

CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

SHARON S. MERRIWEATHER
Deputy Attorney General

ZENITA WICKHAM HURLEY
Deputy Attorney General



**STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION
MEDIATION UNIT**

ANTHONY G. BROWN
Attorney General

WILLIAM D. GRUHN
Division Chief

KAREN S. STRAUGHN
Unit Director

PETER V. BERNS
General Counsel

CHRISTIAN E. BARRERA
Chief of Staff

410-576-7942
kstraughn@oag.maryland.gov
Fax: 410-576-7040

March 5, 2026

To: The Honorable Kriselda Valderrama
Chair, Economic Matters Committee

From: Karen S. Straughn
Consumer Protection Division

Re: House Bill 1211 – Condominiums – Unit Owner Responsibility for Damage or
Destruction (OPPOSE)

The Consumer Protection Division of the Office of the Attorney General submits the following written testimony in opposition to House Bill 1211 submitted by Delegate Chris Tomlinson. This bill would shift the full responsibility for a loss in a condominium from the association to the individual owner of the unit where the loss originated.

In April of 2008, the Court of Appeals of Maryland ruled in *Anderson v. Council of Unit Owners of the Gables on Tuckerman Condominium*, 404 Md. 560, 948 A.2d 11 (2008), that the Maryland Condominium Act did not require associations to repair or replace property within individual units. This decision was a complete reversal of how condominiums generally operated prior to that time and resulted in the legislature amending the laws to reflect that the determination of responsibility for a loss depends upon where the loss originated. Following these changes in the law, regardless of negligence, a unit owner is only responsible for the Association's policy deductible if the cause of loss originates in their unit; the Council of Unit Owners bears responsibility for the damage if the cause of loss originates in the common elements. House Bill 1211 proposes to amend the law once again to make a unit owner responsible for the full loss, regardless of negligence, if the cause of loss originates in their unit.

There are many losses that originate in a unit that do not result from any negligence by the unit owner. By transferring the responsibility to unit owners for amounts above the deductible, as opposed to the association, it imposes unlimited liability on the unit owners and makes it difficult for them to properly protect themselves in the event of a loss. In addition, it essentially transfers responsibility for insuring the association's property to individual unit owners rather than to the association as a whole. In essence, multiple individual unit owners would necessarily have to insure the same common elements to protect themselves in the event of a large loss. This is not only impractical, but it increases the overall costs to individual unit owners who wish to ensure that they are properly insured in the event of a loss and will result in multiple policies covering the same property, which is more efficiently covered by the Association.

For these reasons, we ask that the Economic Matters Committee return an unfavorable report on this bill.

cc: The Honorable Chris Tomlinson
Members, Economic Matters Committee