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February 24, 2026

Honorable Kriselda Valderrama, Chair
kris.valderrama@house.maryland.gov

Vice Chair, Delegate Lorig Charkoudian
lorig.charkoudian@house.maryland.gov
Economic Matters Committee
231 Taylor House Office Building
Annapolis, MD 21401

Re: HB 955
Real Property – Condominiums and Homeowners Associations - Elections
Position: SUPPORT WITH AMENDMENTS
Hearing Date: February 26, 2026

Dear Chair Valderrama, Vice Chairperson Charkoudian, and Members of the Economic Matters Committee:

This letter is submitted on behalf of the Maryland Legislative Action Committee (“MD-LAC”) of the Community Associations Institute (“CAI”). CAI represents individuals and professionals who reside in or work with community associations, as well as condominiums, homeowners’ associations, and cooperatives throughout the State of Maryland and throughout the United States. The MD-LAC supports HB 955 with amendments.

HB 955 amends 11-109(c)(17) of the Condominium Act and 11B-118 of the HOA Act which pertain to elections in condominiums and homeowners associations enacted in the 2025 session. Since its effective date on October 1, 2025, the new law has created additional costs and confusion

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for condominiums and homeowners associations when conducting their elections of Board HB841 members or officers who constitute the governing body elected by the membership. Historically, management companies have assisted the election process as part of their contractual obligations to their association clients. With the adoption of the election provisions in 11-109(c)(17) and 11B-118(a), this assistance from the management company can no longer occur and leaves associations scrambling to find volunteer owners or pay third party vendors to conduct an election. With respect to the former, it is difficult for associations to find individual owners willing to volunteer. In fact, approximately 90% of elections in condominium and homeowner associations are uncontested because there are not enough individuals willing to volunteer to serve on the Board. If you add to this, the fact that elections can become paper/data intensive and involve calculations of percentage interests (i.e., voting weight) and voting eligibility determinations, the responsibility to conduct the election can be overwhelming even when an individual volunteer comes forward. Therefore, an exception to the law for uncontested elections is vital. An exception for small associations, where the cost burden can be oppressive, is also necessary. Finally, under the governing documents of the associations, voting by proxy is almost universally allowed and it is the personal determination of an owner who serves as his or her proxy holder. This interpretation is not expressly in the law but is an outcrop of the term independent party and this interpretation should not be implied. Such a personal determination should not be taken away by the legislature, and thus a provision preserving an owner's right to choose his or her own proxy holder is reflected in our proposed amendments below.

Proposed Amendments to HB 955:

1. “CONTESTED SEATS” is not a defined term or a term of art used in the industry. Change the word “CONTESTED” to “OPEN”. In addition, an exemption for small associations is needed to alleviate the cost burden of the elections law.

11-109(c)(17)(i)

THIS PARAGRAPH APPLIES ONLY TO AN ELECTION IN A RESIDENTIAL CONDOMINIUM IN WHICH THE NUMBER OF CANDIDATES EXCEEDS THE NUMBER OF ~~CONTESTED~~ OPEN SEATS. THIS PARAGRAPH ALSO ONLY APPLIES TO RESIDENTIAL CONDOMINIUMS WITH MORE THAN 50 RESIDENTIAL DWELLING UNITS.

11B-118(a)(1)

THIS SUBSECTION APPLIES ONLY TO AN ELECTION IN WHICH THE NUMBER OF CANDIDATES EXCEEDS THE NUMBER OF ~~CONTESTED~~ OPEN SEATS. THIS PARAGRAPH ALSO ONLY APPLIES TO HOMEOWNERS ASSOCIATIONS WITH MORE THAN 50 RESIDENTIAL DWELLING UNITS.

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2. The term Independent Party has been interpreted by the Office of the Attorney General in a manner and usage that deprives associations of the assistance of trusted advisors and does not appear to comport with the original intent of the law. In addition, please note the definition of governing body already contained in 11-101(i) and the language that clarifies the law applies to elections of officers (which is not the standard) and directors (which is the standard). Clarify the definition of “INDEPENDENT PARTY”

11-109(c)(17)(ii), (iii) and (iv)

(II) ELECTIONS, INCLUDING THE COLLECTION AND COUNTING OF BALLOTS AND THE CERTIFYING OF RESULTS, FOR OFFICERS (IF ELECTED BY THE UNIT OWNERS) OR MEMBERS TO THE BOARD OF DIRECTORS ~~OR MEMBERS OF THE GOVERING BODY OTHER THAN THE FULL MEMBERSHIP OF THE COUNCIL OF UNIT OWNERS~~ SHALL BE CONDUCTED BY AN INDEPENDENT PARTY. PARTIES WHO:

(III) ANY PERSON SHALL BE CONSIDERED AN INDEPENDENT PARTY UNLESS:

1. THEY ARE A CANDIDATE IN THE ELECTION; OR
2. THEY HAVE A CONFLICT OF INTEREST REGARDING ANY CANDIDATE IN THE ELECTION; OR
3. THEY FAIL TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION; OR
4. THEY ELECTIONEER FOR A CANDIDATE; OR
5. A MAJORITY OF THE UNIT OWNERS OF THE CONDOMINIUM IN GOOD STANDING VOTE PRIOR TO AN ELECTION THAT THE PERSON IS NOT AN INDEPENDENT PARTY.

