

Members of the Environment and Transportation Committee, thank you for the work that you do and the opportunity to comment on HB1300.

This bill should be tabled. It was introduced with virtually no public notice and its effect, implications, and overall purpose are unclear.

I do not object to the invalidating of HOA, condominium, and other covenants that restrict residentially zoned property to a single type of structure. I do object to this being applied unevenly across Montgomery County. By omitting covenants created between June 1, 1958 and October 1, 2024, much if not most residential acreage will not be available for other types of housing. This means that the goals of Thrive Montgomery 2050 and the forthcoming Attainable Housing Strategies, to be implemented through zoning changes, will not be able to be implemented in communities established during those 66 years.

According to the Montgomery County Planning Department, there are 587 HOAs and 481 condominium associations in the County. Is there data on how many would be required to comply with this bill? I have not seen any. Is there data on how many acres would be affected? I have not seen any.

Nationally, in 1970 there were 10,000 community associations, according to the Foundation for Community Association Research ([https://foundation.caionline.org/wp-content/uploads/2021/07/2021StatsReview\\_Web.pdf](https://foundation.caionline.org/wp-content/uploads/2021/07/2021StatsReview_Web.pdf)). In 2020, there were 355,000, of which HOAs and condominiums accounted for all but 2-4%. Historically, the number of HOAs and condominium associations began to expand after 1964 – within the dates not covered by this legislation.

The goal of this bill, based on the wording and the delegation discussions on December 21, 2023 and February 23, 2024, is clearly to open up more land for residential development, including ADUs and multiplex housing. That effort must apply throughout the County, not just in older and largely down-county communities. Metro, BRT lines, and activity centers – key elements to determining where additional housing should go, according to Thrive Montgomery 2050 (Thrive) – exist everywhere.

Moreover, this legislation is not needed right now. The Attainable Housing Strategies (AHS) are still being formed at the Planning Department, to be followed by Planning Board hearing and work sessions and approval, and transmission to the County Council for its hearing and work session process. Then there will be specific zoning changes and master plans to implement the policies and goals of Thrive and AHS. The State Legislature has – and must take - the time to do this carefully, properly, and fairly to ensure that it is an effective measure that treats all residentially zoned property equally.

Thank you for your consideration of my comments.

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