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February 8, 2022

To: The Honorable Kumar Barve
Chair, Environment and Transportation Committee

From: Karen S. Straughn
Consumer Protection Division

Re: House Bill 358 – Maryland Condominium Act – Amendment to Declaration – Interest in Common Elements (LETTER OF CONCERN)

The Consumer Protection Division of the Office of the Attorney General has concerns regarding House Bill 358 introduced by Delegates Charles, Holmes, Toles and Williams. This bill would authorize a change to the percentage interest of the common elements of any unit with a vote of at least 60% of the eligible voters in the community. While we understand that the intent of the bill is to change the percentage interest of every unit in the community, this bill would also permit a community to change the percentage interest of a minority of unit owners by a 60% vote of the community.

While this is not the intent of the bill, these unintended consequences could result in a single unit owner losing their common element privileges or could unfairly place greater responsibility for the payment of services on a minority of unit owners in the community. While we understand the difficulty in requiring a large percentage of votes to amend the declarations of a community, this also helps to ensure that changes are not being made without a consideration of every community member's rights.

For these reasons, the Consumer Protection Division respectfully requests that the Environment

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and Transportation Committee take the Division's concerns into consideration with respect to House Bill 358.

cc: The Honorable Nick Charles
The Honorable Marvin E. Holmes, Jr.
The Honorable Karen Toles
The Honorable Nicole A. Williams
Members, Environment and Transportation Committee