

HB1362

Uploaded by: Collette Trohan

Position: FAV

Board of Directors
Leisure World Community Corporation
3701 Rossmoor Boulevard
Silver Spring, MD. 20906

**TESTIMONY OF THE LEISURE WORLD COMMUNITY CORPORATION OF MARYLAND
ON MARCH 31, 2026
BEFORE THE SENATE JUDICIAL PROCEEDINGS COMMITTEE
HB 1362-CONDOMINIUMS AND HOMEOWNERS ASSOCIATIONS – MEETINGS – RECORDING
REQUIREMENTS**

FAVORABLE

Honorable Chair Senator William C. Smith, Jr., Vice-Chair Senator Jeff Waldstreicher, and Members of the Senate Judicial Proceedings Committee:

This testimony is being submitted on behalf of the Leisure World Community Corporation. Leisure World is a master homeowner's association consisting of 27 condominiums, one cooperative housing corporation, and one homeowners association (HOA). Leisure World is a senior (55+) community in Silver Spring, Maryland and includes 5660 units with more than 8500 residents located on 610 acres.

This bill provides 1) for condominiums that all meetings of the council of unit owners or a governing body and all special meetings of the board of directors shall be recorded and 2) for homeowners associations that all meetings of the homeowners association, including meetings of the board of directors or other governing body or a committee of the homeowners association, shall be recorded. Leisure World supports this bill because it aligns with an important protection of Maryland's wiretap laws **that a meeting may not be recorded if anyone in attendance at the meeting objects.**

Colette Collier Trohan
Chair of the Board of Directors
Leisure World Community Corporation

HB1362

Uploaded by: Jeremy McCoy

Position: FAV

CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

SHARON S. MERRIWEATHER
Deputy Attorney General

ZENITA WICKHAM HURLEY
Deputy Attorney General



**STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY**

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Attorney General

SANDRA BENSON BRANTLEY
Principal Counsel

DAVID W. STAMPER
Deputy Principal Counsel

PETER V. BERNS
General Counsel

CHRISTIAN E. BARRERA
Chief of Staff

JEREMY M. MCCOY
Assistant Attorney General

March 26, 2026

The Honorable William J. Wivell
Maryland House of Delegates
324 Lowe House Office Building
Annapolis, Maryland 21401
Via email

Re: House Bill 1362 – “Condominiums and Homeowners Associations – Meetings – Recording Requirements”

Dear Delegate Wivell:

You inquired whether the third reader version of House Bill 1362 (Condominiums and Homeowners Associations – Meetings – Recording Requirements) conflicts with the Maryland Wiretap Act (“Act”),¹ and whether the prohibition in the amended bill against recording a meeting if a member of a governing body of a condominium or homeowners association (“HOA”) objects is necessary to avoid a conflict with the Act. The answer to both questions is no. Recording a public meeting, with or without the consent of the attendees, does not violate the Act, and the recording requirements of the bill do not conflict with the Act.

Under House Bill 1362, as amended, all meetings of an HOA or council of unit owners of a condominium, or of the board of directors, governing body, or committees of those entities, are required to be recorded by video with audio or by audio only. Recordings may be paused during closed portions of a meeting, and if a member of a governing body objects to a recording, the meeting may not be recorded. Meeting recordings shall be maintained by the entities and made available for inspection under certain circumstances.

In general, the Act prevents the interception of oral communication. CJP § 10-402(a)(1). An “oral communication” is defined as “any communication or words spoken to or by any person

¹ See Maryland’s Wiretapping and Electronic Surveillance Law, Courts and Judicial Proceedings Article (“CJP”), Title 10, Subtitle 4.

in *private conversation*.” CJP § 10-401(13)(1) (emphasis added). The words “in private conversation” have been interpreted to limit the protections of the statute to conversations in which the speaker has a “reasonable expectation of privacy.” *Fearnow v. Chesapeake Telephone*, 104 Md. App. 1, 33 (1995). A person has no expectation of privacy in a statement that is knowingly exposed to the public. *Malpas v. State*, 116 Md. App. 69, 83-84 (1997).

This office has previously advised that the recording of meetings of an HOA that are open to the public are not prohibited under the Act.² Under State law, meetings of condominiums and HOAs are generally required to be open to all members of the condominium or HOA. *See* Real Property Article, § 11-109(c)(6) (condominiums) and § 11B-111(1) (HOAs), respectively. Although condominiums and HOAs are not subject to the State Open Meetings Act, it is worth noting that the Open Meetings Compliance Board has specifically opined that public entities subject to the Open Meetings Act may not prohibit videotaping of meetings. 3 OMCB 356 (2003). *See also* 1 OMCB 137, 140 (1995) (“There is no right to be protected against the gaze of an observer in a public forum, or against the lens of the observer’s camera.”).

