



Oakland Mills Community Association

Village Board Meeting Minutes

The Other Barn ~ 5851 Robert Oliver Place ~ Columbia, MD 21045

Board Members: Jonathan Edelson, Chair ~ Lynn-Steven Engelke, Architectural Committee Chair
Bill McCormack Jr., Vice-chair ~ Rebecca Bryant ~ Jennifer Hood ~ Rena Ross ~ Warren Wortman
Virginia (Ginny) Thomas, Columbia Council Representative

oakland mills
we value connections

February 22, 2022

Link to YouTube recording of the February 22, 2022 OMCA Board Meeting:

<https://youtu.be/8OObHtFkkS4>

OMCA REGULAR BOARD MEETING

This meeting was conducted via Zoom remote virtual conferencing due to the Covid-19 pandemic.

Mr. Edelson called the regular meeting of the OMCA Board of Directors to order at 7:00 p.m.

Present: Jonathan Edelson, Chair; Bill McCormack, Vice-chair; Lynn Engelke, Architectural Committee Chair; Ginny Thomas, Columbia Council Representative; Rebecca Bryant; Jennifer Hood; Warren Wortman; Sandy Cederbaum, Village Manager; Amy Carpenter, Administrative Assistant.

Absent: Rena Ross

Quorum Present: Yes

Also Present: Howard County Council District 2 Aide Ashley Alston; OM's BWI Roundtable Liaison Paul Verchinski; see resident list.

Opening of Meeting

- **Ms. Engelke** motioned to approve the February 8, 2022 OMCA Board meeting minutes (ATTACHMENT A). **Mr. McCormack** seconded, and the motion passed (6-0-0)
- **Mr. McCormack** motioned to approve the February 22, 2022 OMCA Board meeting agenda (ATTACHMENT B). **Mr. Wortman** seconded, and the motion passed (6-0-0).

Resident Remarks

Resident Alex Hekimian spoke in support of Maryland House Bills 1060 and 1061.

Resident Paul Verchinski spoke in support of Maryland HB1060 and HB1061. He also asked CA to support the bills.

Resident Phil Engelke spoke concerning the spike in crime in the area. He asked that the Board consider holding a public meeting like Coffee with a Cop so that residents could meet with representatives from Councilmember Opel Jones's office and the Howard County Police Department.

New Business

Maryland House Bills 1060 and 1061

Mr. Edelson summarized both bills (ATTACHMENT C). A hearing on the bills would be held on March 1st. This would not allow the Board time to bring the issue back as Old Business at the next regular Board meeting. CA would be considering HB1060 at its meeting on February 24th but had not added HB1061 to its agenda. **Ms. Thomas** said that she would ask that it be added. A discussion ensued. Board members were concerned that CA might take a position on behalf of the villages without consulting them. The Board agreed to send a communication to CA immediately, asking for more information and requesting that CA not take a position on behalf of Oakland Mills. The Board also agreed to hold a special Board meeting on the matter so that, if decided, it could provide testimony to the House before the deadline on February 24th at 3:00 p.m.

Old Business

Maryland Senate Bill 658 and Maryland House Bill 1103

OM's BWI Roundtable Liaison Paul Verchinski reported that there had been no update since the last Board meeting. **Mr. Edelson** motioned to provide written testimony supporting SB658 and HB1103 to establish an aviation commission. **Ms. Engelke** seconded, and the motion passed (6-0-0).

FY21 Cash Reserve Watershed Proposed Projects in Oakland Mills

Mr. Edelson shared CA Watershed Manager John McCoy's proposal for a swale regrading and bioretention facility project behind Netherstone Court (ATTACHMENT D). This was in addition to previous FY21 Cash Reserve projects proposed by Mr. McCoy on January 11, 2022. Ms. Cederbaum would contact Mr. McCoy for times when Board members could meet with him to conduct site visits.

Board Chair Report

Mr. Edelson thanked Ms. Cederbaum for sending a reminder to Cedar Realty to take care of trash, paint, and other issues on its properties in the village center.

