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February 9, 2023

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

Re: HB 532
Homeowners Associations – Authority to Levy Fines
Position: SUPPORT
Hearing Date: February 21, 2023

Dear Chairman Barve, Vice Chair Stein, and 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.

MD-LAC supports HB 532. The bill authorizes a homeowners association to levy reasonable fines for violations of the declaration, the bylaws, or the rules and regulations of the homeowners association. Condominiums have had this statutory authority for many years, but the Homeowners Association Act currently does not provide that same authority to fine.

The fines are utilized by the governance to persuade violators to abide by the governing documents. Otherwise, the Associations must utilize more expensive methods.

Prior to imposing a fine, a dispute settlement procedure must be followed. First, a written demand to cease and desist from an alleged violation shall be provided to the alleged violator containing the nature of the alleged violation, the action required to abate the violation, and a period of time of at least 15 days in which the violation can be abated without further sanction. Second, if the violation continues past the period of time in the demand, the board shall provide the alleged violator a written notice of their right to request a hearing. The notice to request a hearing shall contain the nature of the alleged violation, the procedures for requesting a hearing, the period of time to request the hearing (at least 10 days from the date of the notice), and the proposed sanction to be imposed. If the alleged violator requests a hearing, the board must provide a notice of the hearing with the time and place of the hearing (not less than 10 days after the request of hearing was provided). If the alleged violator does not request a hearing within the period specified, the board, at the next meeting, shall deliberate whether the violation occurred and decide if a sanction is appropriate.

We respectfully request that the Committee give HB 532 a favorable report. 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, Steven Randol, Chair of the MD-LAC, 410-279-8054, or by e-mail at MDLACChair@gmail.com, or Kathleen M. Elmore, Esquire, emeritus member, MD-LAC for Community Associations Institute at 410-544-6644, or by E-mail at kelmore@el-grp.com.

Sincerely,

Kathleen M. Elmore

Kathleen Elmore, Esquire
Emeritus Member, CAI MD-LAC

Steven Randol

Steven Randol
Chair, CAI MD-LAC