

**FAVORABLE With Amendments Testimony - HB0029 -
Nelda Fink
MD District 32**

Thank you! This is very necessary as many HOA/COA BOD members do not know the rights of the Council members and overstep them all the time. They don't understand the limiting powers they are given in the governing documents and abuse their supposed authority far to much costing the homeowner much financial distress. I'm on my community's board and am appalled at all the violations they commit. I'm only one vote however and am limited in what I can do for my community.

There are a few amendments I propose:

1. 1-105 (B)(9)III should incorporate Maryland bill of rights. Such as "ARE PROTECTIVE OF THE RIGHTS OF RESIDENTIAL OWNERS IN THE COMMUNITY AS OUTLINED IN MARYLANDS BILL OF RIGHTS."
2. There is a fine line between the fiduciary responsibility of the BOD and the charging and remediation of violations. Before a BOD can claim a violation of the homeowner's PRIVATE property, they must prove the allegations such as for that of public safety using the appropriate county authorities to prove those allegations. Such as structural damage, unsanitary conditions, or noxious noise needs to be proven that

said conditions actually affect public health or the safety of others in the community.

3. (13) Along with the proving of effects in the community of a violation, there needs to be a more clear definition of "FAIR". If a majority of the BOD defines fair in a manner that is more damaging to the homeowner, yet the minority defines fair to be more fair to the homeowner, something needs to happen. I don't think it's fair for the BOD to require maintenance that the homeowner cannot afford to perform. And I don't think it is fair for that maintenance to be performed by the BOD and have the costs to be alienated onto the property. This is one of the basic premises to the supposed fiduciary responsibility of the BOD. I don't agree with this premise, as there is no proof of the fiduciary value loss if the maintenance is not performed. So I propose that "Fair" be defined as recommendations that the homeowner can reasonably agree to. The BOD can offer a loan to the homeowner, but to force repairs on a homeowner at the homeowners expense is taking a possessory hold of the property, which is illegal, but the homeowner has no funds or knowledge to object or take recourse. The BOD I am on, does this often and without regard to the homeowner's rights to ownership and privacy.
4. The CPD of the OAG is so backed up, we don't get timely responses to the issues presented by homeowners. I propose (15)(III) – Complaints from

homeowners of COA/HOA shall have an emergency fast reaction line into the CPD if necessary to stop any financial or otherwise damaging actions of the BOD. This emergency line should provide feedback within 5 days of filing an emergency complaint.

5. (15)(IV) (Injunctive relief) When a complaint is accepted by the CPD a notice must be immediately sent to the BOD and all actions against a homeowner must cease until a decision by the CPD has been made.

I support This Bill.

Nelda Fink