healthier and sequestering carbon
- Supports the pollinator-friendly birds and insects that visit local gardens (which leads to more and reblooming flowers)
- Increases fruit harvest
- Improves air quality by increased planting of trees and other vegetation

By passing this bill, Maryland will remove unnecessary community and HOA restrictions and empower a ready citizen movement to improve their communities, restore the environment, revitalize the economy, and fight climate change.

HB322 - Real Property-Restrictions on Use-Low-Impa

Uploaded by: Tulkin, Josh

Position: FAV



7338 Baltimore Ave
Suite 102
College Park, MD 20740

Committee: Judicial Proceedings

Testimony on: HB322 “Real Property – Restrictions on Use – Low-Impact Landscaping”

Position: Support

Hearing Date: March 17, 2021

The Maryland Sierra Club submits this testimony in support of HB322, which would prohibit in certain private legal instruments the imposition of “unreasonable limitations” (as defined in the bill) on low-impact landscaping, such as rain gardens, pollinator gardens and xeriscaping. This bill would allow homeowners and condominium owners more flexibility in installing and maintaining landscaping that supports biodiversity and storm water management, while at the same time requiring less water and pesticides in general maintenance.

Today, when we face the threat of substantial loss of biodiversity, human beings can no longer divide the land into two categories: land meant for people and land meant for wildlife. We must learn to share. Our yards can provide food and shelter for wildlife while at the same time appeal to our aesthetic sense of design and beauty.

Simple changes such as the reduction of turf grass and the addition of native trees, shrubs and plants will increase sustainability and resilience by building healthy soil which will soak up floodwaters, thus lessening flooding. Additionally, native plants require the use of less fertilizer and pesticides. This will result in less polluted runoff which will restore the health of our waterways, many of which feed into the Chesapeake Bay.

Reducing the area of turf grass will also reduce the need for mowing and leaf blowers. This is important because fossil fuel powered lawn equipment releases much more pollutants than one would expect because they do not have emission control devices. The EPA estimates that hour-per-hour gasoline powered lawn mowers release 11 times more pollution than a new car.

Homeowners’ Associations, which control thousands of acres of land across Maryland, often require the installation of turf grass, and also prevent the implementation of raingardens and native plants. If this bill is passed, homeowners will become empowered to follow the many recommendations of ecologists and other scientists to use their yards to nurture wildlife and help mitigate storm water pollution and the downstream damage of flooding and contamination.

A yard that contains less turf grass and more native plants can be beautiful. With intentionally chosen and maintained native plants, a yard can have colorful flowers, interesting evergreens, and tall trees. When native plants flower they attract beneficial pollinators like butterflies, hummingbirds, and bees. When native trees and shrubs bear fruit, they attract birds. These features are not only enchanting, but they connect people to nature. In fact, there are many successful programs which encourage homeowners to designate their yards as wildlife- or pollinator-friendly habitat. Often this designation is proudly displayed on a sign in the owner’s yard.

Founded in 1892, the Sierra Club is America’s oldest and largest grassroots environmental organization. The Maryland Chapter has over 75,000 members and supporters, and the Sierra Club nationwide has over 800,000 members and nearly four million supporters.

Low impact landscaping can lead to more trees planted, more native plants, thriving wildlife, more food plants, cleaner air, and cleaner water. We urge the Committee to report HB322 favorably.

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