

Sponsor Testimony, HB1147, JPR.pdf

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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

March 31, 2022

To: The Honorable William C. Smith
Chair, Judicial Proceedings Committee

From: Delegate Jen Terrasa
District 13, Howard County

Re: Sponsor Testimony in Support of HB1147, Real Property - Cooperative
Housing Corporations, Condominiums, and Homeowners Associations -
Virtual Meetings

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

Thank you for the opportunity to present HB1147, which requires that virtual meetings of a common ownership community (i.e. cooperative housing corporation, condominium, or homeowners association) provide participants a reasonable opportunity to participate in the meeting and that they have equal access to any available chat function.

You may recall a bill passed by this committee last year which authorizes the governing bodies of common ownership communities to use virtual means as a way to conduct formal meetings. The legislation was sponsored by Chair Smith, passed the Senate and House unanimously, and took effect on June 1, 2021.

While these types of meetings may have begun as a result of necessity during the COVID-19 pandemic, it has become clear that they will likely remain a regular option. Such virtual meetings are a convenient and effective way for people juggling work and family life to have the opportunity to attend. However, if they are used as a standard practice, we want to make sure that they resemble an in person meeting as much as possible – especially in terms of the ability for community members to fully participate.

This was one of the topics discussed as part of a Common Ownership Community Taskforce set up by Delegate Marvin Holmes during the 2021 Interim Session. Taskforce participants raised concerns about how virtual meetings have been conducted over the past year and the inability of members to fully participate in meetings or even object to the proceedings in any way.

For example, we heard that COC boards would block community members from using the chat feature, even if they were using it themselves. Many times these same COC boards would mute all community members and not give them the ability to unmute, and thus they were prevented from participating in the meeting in any meaningful way, asking questions, or even objecting if they observed a violation like lack of quorum. Also, they couldn't even say if they were unable to hear the board members, or see documents that were supposedly shared, or ask where the agenda was.

The goal of the board may not have been to prevent any participation by community members, but rather to ensure the ease of running the meeting. However, without any ability for community members to participate in the meeting, their presence on a Zoom or other virtual platform is no different than merely watching a meeting on TV. This is not similar at all to an in person meeting, where obviously order needs to be maintained to run the meeting, but people can still ask questions or pipe up if they can't hear or object to the lack of a quorum, etc.

Of course we've all experienced or heard of an experience when someone becomes disruptive in a virtual meeting, that's why HB1147 provides for the person conducting the meeting to mute or remove a participant (after giving them a warning) if they interfere in the ability to conduct the meeting.

HB1147 is a straightforward bill that just ensures fair participation and transparency for all the residents living in common ownership communities.

I urge a favorable report of HB1147.

HB 1147 Crossover Support 2022.pdf

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March 31, 2021

To: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

From: Karen S. Straughn
Consumer Protection Division

Re: House Bill 1147 – Real Property – Cooperative Housing Corporations, Condominiums,
and Homeowner Associations – Virtual Meetings (SUPPORT)

The Consumer Protection Division of the Office of the Attorney General submits the following written testimony in support of House Bill 1147 submitted by Delegates Terrasa and Lehman. This bill is intended to clarify that when virtual meetings are held by a common ownership community association, participants should be given reasonable access to verbally participate in the meeting and equal access to participate via the chat function. The bill further gives the ability to the person conducting the meeting to mute a participant after a warning if that individual interferes with the ability to conduct the meeting.

Throughout the pandemic, the Consumer Protection Division received many calls and concerns from boards of directors, property managers and attorneys concerning the process for conducting a virtual meeting and seeking guidance. Generally, associations have advised the Division that virtual meetings have been helpful, and many associations have reportedly been able to increase attendance at meetings by conducting them virtually.

However, this Division has also received calls and concerns from residents that some associations have muted all participants throughout the meeting and/or disabled the chat function for participants other than the board. The Division has even been made aware of meetings in which the organizer has randomly deleted members from the meeting after the meeting began. This bill would seek to protect the rights of members to attend a virtual meeting conducted in a manner comparable to that of an in-person meeting. This bill further promotes reasonable participation by members while providing safeguards in the event the meeting becomes monopolized by a disruptive member.

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For these reasons, we ask that the Judicial Proceedings Committee return a favorable report on this bill.

cc: The Honorable Jen Terrasa
The Honorable Mary A. Lehman
Members, Judicial Proceedings Committee