

LINDA FOLEY
Legislative District 15
Montgomery County

Environment and Transportation
Committee



The Maryland House of Delegates
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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Testimony: HB755 - Common Ownership Communities - Recreational Common Areas - Sensitive Information as Condition for Access

Committee: Environment and Transportation Committee

Hearing Date: February 18, 2025

Position: Favorable

Thank you, Chair Korman, Vice Chair Boyce, and members of the committee, for the opportunity to introduce House Bill 755: Common Ownership Communities - Recreational Common Areas - Sensitive Information as Condition for Access. For the record, I am Delegate Linda Foley of District 15. This bill's intent is to prevent Homeowners Associations (HOAs) and other Common Ownership Communities (COC) from requiring sensitive personal information as a condition of accessing shared recreational areas.

The reason for this legislation originates from a constituent concern. This constituent resides in Clarksburg, MD and was in the process of obtaining pool passes for her children, when she learned that she needed to provide the HOA with the kids' birth certificates. This, of course, was a major concern. She has owned a home in Clarksburg Town Center for 5 years, and pays her HOA fee on a monthly basis. Recently, the HOA decided they wanted to audit her pool passes and demanded she prove the parentage of her 5 children who already have pool passes and share her last name. They required her to show them the children's birth certificates. They then turned off their access to the pool and stated that she would not be able to use the facility until she showed them her children's birth certificates.

This practice is not only an unreasonable invasion of privacy but also raises serious concerns about potential discrimination against adopted and transgender individuals, among others.

Demanding birth certificates could potentially expose private information about adopted children, whose families may not have yet disclosed their adoption status. The constituent said she was appalled to hear that her HOA makes parents who adopt children show adoption documents and birth certificates. Birth certificates may reveal a child's transgender status, which could lead to unnecessary scrutiny or discrimination.

In addition, COCs should not have access to residents' sensitive information that might reveal personal financial information, religious affiliation, national origin or immigration status. Keeping that information private is especially important given the current situation in our country.

An HOA or COC does not have a legitimate need for such personal details about its residents, and there is no guarantee that the association has adequate data security protocols in place to protect this sensitive information.

There are far less intrusive ways for a COC to verify residency for common amenity access purposes.

As lawmakers, we have a responsibility to protect the privacy and civil liberties of Maryland residents, even in the context of community associations. Requiring individuals to disclose sensitive information like their social security number, birth certificate, immigration status or religious beliefs just to use a community pool or playground is an unreasonable invasion of privacy.

This bill strikes the right balance - it still allows COCs to require a government-issued photo ID for access, but prohibits them from collecting more sensitive personal data that could be misused or lead to discrimination. Residents should not have to sacrifice their privacy in order to enjoy the amenities they pay for through their HOA or condo fees.

Protecting individual privacy is a core American value, and I believe this legislation is an important step in upholding that principle within the context of Common Ownership Communities. I urge the committee to give this bill a favorable report and send a clear message that Maryland values the privacy rights of all its citizens. Thank you.



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February 18, 2025

To: The Honorable Marc Korman
Chair, Environment and Transportation Committee

From: Karen S. Straughn
Consumer Protection Division

Re: House Bill 755 – Common Ownership Communities – Recreational Common Areas – Sensitive Information as Condition for Access (SUPPORT)

The Consumer Protection Division of the Office of the Attorney General submits the following written testimony in support of House Bill 755 submitted by Delegate Linda Foley. This bill would prohibit a common ownership community from requiring sensitive information to access recreational common areas.

As a member of a common ownership community, an owner's assessments usually include the necessary expenses to permit access to recreational areas. However, some associations are requiring sensitive information, like birth certificates, as a means of ensuring that those entering these recreational areas, like a pool, are members of the owner's family. While the intent is to ensure that the facilities are being used by those who pay the fees to maintain these facilities, the risk to family members outweighs this interest. A birth certificate reflects not only an individual's gender, but also an individual's adoptive status and possible immigration status. This information should not be required merely to go swimming or otherwise access recreational common areas.

Contrasting the need for community management with individual privacy rights requires a delicate balance, but there can be no question that the sensitive information protected by this bill is not necessary to the proper running of a common ownership community association. Moreover, sharing this information may be detrimental to owners and their families, particularly in the event of a data breach.

Finally, this bill also helps to protect the association. If the sensitive information obtained by the association is disclosed, whether purposefully or inadvertently, the association may be subject to lawsuits, impacting everyone in the association.

For these reasons, we ask that the Environment and Transportation Committee return a favorable report on this bill.

cc: The Honorable Linda Foley
Members, Environment and Transportation Committee