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Charles Glass, Ph.D., P.E. EXECUTIVE DIRECTOR

February 24, 2026

The Honorable Marc Korman, Chair
House Environment and Transportation Committee
250 Taylor House Office Building
Annapolis, Maryland 21401

Re: House Bill 1424 – Anne Arundel County – Community Sewerage Systems –
Homeowners Association Control

Dear Chair Korman and Distinguished Members of the Committee,

The Maryland Environmental Service (MES) supports HB 1424, which would create a very narrow exception to the general mandate in the Environment Article §9-1110, which generally requires that community sewerage systems or shared facilities with two or more different entities hooked up shall be managed by a government entity of some kind. The narrow exception would authorize a homeowners association (HOA) in Anne Arundel County to manage, operate and maintain a community sewerage or shared facility if the facility was in operation prior to January 1, 2026, and has been in full operational compliance for at least six months prior. To our knowledge, this exception would only apply to one community in Anne Arundel County, so this will not end up in a proliferation of communities requesting this type of carve out from current law. In addition the provisions of the bill a permissive in that all interested parties (Maryland Department of the Environment (MDE), Anne Arundel County, MES, the HOA) must sign off, meaning any one party has a right of refusal.

The HOA would also need to establish rates to cover operations and maintenance costs and a capital reserve sufficient to cover costs to replace the facility. If the HOA, after taking control of the facility, fails to fulfill the obligations of being a controlling authority and fails to comply with an MDE order, MDE would then be required to direct MES to take control of the facility. In the event that happens, any costs incurred by MES for the management, operation and maintenance of the facility shall be charged to the HOA or the individual lot owners. Should the HOA or the individual lot owners fail to reimburse MES, MES can recover its costs under the NR § 3-109.

The bill, as introduced, addresses the primary concern for MES – payment for services. MES is a non-budgeted, fee-for-service independent unit of state government and cannot absorb operational obligations without a payment arrangement. By authorizing MES to recover its costs through the mechanisms set forth in NR § 3-109, the bill provides MES with assurance that it will be able to recover those costs in the event the HOA or individual lot owners fail to remit payment.

In the Senate, MDE offered amendments to Senate Bill 682 (the crossfile to this bill). MDE's amendments would change the bill's structure somewhat so that, if the system fails, the County then becomes the Controlling Authority (not the HOA). MES is supportive of this concept as well. Whatever version of this solution is ultimately moved forward, it is imperative that MES's costs be accounted for. As a non-budgeted agency of Maryland state government, MES does not receive operating funds and is not self sufficient.

We appreciate your time and attention to this matter and we urge a favorable report.

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