Columbia Council Representative Report

Ms. Thomas said that CA would be voting on the CA FY23 budget on February 24th. She discussed the proposed Sixpence tot lot upgrade in Hickory Ridge.

Village Manager Report

Ms. Cederbaum reported that masks would no longer be required for guests and staff at The Other Barn following the lifting of indoor mask mandates by the County. She said that there was a continued need for weekend facility staff for events at The Other Barn.

The OM 2022 Elections candidate list would be announced shortly after the March 11, 2022 candidate application deadline. OM staff would receive AED/CPR training on March 16th. **Ms. Cederbaum** reported that she and staff were preparing for increased rentals, the OM elections, and the annual plant sale.

Committee Reports

Education

Mr. Edelson reported that he gave testimony regarding OM schools deferred maintenance at the County's Planning Board meeting. Several members of the Planning Board also spoke about keeping Oakland Mills High School in the County Executive's capital plan as a high priority project. He also discussed "fake news" posted on social media about a bus in Oakland Mills. **Mr. Edelson** said that he asked the school district to communicate with the public about the situation.

Public Space Committee

Mr. Wortman reported on the February 15th OM Public Space Committee meeting (ATTACHMENT E). Oakland Mills would lose its BikeShare on February 24th. Howard County Chief of DPW/Bureau of Highways Kris Jagarapu said he looked forward to seeing information from a SeeClickFix snowplow campaign. **Mr. Wortman** also discussed the need for stream restoration in the Lake Elkhorn Watershed. He said that there was the potential of an Ellicott City-type flood that could overrun and possibly damage the Lake Elkhorn dam if nothing was done.

Mr. Edelson adjourned the OMCA Board meeting at 9:17 p.m.

Respectfully submitted: Amy Carpenter, Administrative Assistant



oakland mills
we value connections

Oakland Mills Community Association Village Board Meeting Minutes

The Other Barn ~ 5851 Robert Oliver Place ~ Columbia, MD 21045

Board Members: Jonathan Edelson, Chair ~ Lynn-Steven Engelke, Architectural Committee Chair
Bill McCormack Jr., Vice-chair ~ Rebecca Bryant ~ Jennifer Hood ~ Rena Ross ~ Warren Wortman
Virginia (Ginny) Thomas, Columbia Council Representative

February 8, 2022

Link to YouTube recording of the February 8, 2022 OMCA Board Meeting:

<https://youtu.be/1iW21xaXd6s>

OMCA REGULAR BOARD MEETING

This meeting was conducted via Zoom remote virtual conferencing due to the Covid-19 pandemic.

Mr. Edelson called the regular meeting of the OMCA Board of Directors to order at 7:03 p.m.

Present: Jonathan Edelson, Chair; Bill McCormack, Vice-chair; Lynn Engelke, Architectural Committee Chair; Ginny Thomas, Columbia Council Representative (arrived 7:05 p.m.); Rebecca Bryant; Jennifer Hood; Rena Ross; Warren Wortman; Sandy Cederbaum, Village Manager; Amy Carpenter, Administrative Assistant.

Quorum Present: Yes

Also Present: Howard County Council District 2 Aide Ashley Alston; OM's BWI Roundtable Representative Paul Verchinski; see resident list.

Opening of Meeting

- **Ms. Engelke** motioned to approve the January 25, 2022 OMCA Board meeting minutes (ATTACHMENT A). **Mr. McCormack** seconded, and the motion passed (7-0-0)
- **Mr. Wortman** motioned to approve the February 8, 2022 OMCA Board meeting agenda (ATTACHMENT B). **Mr. McCormack** seconded, and the motion passed (7-0-0).

Resident Remarks

Howard County Council District 2 Aide Ashley Alston said she had contacted Howard County Public Works Chief Jennifer Biddle as well as Howard County Executive Community Liaison Safa Hira to find out when road painting on Stevens Forest Road would take place. She was also following up on the OM Priorities List for the County, which included safety measures at the intersection of Stevens Forest and Kilimanjaro Roads.

