



## 2021 End of Session Report

During the 2021 session of the Maryland General Assembly, more than 2,300 bills were introduced. The Maryland Legislative Action Committee (MD-LAC) had a very busy and successful legislative session virtually advocating for the 6,700 community associations within the State. The MD-LAC successfully facilitated the passage of one of its main legislative priorities, which allows for community associations to hold meetings virtually.

More than 80 bills impacting community associations were introduced, many of which did not end up passing due to the legislature's other priorities, such as police reform, juvenile justice, and landlord tenant regulations. The following bills impacting Maryland cooperatives, condominiums and homeowner associations were passed by the General Assembly and will be effective on October 1, 2021, unless otherwise stated:

**HB 110/SB 144: Electric Vehicle Recharging Equipment for Multifamily Units Act.** CAI MD-LAC successfully supported the passage of this bill which provides that certain provisions of a recorded covenant or restriction, a declaration, or the bylaws or rules of a condominium or homeowners association are void and unenforceable if they prohibit or unreasonably restrict the installation or use of electric vehicle recharging equipment. It also requires that certain owners of electric vehicle recharging equipment to be responsible for certain costs and disclosures, while also requiring a unit owner or lot owner to obtain certain permits or approval.

**Status: PASSED**

**HB 322: Real Property - Restrictions on Use - Low-Impact Landscaping.** CAI MD-LAC successfully supported the passage of this legislation, which prohibits certain restrictions on use from imposing unreasonable limitations on low-impact landscaping such as rain gardens, pollinator gardens, and xeriscaping. This legislation also requires the property owner to regularly maintain landscaping and provides that "unreasonable limitations" includes items that increase the cost and efficiency of the low-impact program. HB 322 provides that the Act may not be construed to prohibit a certain restriction on use from including certain reasonable guideline.

**Status: PASSED**

**HB 567: Montgomery County - Cooperative Housing Corporations, Condominiums, and Homeowners Associations - Reserve Studies MC 3-21.** While CAI MD-LAC opposed this legislation, it ended up passing this legislative session due to being a local bill and as courtesy to the Montgomery country delegation. This bill requires the governing body of certain cooperative housing corporations in Montgomery County to have a certain reserve study conducted of the common elements of the cooperative housing corporation within 5 years after the date of the initial reserve and updated at least every 5 years under certain circumstances. It also requires the reserve study conducted of the

common elements of a cooperative housing corporation in Montgomery County to meet certain criteria.

**Status: PASSED**

**HB 1023/SB 686: Real Property - Condominiums, Homeowners Associations, and Cooperative Housing Corporations - Virtual Meetings.** This legislation was one of two CAI MD-LAC legislative priorities for the 2021 legislative session. The MD-LAC is happy to report the passage of this bill which authorizes the governing body of a condominium, homeowners association, or cooperative housing corporation, notwithstanding language contained in the governing documents of the Corporation, to authorize certain meetings to be conducted or attended by certain electronic means. It also authorizes certain individuals who attend a meeting by certain electronic means to be deemed present for quorum and voting purposes, while also authorizing certain matters to be set for a vote at a certain virtual meeting under certain circumstances.

**Status: PASSED**

**HB 1347: Real Property - Impermissible Restrictions on Use - Portable Basketball Apparatuses.** CAI's MD-LAC supported this legislation which prohibits certain restrictions on use regarding land from imposing unreasonable limitations on the location and use of a portable basketball apparatus provided that the property owner owns or has the right to exclusive use of the area in which placement and use of the portable basketball apparatus is to occur.

**Status: PASSED**

In addition to the bills that passed, the MD-LAC took a position on the following bills that did not pass:

**HB 313: Cooperative Housing Corporations, Condominiums, and Homeowners Associations - Reserve Studies - Statewide.** With the assistance of the strong grass roots opposition from CAI members, the MD-LAC was able to assist in the failure of HB 313. This bill would have required the governing body of certain cooperative housing corporations in the State to have a reserve study conducted of the common elements of the cooperative housing corporation by a certain date and updated at certain intervals under certain circumstances. This legislation also would have required the reserve study conducted of the common elements of a cooperative housing corporation to meet certain criteria, while also requiring the annual budget of a cooperative housing corporation to include certain information under certain circumstances. If these new mandates had passed, they would have placed excessive costs and budgeting requirements on many associations where they may not be necessary. More than 400 CAI advocates sent almost 4,000 emails to the Senate Judicial Proceedings Committee opposing this legislation mandating reserve studies throughout the state of Maryland.

**Status: FAILED**

**HB 361: Real Property - Governing Bodies of Common Ownership Communities - Member Training.** CAI successfully opposed this legislation which would have required each member of a board of directors or officer of a council of unit owners of a condominium and each member of a governing body of a homeowners association to successfully complete a certain training curriculum within 90 days after the individual is first elected or appointed or, for an individual in office on October 1, 2021.

This bill also would have required a certain governing body to certify that a certain member or officer has completed certain training and retain copies of certain certificates. This legislation was in direct conflict with [CAI's Board Member Education public policy](#).

**Status: FAILED**

**HB 367: Real Property - Regulation of Common Ownership Community Managers.** With the assistance of the strong grass roots opposition from CAI members, the MD-LAC was able to assist in the failure of HB 367. This bill would have created the State Board of Common Ownership Community Managers in the Maryland Department of Labor to oversee the licensing of community managers who provide management services for common ownership communities. The purpose of the Board would have been to adopt rules of conduct for licensees, establish training programs for the issuing of certain licenses, and education for individuals who have been issued a certain license. In addition to individual fees attached to each license and the community association registration fee, this bill would have cost CAI members and Maryland taxpayers more than \$100,000 over the next year for the state to establish this Common Interest Community Association Board. More than 160 CAI advocates sent almost 1,500 emails to the Senate Judicial Proceedings Committee opposing this legislation mandating licensure of community association managers in the State of Maryland.

**Status: FAILED**

**HB 826: Real Property - Condominiums and Homeowners Associations - Dispute Settlement.**

Unfortunately, this legislation which was a CAI MD-LAC legislative priority failed to pass during the 2021 legislative session. This bill would have altered the procedures a council of unit owners or a board of directors of a condominium shall take before a penalty for a violation of the rules of the condominium can be imposed on an alleged violator. It also would have altered the procedures a council of unit owners or a board of directors shall take if an alleged violator does not comply with a certain written demand to cease and desist in a certain period of time. The MD-LAC will reconsider introducing this legislation again in 2022.

**Status: FAILED**

**SB 210/HB 508: COVID-19 Claim - Civil Immunity.** CAI's MD-LAC supported this legislation which would have provided civil immunity from liability for a COVID-19 claim to a person who acts in compliance with certain statutes, rules, regulations, executive orders, and agency orders, unless the person acted with gross negligence or intentional wrongdoing. If this bill had been successful, community associations in Maryland would have received civil immunity from COVID-19 related claims.

**Status: FAILED**

### **Your Assistance is Needed**

The MD-LAC uses a professional, paid lobbyist as a vital and integral part of the legislative process. As volunteers, MD-LAC members significantly rely on this highly effective professional representation.

Expenses incurred by the LAC are paid for with donations and by Advocacy Fund fees. Corporate contributions are allowed and appreciated. Most community association boards can legally allocate money to support the MD-LAC. **We welcome any donations.** Donations should be made payable to CAI Maryland LAC and mailed to:

**Maryland Legislative Action Committee  
Post Office Box 6636  
Annapolis, Maryland 21401**