

Testimony to House Environment and Transportation Committee
on HB557 (Residential Owners in Common Ownership Communities - Bill of Rights)
by Alex Hekimian

I'm the President of the Holly Court Community Association in Columbia, and having previously served on our state's Task Force on Common Ownership Communities, I wholeheartedly support HB557.

Back in 2005, the General Assembly identified a clear need to upgrade Maryland's laws that govern common ownership communities and established a Task Force to prepare proposals for filling gaps in those laws. Your Task Force concluded that there were many serious abuses by the governing bodies of those communities, and that homeowners deserve a Bill of Rights. The General Assembly has a precedent of approving other Bill of Rights legislation, such as:

- The Property Owner's Bill of Rights
- Law Enforcement Officer's Bill of Rights
- State Correctional Officer's Bill of Rights
- Basic Rights of Patients in Comprehensive Care or Extended Care Facilities
- Rights of Individuals with Regard to Medical Care

Even the prestigious Uniform Law Commission has strongly urged states to approve a bill of rights for homeowners in common ownership communities. That national Commission includes lawyers from all of the states, whose purpose is to prepare model legislation designed for critical areas of state laws.

HB557 is similar in structure to the federal Bill of Rights and other bills of rights – intentionally just a very short statement for each right. It is merely meant to be a foundation for more detailed legislation that would later be required to actually implement each of the rights when the time is appropriate.

Since each of those rights is not actionable until follow-up legislation is passed, this Bill of Rights would have no immediate effect on the State budget, so a fiscal note for HB557 should show zero dollars. It's only when the follow-up legislation is proposed that a fiscal note's dollar amount is justified. HB557 simply identifies such rights, which is very useful to our delegates and senators because it offers a general framework for drafting future laws for common ownership communities in our state.

The only amendment to HB557 that I would ask you to consider is adding the following right:

Any homeowners association, condominium, or cooperative housing corporation may extend any of the above mentioned rights to renters, tenants, and/or commercial property owners within their community if required by its governing documents.

HB557 focuses on rights for residential owners, but some communities can extend such rights to renters, tenants, and commercial property owners, so this amendment accounts for that possibility.

In conclusion, I urge you to submit a favorable report on HB557.