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January 30, 2026

Senator William C. Smith, Jr. - Chair  
Senator Jeff Waldstreicher - Vice Chair  
Judicial Proceedings Committee  
2 East Miller Senate Office Building  
Annapolis, Maryland 21401

Re: Senate Bill 353  
Real Property – Residential Foreclosures – Commencement Restrictions  
Hearing Date: February 3, 2026  
Position: Support with Proposed Amendment

Dear Chair Smith, Vice-Chair Waldstreicher, and Members of the Judicial Proceedings Committee:

This letter is submitted on behalf of the Maryland Legislative Action Committee (MD-LAC) of the Community Associations Institute (CAI), which represents individuals and professionals who reside in or work with community associations (condominiums, homeowners' associations, and cooperatives) located throughout the State of Maryland. The Maryland-LAC is pleased to offer support for SB 353; provided, however, that a proposed amendment to the bill is made in advance of the hearing scheduled to commence before your Committee on **Tuesday, February 3, 2026 at 2:00 p.m.**

As drafted, SB 353 (cross-filed with HB 523) establishes a 10-year statute of limitations before the expiration of which a mortgagee is required to commence a foreclosure action against its mortgagor in default. While Maryland LAC supports the establishment of a deadline for the commencement of a foreclosure action, Maryland LAC calls the attention of the Committee to a

conflict between the 10-year limitations period sought to be imposed by SB 353 and the existing 12-year period dictated by the provisions of §§ 14-204(a) and (c) of the Real Property Article of the Annotated Code of Maryland (“Real Property Article”), which govern the commencement of an action to foreclose upon a statutory contract lien. Specifically, in pertinent part, § 14-204(a) requires a statutory lien to be foreclosed upon “in the same manner, and subject to the same requirements, as the foreclosure of mortgages or deeds of trust on property in this State containing a power of sale or an assent to a decree”, i.e., § 7-105.1 of the Real Property Article (emphasis added). Section 14-204(c) further mandates “[a]ny action to foreclose a lien (established pursuant to the Maryland Contract Lien Act) shall be brought within 12 years following recordation of the statement of lien....”

Insofar as Maryland’s foreclosure laws require a statutory lien to be foreclosed upon “in the same manner and, subject to the same requirements” as set forth in § 7-105.1, the limitations period proposed in SB 353 must be increased from 10 years to 12 years in order to make the provisions of SB 353 and existing law consistent with one another. Furthermore, SB 353’s defined date of default, upon which the proposed 10-year foreclosure limitations period would commence, is the date upon which a mortgagor first defaults under the term of a mortgage. However, that provision is at odds with the date that triggers the commencement of the 12-year limitations period in § 14-204(c), which is the date upon which the statutory lien was recorded in the land records against the real property of the defaulting owner.<sup>1</sup> Maryland-LAC submits that, if SB 353 is not amended, a determination of which date triggers the commencement of the limitations period would have to be made by a court of equity, thereby causing the lienholder to incur attorneys’ fees and costs before the foreclosure is even begun. The potential for additional attorneys’ fees and costs will disproportionately burden a community association, as lienholder, which has already sustained monetary losses due to the property owner’s failure or refusal to pay the assessments and related charges secured by the statutory lien.

To address the aforementioned conflicts, Maryland LAC respectfully submits SB 353 must be amended to reflect a 12-year limitations period, which is appropriate to maintain consistency with the 12-year limitations period in § 14-204(c) (statutory lien foreclosure) and § 5-102 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland (civil action on a promissory note or other instrument under seal).<sup>2</sup> Maryland-LAC further submits that the addition

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<sup>1</sup> Section 14-203 of the Real property Article sets forth a two-step process which includes a mandatory minimum 30-day post service waiting period which a community association must adhere to before filing a statutory lien in the land records. The statutory requirements of the Maryland Contract Lien Act make it impossible to correlate the default trigger date of SB 353 with that of § 14-204 (c).

<sup>2</sup> It is common practice for a mortgagee to mandate that a mortgagor execute a promissory note as part of extending a residential loan to the mortgagor. The inclusion of a 12-year limitations period in SB 353 will align its provisions with those of § 5-102.

of the following preamble to subsection (e)(3) of SB 353 will permanently address the current conflict between the default trigger dates of SB 353 and § 14-204(c):

**EXCEPT AS SET FORTH IN SECTION 14-204(C) OF THIS TITLE**, BE COMMENCED NOT LATER THAN 12 YEARS AFTER THE DATE OF DEFAULT CLAIMED IN THE ORDER TO DOCKET OR COMPLAINT TO FORECLOSE

MD-LAC makes this favorable recommendation with the above-stated amendments to the Committee and thanks you in advance for your time and attention to this important legislation.

Should there be any questions from the Committee Members, please feel free to contact:

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Sincerely,

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