New Business

BWI Roundtable

OM's BWI Roundtable Representative Paul Verchinski gave an update on recent developments with the BWI Roundtable. He reported that Maryland State Senate Bill 658 was currently being considered. The bill would establish a Maryland Aviation Infrastructure Impacts Commission to study the health and environmental impacts of commercial aviation in certain communities in Maryland and require, for fiscal years 2024 through

2027, the Governor to include in the annual budget an appropriation of at least \$430,000 to the Commission (wording from the bill's synopsis). Mr. Verchinski asked that the Board support the bill. The subject would be brought back as Old Business at the February 22nd Board meeting.

Old Business

Yards Alive Cul-de-sac Beautification Proposal

Ms. Bryant reviewed the specifics of the proposal (ATTACHMENT C). A discussion ensued. **Ms. Ross** motioned to approve the Oakland Mills/Yards Alive cul-de-sac beautification project as proposed by Ms. Bryant with a \$250 cap. **Mr. McCormack** seconded, and the motion passed (7-0-0).

Board Chair Report

Mr. Edelson reported that there had been no further communication from CA regarding a proposed environmental project using CA cash reserve funds.

Mr. Edelson reported that he had contacted CA Vice President of Community Operations Dennis Matthey about the OM tot lot pilot program. Mr. Matthey replied that the program was on hold due to a policy adopted last year that was being extended to all of Columbia. **Mr. Edelson** also reported that Hickory Ridge had asked that CA cash reserves be used for a new playground/tot lot at Sixpence rather than an environmental project. If this were to occur, it would be a change in the cash reserve policy previously voted on by the CA Board.

Columbia Council Representative Report

Ms. Thomas continued the discussion on tot lots. She said she supported cash reserve funds going toward environmental projects. The Board encouraged Ms. Thomas to push for consistent application of CA policies. **Mr. Edelson** and **Mr. McCormack** would compose a draft letter about the subject to send to the Board for review.

Village Manager Report

Ms. Cederbaum reported that she and Ms. Carpenter were working on OMCA's 2022 Elections materials. Candidate information packets would be available on the OM website and in print on February 15th.

Committee Reports

Public Space Committee

Mr. Wortman reported that Bike HoCo would be helping with the Bike Corral for the 4th of July fireworks in Downtown Columbia. He asked if OM had any events it would like to have a bike corral for. **Ms. Cederbaum** suggested the OM Fall Festival.

Mr. Wortman said he had created a pin placemark on Google Maps for the Orchard Green Tot Lot. The pin had received over 50,000 views in two weeks. **Mr. Wortman** hoped that this meant interest was high for the Orchard Green path and Red Branch pedestrian crosswalk proposal.

Mr. Wortman discussed residential snow removal issues. He said after the next snowfall, the Public Space Committee planned to conduct a SeeClickFix campaign for removal of snowplow buildup from sidewalks.

Mr. Wortman reported that the Public Space Committee supported a more visible project for the CA cash reserve village environmental project.

Architectural Committee

Mr. Edelson motioned to send a 15-day notice to the owners of 6167 Encounter Row. **Mr. McCormack** seconded, and the motion passed (7-0-0). **Mr. Edelson** motioned to send a letter to CA should the owners of 6167 Encounter Row not respond to the 15-day notice. **Mr. McCormack** seconded, and the motion passed (7-0-0).

Mr. Edelson adjourned the OMCA Board meeting at 9:02 p.m.

Respectfully submitted: Amy Carpenter, Administrative Assistant

DRAFT



oakland mills
we value connections

**Oakland Mills Community Association
Village Board**

The Other Barn ~ 5851 Robert Oliver Place ~ Columbia, MD 21045

Board Members: Jonathan Edelson, Chair; Bill McCormack Jr., Vice-Chair

Lynn-Steven Engelke, Architecture Committee Chair;

Rebecca Bryant, Jennifer Hood, Rena Ross, Warren Wortman

Columbia Council Representative: Virginia (Ginny) Thomas

Oakland Mills Board of Directors Meeting – Virtual Meeting
Tuesday, February 22, 2022, 7:00 p.m.
Revised Agenda - adding a New Business Discussion

Join Zoom Meeting

<https://us02web.zoom.us/j/82429859456>

Meeting ID: 824 2985 9456

One tap mobile

+13017158592,,82429859456# US (Washington DC)

Dial by your location

+1 301 715 8592 US (Washington DC)

Meeting ID: 824 2985 9456

Find your local number: <https://us02web.zoom.us/u/kb9V3fYyKi>

7:00 p.m.

