

December 16, 2024

Comments on Bill MC 11-25 - opposed

The Cherrywood Homeowners Association is a 606-unit homeowners association located in Olney, Maryland. We are a County Master Plan planned community that includes single-family detached homes, townhouse condominiums, and MPDUs.

Our HOA documents are 44 pages long and, if you live in the townhouses, there are another ~100 pages of HOA documents. Perspective homebuyers receive and review these documents prior to investing their life's savings in a house in our neighborhood. This is a process repeated in Common Ownership communities throughout Montgomery County.

This bill appears to be another 29 pages of amendments to existing HOA documents that residents agreed to before the purchase of their house. Furthermore pages 3-11 appear to be repeated starting on Page 12. There are provisions within this document that void portions of the covenants already agreed to at the time of settlement.

What is the real purpose and need for changing these documents? Why would these only apply in Montgomery County?

Beyond all the technical jargon, what is the purpose for complicating the voting process and potentially increasing the costs significantly? Residents pay 20-40 thousand dollars a year for a management company to manage the HOA and that includes elections. Why can't the paid management company be considered an independent third party in order to oversee/conduct the elections?

Of course candidates in the elections cannot be part of the election process, but who determines what constitutes a "conflict of Interest." The provision on Page 4 indicates if there is an objection to a chosen third party, there is another election to see if 25% object to the third party chosen. Who conducts that election?

It is hard enough to find volunteers to serve for free on the Board of common ownership communities so contested elections are rare. In the rare event there is a contested election such as late nomination from the floor, these requirements are onerous and could be very extremely expensive if a second meeting needs to be scheduled so that a "third party vendor" can be on hand to conduct an unexpected contested election. The Cherrywood HOA therefore opposes this bill as overly complicating the HOA documents and confounding the election process. We believe the hired management firm should constitute a qualified third party for the purposes of conducting an election.

Sincerely,
Paul F. Jarosinski, President
Cherrywood Homeowners Association