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February 13, 2026

Sen. Brian J. Feldman, Chair brian.feldman@senate.maryland.gov
Sen. Cheryl C. Kagan, Vice Chair cheryl.kagan@senate.maryland.gov
Senate Education, Energy, and the Environment Committee
2 West Miller Senate Office Bldg.
Annapolis, Maryland 21401

Re: Senate Bill 36

Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

Hearing Date: February 17, 2026 at 1:00pm

Position: OPPOSE

Dear Chairperson Feldman, Vice Chairperson Kagan and Members of the Education, Energy, and Environment Committee:

This letter is submitted on behalf of the Maryland Legislative Action Committee (“MD-LAC”) of the Community Associations Institute (“CAI”). CAI represents individuals who reside in and professionals who work with condominiums, homeowners associations, and cooperatives throughout the State of Maryland. With this letter, MD-LAC seeks to voice its opposition to the passage of **SB36** based on the numerous concerns discussed below.

As drafted, **SB36** would restrict local jurisdictions from adopting or enforcing zoning provisions relating to lot size, dimensions, setback requirements, lot coverage, and design or architectural elements for single-family homes. It would also prevent local jurisdictions from prohibiting certain types of housing in zones designated for single-family homes and from prohibiting the subdivision of certain types of lots. These restrictions will negatively impact community associations, which are required for most subdivisions, including detached condominium units, condominium townhomes and single-family attached and detached lots, without consideration of the existing restrictive covenants, usage of common areas and common

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facilities, neighborhood compatibility, and/or other adverse indirect impacts on infrastructure, etc.

While the MD-LAC appreciates the need for increased housing within the State of Maryland, **SB36** does not account for jurisdictions and/or individual communities that already experience issues with population density, including traffic congestion, limited parking, safety considerations, and overcrowded schools. While the State can and should promote the development of additional housing in future communities, it should not interfere in existing contractual relationships between a property owner and its community association.

There are over 7,100 existing community associations in the State of Maryland. Over 1 million people currently live in those associations. Condominium associations date back to the 1970s and are subject to the Maryland Condominium Act. Homeowners associations have existed in Maryland since the 1920s, and the Maryland HOA Act was enacted to bring consistency to those associations and ensure individual owners' rights. While there is an exemption in **SB36** for subdivisions that were created within the last three years, the MD-LAC is concerned about the impact of the bill on community associations formed more than three years ago and that have been successfully operating for decades.

These communities were developed by zoning and engineering professionals who considered a specific population density, as well as the impact of the anticipated population of new homeowners upon traffic, schools, parking, facilities, both within and around the community, and other infrastructure. Disregarding existing maximum density restrictions will result in the mass expansion of the number of residents within a community. Proposed **SB36** also does not take into consideration the specific aspects of the over 7,100 existing communities with unique and complex zoning elements, stemming in part from the various and distinctly different codes and regulations imposed by the 23 counties in the State. The bill, as proposed, despite the well-intended goal, will be nearly impossible to implement given the diversity among local governments.

There is also a concern about the conflicts that might be created. **SB36** will more than likely result in significant disputes between counties, community associations and residents with the creation of new housing structures, the future occupants of which will use the common areas, such as parking, common amenities and facilities. Furthermore, it is unclear whether the future owners of these new housing structures should contribute to the currently mandated insurance and reserves for communities.

The aforesaid impact could not only delay implementation of the new law as jurisdictions try to implement it, but also lead to protracted litigation among those parties directly impacted. It will also be catastrophic to the model of community association governance. Accordingly, we ask that you consider exempting existing subdivisions that (1) are subject to condominium regimes and/or homeowners associations; or (2) are otherwise already subject to restrictive covenants.

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For the foregoing reasons, the MD-LAC respectfully requests that the Committee give **SB36** an **unfavorable** report.

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 email at lisa.jones@mdlobbyist.com. You may also contact Igor Conev, Chair of the MD-LAC at 443-614-2787, or e-mail at igor@ocmannproperties.com, or Sara H. Arthur, Member MD-LAC at 410-268-7788, or e-mail at sha@arthurlaw.net

Sincerely,

Sara H. Arthur

Member, CAI MD-LAC

Igor Conev

Chair, CAI MD-LAC

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, assessment collection, insurance, and construction defects.