Opening of meeting

Approve Minutes from February 8, 2022 Board Meeting

Approve Agenda for February 22, 2022 Board Meeting

7:05 p.m.

Resident Remarks, 3-minute remarks (10 min)

Please note that meeting attendee's audio is muted. If you wish to participate in Resident Remarks please "raise your hand" which is one of the options available for participants and appears as an icon on the screen.

New Business (10 min)

7:15 p.m.

Maryland Newly Introduced Legislation pertaining to HOA Common Ownership Discussion of MD HB 1060 and MD HB 1061, Board Discussion

7:25 p.m.

Old Business (20 min)

BWI Roundtable Representative continued discussion of state legislation for potential establishment of an Aviation Commission and support of MD SB 658, Paul Verchinski, BWI Roundtable liaison (10 min)

FY21 Cash Reserve Watershed Proposed projects in OM,

John McCoy, CA Watershed Manager (10 min)

- 7:45 p.m.** **Board Chair Report**, Jonathan Edelson (10 min)
- 7:55 p.m.** **Columbia Council Rep. Report**, Virginia (Ginny) Thomas (10 min)
Vice-Chair of the Columbia Association Board of Directors
- 8:05 p.m.** **Village Manager Report**, Sandy Cederbaum (5 min)
Operations Update
- 8:10 p.m.** **Committee Reports (10 min)**
Architecture, Lynn Engelke, Chair
Education, Jonathan Edelson, Chair
Public Space Committee, Warren Wortman, Chair
- 8:20 p.m.** **Board Bulletin Board** (5 min)
- 8:25 p.m.** **Adjourn**

HB1060 (Residential Owners in Common Ownership Communities Bill of Rights)

Back in 2005, the Maryland General Assembly foresaw the need to upgrade State laws that govern homeowners associations, condominiums, and cooperative housing corporations and established the Task Force on Common Ownership Communities to prepare proposals for protecting existing rights and improving and filling gaps in those laws.

In its 2006 report, the original Task Force felt it was important to create a Bill of Rights statute for residential owners of those common ownership communities. It would be comparable to other bills of rights that the General Assembly has already approved, such as:

- The Property Owner's Bill of Rights
- Law Enforcement Officer's Bill of Rights
- State Correctional Officer's Bill of Rights
- Basic Rights of Patients in Comprehensive Care or Extended Care Facilities
- Rights of Individuals with Regard to Medical Care

Then in 2008, the national Uniform Law Commission approved a model Bill of Rights for owners in common ownership communities for consideration by the states. The Uniform Law Commission includes lawyers from all of the states, whose purpose is to prepare model legislation designed for critical areas of state laws.

The Task Force was re-assembled in 2021 and benefited from that model legislation as well as several other sources to prepare HB1060. It was a very collegial effort, with a wide cross-section of residents as well as professionals serving on the Task Force.

Like many other bills of rights, the description of each right is intentionally short and compact. Once approved by the General Assembly, it will serve as the foundation for more detailed laws that have a bit more legalese to actually implement each right. A statute that identifies such rights would be very useful to our delegates and senators because it offers the general framework for subsequent laws for common ownership communities in our state.

HOUSE BILL 1060

N1

2lr2067

By: **Delegate Holmes**

Introduced and read first time: February 10, 2022

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Residential Owners in Common Ownership Communities Bill of Rights**

3 FOR the purpose of establishing a bill of rights for unit owners of a condominium, members
4 of a cooperative housing corporation, and lot owners of a homeowners association;
5 and generally relating to residential owners in common ownership communities.

