

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



KELLEY O'CONNOR
ASSISTANT STATE COURT
ADMINISTRATOR
GOVERNMENT RELATIONS
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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: House Economic Matters Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 402
Common Ownership Communities – Ombudsman Unit, Governing
Document Database, and Local Commissions
DATE: January 28, 2026
(2/12)
POSITION: Oppose, as drafted

The Maryland Judiciary opposes House Bill 402, as drafted. The Judiciary has no position on the policy aims of the legislation, however, and notes its opposition only as to the particular provisions listed below on page 19.

The mandatory consolidation provision on page 19, lines 4-5 takes away necessary judicial discretion given the breadth of potential cases potentially included. The Judiciary would request that the consolidation be within the trial judge's discretion to appropriately consider the unique factors of the various cases.

In addition, on page 19, lines 2-3, "court of competent jurisdiction" is not defined. It is unclear whether the designation depends on the amount in controversy or whether the circuit court has exclusive original jurisdiction. The Judiciary believes that legislative clarification would be beneficial in that regard.

Finally, the language on page 19 regarding appeals is unclear. The language indicating that "the court shall sustain the decision of the hearing panel" in certain circumstances could be interpreted to suggest that the appeal is on the record, but the bill also provides

that a hearing is de novo. Clarification as to the manner of appeal would ensure that the court hearing the appeal, and the litigants themselves, understand the procedural posture and requirements of the hearing. Further, if the court of competent jurisdiction is intended to include the District Court, it would be unusual as the District Court does not currently conduct record appeals.

cc. Hon. Marvin Holmes
Judicial Council
Legislative Committee
Kelley O'Connor