

HB 705 Crossover Support Letter.pdf

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Position: FAV

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March 21, 2024

To: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

From: Karen S. Straughn
Consumer Protection Division

Re: House Bill 705 – Real Property – Cooperative Housing Corporations, Condominiums,
and Homeowner Associations – Virtual Meetings (SUPPORT)

The Consumer Protection Division of the Office of the Attorney General submits the following written testimony in support of House Bill 705 submitted by Delegate Jen Terrasa. This bill is intended to clarify that, when virtual meetings are held by a common ownership community association, participants should be given reasonable access to verbally participate in the meeting and equal access to participate via the chat function. The bill further gives the ability to the person conducting the meeting to mute a participant after a warning if that individual becomes disruptive.

Throughout the pandemic, the Consumer Protection Division received many calls and concerns from boards of directors, property managers and attorneys concerning the process for conducting a virtual meeting and seeking guidance. Generally, associations have advised the Division that virtual meetings have been helpful, and many associations have reportedly been able to increase attendance at meetings by conducting them virtually.

However, the Division has also received calls and concerns from residents that some associations have muted all participants throughout the meeting and/or disabled the chat function for participants other than the members of the board. The Division has even been made aware of meetings in which the organizer has randomly removed members from the meeting after the meeting began. This bill would seek to protect the rights of members to attend a virtual meeting conducted in a manner comparable to that of an in-person meeting. This bill further promotes reasonable participation by members while providing safeguards in the event the meeting becomes monopolized by a disruptive member.

For these reasons, we ask that the Judicial Proceedings Committee return a favorable report on this bill.

cc: The Honorable Jen Terrasa
Members, Judicial Proceedings Committee

HB705 testimony.pdf

Uploaded by: Grason Wiggins

Position: UNF

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March 19, 2023

Sen. William C. Smith, Jr
will.smith@senate.state.md.us
2 East Miller Senate Office Bldg
11 Bladen St
Annapolis, MD 21401

RE: HB705 – Co-op Housing Corps, Condominiums, HOA – Virtual Meetings

Position: Oppose

Dear Sen. Smith & members of the Judicial Proceedings Committee:

Community associations are run by elected, uncompensated volunteers who, for the most part, try to operate in a fair and open environment. For the convenience of their members, the board and management schedule most meetings in the evening. Unfortunately, today, a portion the general population has become demanding and intolerant and downright rude making it difficult to conduct business. Even the State of Maryland House and Senate have rules of conduct for open meetings and no member of the public may speak without being recognized and placed on the agenda beforehand. Surely, this is so that the government can function and actually accomplish the business of the agenda.

Community associations, like the government, are required to conduct business in open meetings. In community associations, a certain time is allotted for open forum during most meetings to allow owners to express their concerns. But, forum aside, the process is to close the floor and allow members to OBSERVE the business of the association; not to participate. Like government, most issues are decided by a majority of the elected body and are not put to referendum.

HB705 proposes some language to be added to the respective sections relating to meetings, particularly those held electronically. Specifically, points that are NOT subject to the objection of

the Community Associations Institute's Maryland Legislative Action Committee (CAI MD-LAC) include:

Moving the word "The" from (a)(2) to (a)(2)(I)

Adding (II) requiring the person conducting the meeting to allow a "reasonable" opportunity for participants to 1. be heard by other participants; 2. to participate to the same extent as if the meeting were conducted in person.

Adding (3) that participants shall have access to chat functions.

Frankly, we believe these procedures are already required and implemented at the vast majority of our board meetings. But, what we do object to are the remaining changes which constitute the bulk of the proposed amended language. Particularly, we object to a requirement to allow participants to unmute themselves, at will, even though the presider may mute during the business portion of the meeting, during presentations and to avoid background noise and, even though the presider may revoke a person's ability to unmute or to remove the person, after warning. These provisions imply that the meeting is NOT just a meeting of the board which is open for observation by members. It is, in fact, a free-for-all. Surely, the House and Senate will not be considering such changes to your meetings as you would literally get nothing accomplished.

We are opposing this bill, even in light of the portions that we do not find objectionable, because we believe our members are already afforded those privileges. But, we certainly object to language that opens the governing body's meeting to general membership for virtually unlimited comment, argument, disruption, and outrage and which will undoubtedly make the meetings longer and less productive.

For these reasons, we oppose HB770. We are available to answer any questions the Committee Members may have. Please do not hesitate to contact Lisa Harris Jones, CAI MD-LAC lobbyist, at 410-366-1500 or by email at lisa.jones@mdlobbyist.com or Vicki Caine, CAI MD-LAC Chair, by email at vcaine1@gmail.com or Chris Majerle, PCAM at 240-387-4742 or by email at cmajerle@AccessMMI.com.

Sincerely,

Chris Majerle

Chris Majerle, PCAM

Vicki Caine

Chair, CAI MD-LAC

CAI is a national organization dedicated to fostering vibrant, competent, harmonious community associations for more than thirty years. Its members include community association volunteer leaders, professional managers, community management firms, and other professionals and companies that provide products and services to common interest associations. As part of its mission, CAI advocates for legislative and regulatory policies that support responsible governance and effective management. As part of this purpose state Legislative Action Committees represent CAI members before state legislatures and agencies on issues such as governance, assessments collection, insurance and construction defects.