

HB0502 – THERESA DOWGWILLO - FAVORABLE

The Honorable Andrew C. Pruski
Maryland House of Delegates

Dear Delegate Pruski,

I am writing you to as a constituent from Gambrills, and I am 100% in favor of HB0502, Real Property – Governing Bodies of Common Ownership Communities – Member Training. I am a condo owner in The Village at Waugh Chapel West, a 55+ active adult condominium community, at 2606, 2608, 2610 Chapel Lake Drive, Gambrills. Our Association consists of three buildings, our council of unit owners is comprised of 101 unit owners, and we are governed by a board of directors. There are two 'sister' associations on the property as well, 2605-2607, and 2604.

I speak from personal experience when I encourage you and the Assembly to continue strengthening the laws for condo associations, whose unit owners, often aging in place, find it difficult to participate personally in association business, and as such, vulnerable to the whims of directors, leading to inconsistent application of the laws and governing documents. We've experienced our board consistently refer to how it has always been done, and often misinterpret or outright disregard the Act and our governing documents. I've spent my own money over the past 2+ years on condo law legal advice for how to steer our board into compliance, though I've been met with criticism and roadblocks at every effort.

I truly believe a requirement to receive and maintain the training recommended in HB0502 will benefit us and every association. It will instill the importance of the provisions of the Act, and hopefully will compel board of directors to govern with integrity, which will protect the rights of all unit owners. When I first purchased here, it was obvious to me that after several meetings, the board members had never read the Act, and even the management company had not read our bylaws.

I do want to thank you for the changes made last session. I personally used the services of the AG's Consumer Complaint Division in an attempt to obtain financial documents and meeting minutes, but was not successful. The board did not comply with the Act, but with the AG's office offering only mediation services, the office has no authority to compel them to provide the documents when the board refused. I ultimately had to hire a lawyer to obtain the documents. Additionally, as a result of my complaint, I personally experienced retaliation from the board and the management company for exercising my rights, when they publically admonished me at the following annual meeting, and that atmosphere continues to linger after two years. I feel somewhat vindicated by the inclusion of the prohibition against retaliation in the changes of 2025. I only wish the AG's office would be more involved in ensuring compliance with the Act, especially since the list of non-compliance of our board has been lengthy.

With that said, and back to the Bill at hand, I am offering two recommended amendments that I believe will make it stronger, and one is to include in (C)(2)(II) the training curriculum the following,

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- HOW ASSOCIATION GOVERNING DOCUMENTS RELATE TO THE MARYLAND HOMEOWNERS ASSOCIATION ACT, THE MARYLAND CONDOMINIUM ACT, AND THE MARYLAND COOPERATIVE HOUSING CORPORATION ACT.

This change will teach how the documents work together, and the absence of something in the Act does not mean a bylaw does not apply.

- And two, in item (5) of the section, change
THE BOARD OF DIRECTORS OR THE COUNCIL OF UNIT OWNERS MAY, to
THE BOARD OF DIRECTORS **AND/OR** THE COUNCIL OF UNIT OWNERS **SHALL**:

This change will restore some authority to the council of unit owners should the board not take the appropriate action.

Our governing documents take most all authority away from the vote of the 101 unit owners, giving it to the board of directors. Many unit owners do not vote, firstly they are up in age, and secondly some fear retaliation after the board published all the completed ballots from a prior election, disclosing how owners voted. The more the Act can be expanded to override inherently outdated bylaws, the more Maryland condo owners can feel assured the legislation has their interests in mind.

In closing, I ask you and the other Delegates, to please pass HB0502 as part of your continuing effort to strengthen the Act, bringing equality/standardization in this growing housing environment of condominium living.

Respectfully,



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