(IV) UNLESS PROPERTY MANAGEMENT FOR A CONDOMINIUM IS OWNED BY THE CONDOMINIUM, OR A PARENT ASSOCIATION OF THE CONDOMINIUM, REPRESENTATIVES OF THE CONDOMINIUM'S PROPERTY MANAGEMENT ARE NOT ~~INDEPENDENT PARTIES~~ AN INDEPENDENT PARTY.

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11B-118(a)(2) and (3)

(2) ELECTIONS FOR THE BOARD OF DIRECTORS OR OTHER GOVERNING BODY OF A HOMEOWNERS ASSOCIATION (IF ELECTED BY THE MEMBERSHIP), INCLUDING THE COLLECTION AND COUNTING OF BALLOTS AND THE CERTIFYING OF RESULTS, SHALL BE CONDUCTED BY AN INDEPENDENT PARTY. PARTIES WHO:

(3) (i) ANY PERSON SHALL BE CONSIDERED AN INDEPENDENT PARTY UNLESS:

1. **THEY ARE A CANDIDATE IN THE ELECTION; OR**
2. **THEY HAVE A CONFLICT OF INTEREST REGARDING ANY CANDIDATE IN THE ELECTION; OR**
3. **THEY FAIL TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION; OR**
4. **THEY ELECTIONEER FOR A CANDIDATE; OR**
5. **A MAJORITY OF THE MEMBERS OF THE HOMEOWNERS ASSOCIATION IN GOOD STANDING VOTE PRIOR TO AN ELECTION THAT THE PERSON IS NOT AN INDEPENDENT PARTY.**

(ii) UNLESS PROPERTY MANAGEMENT FOR A HOMEOWNERS ASSOCIATION, OR A PARENT ASSOCIATION OF THE HOMEOWNERS ASSOCIATION, IS OWNED BY THE HOMEOWNERS ASSOCIATION, REPRESENTATIVES OF THE HOMEOWNERS ASSOCIATION'S PROPERTY MANAGEMENT ARE NOT ~~INDEPENDENT PARTIES~~ AN INDEPENDENT PARTY.

3. Owners often give their vote (and in an election, their directed proxy vote) to a proxy holder. The Office of the Attorney General has indicated that the representatives of the management company cannot act as a proxy holder. Owners should not be disenfranchised from their vote by this overbroad interpretation that does not appear to comport with the original intent of the law. The law should allow proxy voting in accordance with each association's Governing Documents:

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11-109(c)(22) **PROXY VOTING SHALL BE CONDUCTED IN ACCORDANCE WITH THE COUNCIL OF UNIT OWNERS GOVERNING DOCUMENTS. ALL OTHER PROVISIONS OF THE GOVERNING DOCUMENTS, RULES, OR REGULATIONS OF A CONDOMINIUM RELATING TO THE CONDUCT OF ELECTIONS THAT ARE INCONSISTENT WITH THE REQUIREMENTS OF THIS SECTION ARE UNENFORCEABLE AND VOID.**

11B-118(d) **PROXY VOTING SHALL BE CONDUCTED IN ACCORDANCE WITH THE HOMEOWNERS ASSOCIATIONS GOVERNING DOCUMENTS. ALL OTHER PROVISIONS OF THE GOVERNING DOCUMENTS, RULES, OR REGULATIONS OF A HOMEOWNERS ASSOCIATION RELATING TO THE CONDUCT OF ELECTIONS THAT ARE INCONSISTENT WITH THE REQUIREMENTS OF THIS SECTION ARE VOID AND UNENFORCEABLE.**

HB 955 attempts to address the foregoing costs and concerns that have been raised, but it requires additional amendment as set forth above to successfully do so.

We respectfully request your **favorable consideration of HB955 with the proposed amendments**. We are available to answer any questions the Committee Members may have. Please feel free to contact Lisa Harris Jones, lobbyist for the MD-LAC, at 410-366-1500, or by e-mail at lisa.jones@mdlobbyist.com, Igor Conev, Chair of the MD-LAC at 443 614 2787, or by e-mail at igor@ocmannproperties.com, or Cynthia Hitt Kent, Esquire, Assistant Secretary, MD-LAC at 443 695 1981, or by e-mail at ckent@hittkentlaw.com.

Sincerely,

Cynthia Hitt Kent

Cynthia Hitt Kent
Assistant Secretary, CAI MD-LAC

Igor Conev

Igor Conev
Chair, CAI MD-LAC

cc: Delegate Marvin Holmes

CAI is a national organization dedicated to fostering vibrant, competent, harmonious community associations for more than fifty 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.