6 BY adding to

7 Article – Real Property

8 Section 1–105

9 Annotated Code of Maryland

10 (2015 Replacement Volume and 2021 Supplement)

11 Preamble

12 WHEREAS, The General Assembly authorized a Task Force on Common Ownership
13 Communities, or Task Force, under Chapter 469 of the Acts of 2005 and directed that Task
14 Force to study and prepare proposals for improving Maryland laws that relate to
15 communities that are governed as a common ownership community, including a
16 condominium, a cooperative housing corporation, or a homeowners association; and

17 WHEREAS, The Task Force concluded in 2006 that there was a marked increase in
18 interest nationwide in addressing issues between unit owners in a condominium, members
19 in a cooperative housing corporation, and lot owners in a homeowners association
20 (hereinafter, collectively, “residential owners”) and the governing bodies of such
21 communities, and that identifying and establishing a bill of rights for those residential
22 owners is an important objective; and

23 WHEREAS, The Uniform Law Commission recognized the need for a bill of rights
24 for residential owners and first approved a model bill of rights in 2008 for consideration by
25 the states; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, The Task Force completed its work in 2006, before the Uniform Law
2 Commission approved its first model bill of rights, and therefore the Task Force concluded
3 in its Final Report of December 31, 2006, that it would be prudent to wait on a final proposal
4 for a Maryland Bill of Rights until the model Uniform Law Commission Bill of Rights was
5 made available to the states; and

6 WHEREAS, The Task Force was informally re-established during 2021 and has now
7 diligently drafted an updated bill of rights from the Uniform Law Commission, the
8 Montgomery County Commission on Common Ownership Communities, the Maryland
9 Homeowners Association, and other relevant sources; now, therefore,

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
11 That the Laws of Maryland read as follows:

12 **Article – Real Property**

13 **1–105.**

14 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
15 INDICATED.

16 (2) “COMMON OWNERSHIP COMMUNITY” MEANS:

17 (I) A COOPERATIVE HOUSING CORPORATION AS DEFINED IN §
18 5–6B–01 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE;

19 (II) A CONDOMINIUM AS DEFINED IN § 11–101 OF THIS ARTICLE;
20 OR

21 (III) A HOMEOWNERS ASSOCIATION AS DEFINED IN § 11B–101 OF
22 THIS ARTICLE.

23 (3) “GOVERNING DOCUMENTS” MEANS ANY BYLAWS, COVENANTS,
24 DECLARATIONS, OR RULES OF A COMMON OWNERSHIP COMMUNITY.

25 (4) “LOT” HAS THE MEANING INDICATED IN § 11B–101 OF THIS
26 ARTICLE.

27 (5) “RESIDENTIAL OWNER” MEANS:

28 (I) A MEMBER AS DEFINED IN § 5–6B–01 OF THE
29 CORPORATIONS AND ASSOCIATIONS ARTICLE;

30 (II) A UNIT OWNER AS DEFINED IN § 11–101 OF THIS ARTICLE;
31 OR

1 **(III) A LOT OWNER.**

2 **(B) SUBJECT TO THE PROVISIONS OF ALL APPLICABLE LAWS GOVERNING**
3 **COMMON OWNERSHIP COMMUNITIES ESTABLISHED IN THE STATE, A RESIDENTIAL**
4 **OWNER IN A COMMON OWNERSHIP COMMUNITY HAS THE FOLLOWING RIGHTS:**

5 **(1) THE RIGHT TO:**

6 **(I) BE DESIGNATED AS A MEMBER OF A COMMON OWNERSHIP**
7 **COMMUNITY WHEN THE COMMUNITY MAKES THAT RESIDENTIAL OWNER SUBJECT**
8 **TO A LIEN AND TO A MANDATORY ASSESSMENT; AND**

9 **(II) PARTICIPATE IN MEETINGS ON COMMUNITY ISSUES WITH**
10 **OTHER MEMBERS;**

11 **(2) THE RIGHT TO BE REPRESENTED BY THE GOVERNING BODY OF**
12 **THE COMMON OWNERSHIP COMMUNITY AND TO HAVE THE GOVERNING BODY**
13 **CONSIDER THE PRIORITIES OF ALL RESIDENTIAL OWNERS WHEN APPROVING A**
14 **BUDGET AND MANAGING THE COMMUNITY'S FACILITIES AND OPEN SPACE;**