Accordingly, communications at an open meeting of a condominium or HOA governing body do not constitute private conversations and recording of such meetings would not violate the Act. The recording requirement under HB 1362 is not in conflict with the Act, and the amended language in the bill that prohibits recording a meeting if a member of a governing body of a condominium or HOA objects is not necessary to avoid a conflict with the Act.

If you have any questions or need any additional information, please feel free to contact me.

Sincerely,



Jeremy M. McCoy
Assistant Attorney General

² *See* Letter of Advice to the Honorable Karen Lewis Young from Assistant Attorney General Kathryn M. Rowe (June 20, 2023) (“a person has no reasonable expectation of privacy in statements made in an HOA meeting that is open to the public”).

HB1362 - crossover bill - FAV - Condominiums and H

Uploaded by: Richard KAP Kaplowitz

Position: FAV

HB1362_Crossover_Bill_Richard
Kaplowitz_FAV 03/31/2026
Richard Keith Kaplowitz
Frederick, MD 21703

TESTIMONY ON CROSSOVER BILL HB#1362- POSITION:
FAVORABLE

Condominiums and Homeowners Associations - Meetings - Recording Requirements

TO: Chair Smith, Jr., Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of crossover bill HB#1362, **Condominiums and Homeowners Associations - Meetings - Recording Requirements**)

This bill is personal to me as I struggle with my HOA over their decision making that personally affects the use of my property to express political opinions. Their meetings are held at a time that I am unable to attend them. I want to argue for my point of view but do not have the information needed to create cognizant arguments addressing the concerns of the HOA and how they arrive at their decisions on issues before them.

This bill will provide me and others throughout the state with the opportunity to have greater transparency in decisions making that affect their lives by people operating in the dark. The availability of recordings of meetings can assist us all in challenging decisions we might agree or disagree with having fuller knowledge of how that resolution was adopted.

This bill will require that meetings of the council of unit owners, board of directors, or governing body a condominium and of a homeowners association, including meetings of the governing body, board of directors, or committee of the homeowners association, be recorded by video with audio or audio only; and requiring that meeting recordings be kept in a certain manner.

It is difficult to fight my HOA without understanding what was the input that guided their conclusions. This bill will give us all tools to fight what we disagree with.

I respectfully urge this committee to return a favorable report on crossover bill HB#1362.

HB1362

Uploaded by: Jeannie Pohlhaus

Position: FWA

HB1362

**GOOD AFTERNOON CHAIRMAN SMITH AND VICE CHAIRMAN
WALDSTREICHER**

**MY NAME IS JEANNIE POHLHAUS AND I AM A CONDO OWNER FROM
BALTIMORE CITY AND ALSO AM A PARTNER WITH THE CROSS KEYS
LADIES (A VOLUNTEER ADVOCACY GROUP FOR CONDO OWNERS ACROSS
THE STATE OF MARYLAND).**

**WHILE I AM IN FAVOR OF THE PREMISE OF THIS BILL, MY CONCERN IS
WITH HOW THIS AFFECTS CONDOMINIUM ASSOCIATIONS. SMALLER
CONDOMINIUM ASSOCIATIONS MAY NOT BE IN A FINANCIAL POSITION
TO SET UP A RECORDING SYSTEM FOR THEIR BOARD MEETINGS.**

**IF DELEGATE WIVELL IS WILLING TO AMEND THIS BILL TO ALLOW
CONDOMINIUM BOARDS TO DELIVER WRITTEN MINUTES OF ALL BOARD
MEETINGS WITHIN 5 DAYS OF THE SAID MEETING TO ALL UNIT OWNERS
(EXCEPT CLOSED MEETINGS) , THEN I WOULD BE IN FAVOR OF THIS
BILL.**

**FOR TOO LONG, BOARDS OF DIRECTORS OF CONDOMINIUM
ASSOCIATIONS HAVE HAD TOO MUCH POWER OVER THE OWNERS OF
CONDOMINIUMS. THERE NEEDS TO BE MORE TRANSPARENCY WHICH
THIS BILL ADDRESSES.**

**EVER SINCE HB107 WAS ENACTED, THE STATE OF MARYLAND HAS
GRADUALLY TAKEN AWAY THE RIGHTS OF CONDOMINIUM OWNERS.
THIS NEEDS TO BE ADDRESSED.....NOT ONLY WITH BOARD OF
DIRECTOR MEETING MINUTES BUT ALSO WITH SPENDING LIMITS OF
THESE BOARDS WITHOUT THE APPROVAL OF THE MAJORITY OF UNIT
OWNERS.**

**I THANK THE COMMITTEE FOR TAKING THE TIME TO LISTEN TO THE
CONCERNS OF CONDOMINIUM OWNERS AND REALIZE THAT
CONDOMINIUM OWNERSHIP MAKES UP APPROXIMATELY 30% OF THE
HOUSING STOCK IN THE STATE OF MARYLAND. CONDOMINIUM OWNERS
ARE VERY ANGRY WITH THE WAY THEY ARE BEING TREATED BY THE
LEGISLATURE AND THIS BEING AN ELECTION YEAR WE ARE ALL BEING
MOBILIZED TO VOTE FOR THOSE CANDIDATES WHO SUPPORT
CONDOMINIUM OWNERSHIP AS AN AFFORDABLE LIVING OPTION.**

