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Delegate Kumar P. Barve, Chair
Delegate Dana Stein, Vice Chair
Environment and Transportation Committee
Room 251, House Office Building
Annapolis, Maryland 21401

Re: House Bill 434
Maryland Condominium Act – Amendments to the Declaration
Hearing Date: February 14, 2023
Position: Oppose

Dear Chairman Barve, Vice Chair Stein, and Environment and Transportation 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 community associations (condominiums, homeowners’ associations, and cooperatives) throughout the State of Maryland.

Presently, pursuant to Section 11-103 of the Maryland Condominium Act, the consent of unit owners having at least 80% of the total votes in a condominium is required to be obtained in

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order to amend the condominium's declaration. HB 434, if adopted, would reduce that percentage to 60%, which is barely more than a majority of the total votes in the condominium. The actual number of units represented might be even lower when one takes into account that delinquent owners are typically excluded from voting on amendments. The MD-LAC opposes this change for several critical reasons:

The declaration occupies the most superior position within the hierarchy of a condominium's governing documents. In that regard, the Declaration has always been intended to be the most difficult document to change. If the number of unit owners' votes to amend the Declaration were reduced, as proposed in HB 434, we fear that the temptation would arise to reduce also the percentage of votes required to change a condominium's bylaws, which already may be amended by unit owners with by unit owners in good standing having 60% of the total votes,, and, in some cases, by those having as little as a majority of the total votes. Lowering the percentage required to amend the Declaration to 60% could prompt a corresponding change to lower the percentage required to amend the Bylaws even further, in order to preserve the relative hierarchy of the governing documents in relationship to one another.

Furthermore, when a unit owner purchases his or her unit, s/he does so with the knowledge that the condominium's governing documents cannot be amended easily. In that manner, prospective owners' expectations regarding the security of their own living situations, as well as their expectations about how they will be able to use and enjoy their property, are assured. Allowing for changes with the approval of owners having a lesser percentage of the vote will adversely affect the unit owners' overall outlook, and in so doing destabilize condominium communities over time.

Sincerely,

Steven Randol

Steven Randol
Chair, CAI MD-LAC