

HB 1300 Unfavorable

I am writing this note to solicit your unfavorable report on bill HB1300 (aka MC 8-24). The Cherrywood HOA is a 606 unit HOA in Olney, MD. Our board of directors has reviewed this bill and is unanimously opposed to this bill as it usurps the authority of HOA covenants and property rights that all owners bought into when they invested their life's savings in property in a planned community in Montgomery County. This legislation would retroactively make HOA covenants signed at settlement void and unenforceable. This would appear to be an unconstitutional violation of the rights of property owners.

In the original submission of this bill, the broad language of the bill made it applicable to all communities in Montgomery County infringing on the property rights of most homeowners in JUST one County in the State of Maryland. The language of the revision temporarily narrows the scope of applicability in Montgomery County, however it does NOT change the infringement on the property rights of County homeowners. Even more troubling is that Delegate Moon made the rationale for this bill a racial one in his testimony on 2-15-24 starting at the 2:35 mark. https://www.youtube.com/watch?v=r_TYoN3wHls

As Delegate Korman pointed out in his comments on this bill on 2-23, the Supreme Court has already invalidated all racial and religious covenant restrictions some 60 years ago. This legislation is, therefore, not necessary to correct racial injustices, and is an attack on any other planned community restrictions in community association documents without any notice to communities whose restrictions could be revoked. In Delegate Moon's own words, this bill is also based on some similar legislation that is happening in a small section of DC (not the whole city) that hasn't even passed in that jurisdiction.

In short, this bill is an attempt to void property rights in JUST one County in Maryland using a racial justification that hasn't existed for 60 years. Furthermore, this legislation was patterned after a DC movement that only would affect a small area of DC that hasn't even passed in that jurisdiction. This law could create chaos in planned communities throughout Montgomery County. The Cherrywood Homeowners Association joins the Greater Olney Civic Association, the Montgomery County Civic Federation, and the Maryland Legislative Action Committee for the Community Associations Institute to urge the committee to give bill HB 1300 an unfavorable report.

Paul F. Jarosinski, President
Cherrywood Homeowners Association, Inc.
PO Box 159
Olney, Maryland 20832