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January 15, 2021

luke.clippinger@house.state.md.us  
jon.cardin@house.state.md.us

Delegate Luke Clippinger  
Chair, Judiciary Committee  
Delegate Jon S. Cardin  
101 House Office Building  
6 Bladen Street  
Annapolis, MD 21401

**Re: House Bill 213**  
**Courts –Prohibited Indemnity and Defense Liability Agreements**  
**Hearing Date: January 20, 2021**  
**Position: Oppose**

Dear Delegate Clippinger, Delegate Cardin, and Judiciary Committee Members:

This letter is submitted on behalf of the Maryland Legislative Action Committee (“MD-LAC”) of the Community Associations Institute (“CAI”). CAI represents individuals and professionals who reside in or work with condominiums, homeowners’ associations and cooperatives throughout the State of Maryland.

MD-LAC opposes HB 213. Condominium and homeowners’ associations across the state regularly contract with design professionals, architects, and contractors – many of whom are selected by the design professionals – to perform required capital improvements and repairs on behalf of the community associations. Often this work is done using an AIA contract (American Institute of Architects) contract, which includes provisions that require the design professional and

**Page 2, House Bill 213**  
**Community Associations Institute**

their sub-contractors (and their sub's subs) to indemnify the Association for which they work for any property damage, bodily injury, or errors and omissions that might result from that work.

Because design professionals are often also directly involved with the selection and sometimes oversight of the contractors, and their designs are used as the basis or blueprint for the work being performed, HB213 would prohibit the ability for condominiums and homeowners' associations in Maryland from holding the design professional accountable.

MD-LAC strongly believes the parties to a contract should be able to contract as they determine is in the best interest of the association. These additional protections afforded to certain professionals have the potential to negatively impact (by reducing or eliminating altogether) professional accountability or responsibility. This alleviation of responsibility should not come at the expense of building owners or other parties to a project. These issues, again, should be allowed to be dictated and resolved through private agreement between the professional and other parties and not through the Code.

MD-LAC respectfully asks the Committee to also oppose HB213.

We are available to answer any questions the Committee Members may have. Please feel free to contact Lisa Harris Jones, lobbyist for the MD-LAC, at 410-366-1500, or by e-mail at [lisa.jones@mdlobbyist.com](mailto:lisa.jones@mdlobbyist.com), or Steven Randol, Chair of the MD-LAC, 410-279-8054, or by e-mail at [srandol@pineorchard.com](mailto:srandol@pineorchard.com), or Robin C. Manougian, Member, of the MD-LAC, at 240-401-0855, or by e-mail at [rmanougian@manougianinsurance.com](mailto:rmanougian@manougianinsurance.com), or Peter S. Philbin, Esq., Member of the MD-LAC, at 301-222-0152, or by email at [PPhilbin@reesbroome.com](mailto:PPhilbin@reesbroome.com)

Sincerely,

*Robin C. Manougian*

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Member, Insurance Chair, CAI MD-LAC

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Member, CAI MD-LAC

*Steven Randol*

Steven Randol  
Chair, CAI MD-LAC

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