

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



KELLEY O'CONNOR
ASSISTANT STATE COURT
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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: House Environment and Transportation Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 558
Common Ownership Communities – Local Commissions
DATE: January 29, 2025
(2/11)
POSITION: Oppose, as drafted

The Judiciary respects the separation of powers doctrine and acknowledges that the legislature is the policy-making branch. As such, the Judiciary has no position on the policy aims of this legislation and defers to the legislative branch on such matters.

While the Judiciary has no position on the policy aims of the legislation, it has concerns with the mandatory consolidation provision on page 14, lines 21 through 22, as it removes the discretion of the judge to make such a determination when appropriate.

In addition, on page 14, lines 19 through 20, court of competent jurisdiction is not defined and it is unclear whether the designation depends on the amount in controversy or whether the circuit court has exclusive original jurisdiction.

Finally, the language on pages 14 and 15 regarding appeals is unclear. The bill seems to suggest that the appeal would be on the record (on page 14) by indicating that the court shall sustain the decision of the hearing panel in certain circumstances, but the bill also provides (on page 15) that a hearing is de novo. These provisions are in conflict. Further, as indicated above, if the court of competent jurisdiction is the District Court, it would be unusual as the District Court does not conduct record appeals.

cc. Hon. Marvin Holmes, Jr.
Judicial Council
Legislative Committee
Kelley O'Connor