**GOOD AFTERNOON CHAIRMAN SMITH AND VICE CHAIRMAN
WALDSTREICHER**

**MY NAME IS JEANNIE POHLHAUS AND I AM A CONDO OWNER FROM
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MOBILIZED TO VOTE FOR THOSE CANDIDATES WHO SUPPORT
CONDOMINIUM OWNERSHIP AS AN AFFORDABLE LIVING OPTION.**

HB1362

Uploaded by: Angela Vazquez

Position: UNF

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March 30, 2026

Senator William C Smith, Jr., Chair
Senator Jeff Waldstreicher, Vice Chair
2 East Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

Re: **House Bill 1362 Condominiums and Homeowners Associations – Meetings –
Recording Requirements**

Hearing Date: March 31, 2026 at 1:00 pm
Position: Oppose

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). CAI represents individuals and professionals who reside in or work with community associations (condominiums, homeowners' associations, and cooperatives) throughout the State of Maryland.

The MD-LAC opposes HB1362 which would require that all condominium and homeowner association meetings be recorded, either by video with audio, or audio only, which creates multiple issues that can affect associations.

Our testimony outlines several key points, including:

Page 2, House Bill 1362
Community Associations Institute

- 1) Maryland is an “all party consent” state for recording. A meeting recording requirement may violate that law because board members may not be able to obtain consent from everyone in attendance, and potential volunteers who want to be involved within their community association committee member or even just an interested owner may not wish to be recorded. This could hinder owners who want to be involved in association governance and organization when it is already a challenge to find owners who want to volunteer within their community.
- 2) No other industry, including public boards of directors, is required to record their meetings, and corporations are not required to record their meetings because of the two-party consent statute.
- 3) Periodically, meetings can include outbursts or sensitive information from a meeting attendee which is more appropriately handled in executive session. Once such behavior or sensitive information is recorded, private or sensitive information has now become public information and is part of the public record, which can create potential legal problems for the association since private, sensitive information related to homeowners within the community will now be considered public.
- 4) Depending upon the size, complexity, and/or the financial standing, some associations are professionally managed by management companies, and some are self-managed. For those that are professionally managed, in some instances when an association changes management companies, not all board records are turned over to the new management companies and recordings could be lost creating liability to the association. Even in a self-managed association, MD-LAC questions who might be responsible for storing the recordings of the meetings as community association board and committee members are volunteers who may not seek re-election, may move out of the association, or may not maintain records as diligently as might be required. The burden of storing this information is on the association and they are responsible for maintaining the records, but HB1362 is not clear on who should store the recordings, where they need to be stored, how they need to be stored, or for how long they should be stored. Board members have term limits and when they resign from the board the information, they were responsible for storing could potentially be lost when they resign. If that were to happen, the board of directors would be held liable for the lost recordings, making them vulnerable to lawsuits from members of the association.
- 5) Self-managed associations typically do not have the financial means to hire a management company and will have to carry the financial burden of storing these recorded meetings. Associations managed by a management company may incur additional fees if they hire someone to record the meetings, as well as fees for storing the physical and digital records and additional technology fees. These additional fees may cause additional financial strain for already strapped boards.

Page 3, House Bill 1362
Community Associations Institute

6) Artificial Intelligence (AI) is a relatively new technological trend with very limited regulation and legal control. AI manipulation is on the rise and crimes involving voice and identity theft will put board members more at risk for these types of crimes. This will lead to requiring each association to add additional cyber liability insurance to protect these recorded meetings and ensure that the names and likenesses of the board and meeting participants are not stolen or manipulated, which is an added expense not considered in this bill.

7) The bill does not consider technical difficulties that can commonly occur in any recorded meeting, but particularly those that are run by volunteers or attended virtually by board and resident members who may have technical or operational difficulty with meetings, including zoom meetings. In such cases, if meeting equipment malfunctions, is the meeting itself considered invalid and adjournment and postponement required. Such forced postponement may run into conflict with the meeting requirement outlined in an association's governing documents, once again jeopardizing the liability of the board of directors.

Maryland LAC does not believe that HB1362 is in the best interest of community associations and could have expensive unintended consequences for Maryland's communities. For the foregoing reasons, we ask the Committee for an **unfavorable** report on this bill. Thank you for your time and consideration.

We respectfully request that the Committee give HB1362 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 by e-mail at lisa.jones@mdlobbyist.com, Igor Conev, Chair of the MD-LAC at 443 614 2787, or by e-mail at to igor@ocmannproperties.com, or Angela Vazquez, Member CAI MD-LAC at 410-674-4351, or by e-mail at angela@rivetermanagement.com.

Sincerely,

Angela Vazquez
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, assessments collection, insurance and construction defects.

cc:

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