15 **(3) THE RIGHT TO AN ANNUAL BUDGET FOR THE COMMON**
16 **OWNERSHIP COMMUNITY, TO BE DELIVERED TO THE RESIDENTIAL OWNER WITH**
17 **THEIR ANNUAL NOTICE OF ASSESSMENT FEES OWED TO THE COMMON OWNERSHIP**
18 **COMMUNITY, THAT PRIORITIZES SUPPORT FOR THE FACILITIES AND SERVICES**
19 **AVAILABLE TO THE RESIDENTIAL OWNER IN THE COMMON OWNERSHIP COMMUNITY;**

20 **(4) THE RIGHT TO USE ALL FACILITIES AND SERVICES OF THE**
21 **COMMON OWNERSHIP COMMUNITY AT A REASONABLE COST THAT DOES NOT EXCEED**
22 **HALF THE COST CHARGED TO ELIGIBLE USERS WHO ARE NOT RESIDENTIAL OWNERS**
23 **IN THE COMMON OWNERSHIP COMMUNITY;**

24 **(5) THE RIGHT TO BE A MEMBER OF THE CLASS OF SOLE OR PRIMARY**
25 **USERS OF THE COMMON OWNERSHIP COMMUNITY'S FACILITIES AND SERVICES IF**
26 **THERE IS SCARCE AVAILABLE CAPACITY OF THESE FACILITIES AND SERVICES AND**
27 **TO BE PROVIDED WITH ADDITIONAL CAPACITY, TO THE EXTENT POSSIBLE, SO THAT**
28 **THE CLASS IS NOT DENIED THE OPPORTUNITY TO USE THOSE FACILITIES AND**
29 **SERVICES;**

30 **(6) THE RIGHT TO FAIR TREATMENT IN THE REPAYMENT OF ANY**
31 **DEBT INCURRED BY THE COMMON OWNERSHIP COMMUNITY FOR MAJOR CAPITAL**
32 **PROJECTS OR OPERATING EXPENSES SO THAT PRESENT AND FUTURE RESIDENTIAL**

1 OWNERS HAVE A RELATIVELY EQUAL SHARE IN THE RESPONSIBILITY TO REPAY
2 SUCH DEBT;

3 (7) THE RIGHT TO VOTE:

4 (I) BY SECRET BALLOT TO ELECT THE MEMBERSHIP OF THE
5 GOVERNING BODY FOR THE COMMON OWNERSHIP COMMUNITY AND TO BE A
6 CANDIDATE IN FAIR ELECTIONS ADMINISTERED BY NEUTRAL PARTIES, WITH
7 RESULTS THAT CAN BE VERIFIED BY AN AUDIT ON REQUEST;

8 (II) TO RECALL AN INCUMBENT MEMBER OF THE GOVERNING
9 BODY;

10 (III) ON CERTAIN FINANCIAL MATTERS, IF PERMITTED IN THE
11 GOVERNING DOCUMENTS OF THE COMMON OWNERSHIP COMMUNITY; AND

12 (IV) ON NEW CAPITAL PROJECTS PROPOSED BY THE GOVERNING
13 BODY, IF PERMITTED IN THE GOVERNING DOCUMENTS OF THE COMMON OWNERSHIP
14 COMMUNITY AND BY REFERENDUM;

15 (8) THE RIGHT, WITH REGARD TO MEETINGS AND ACTIVITIES OF THE
16 GOVERNING BODY FOR THE COMMON OWNERSHIP COMMUNITY OR A COMMITTEE OF
17 THE GOVERNING BODY:

18 (I) TO RECEIVE REASONABLE ADVANCED NOTICE OF ANY OPEN
19 AND CLOSED MEETING, INCLUDING ANY AGENDA FOR A MEETING AND ANY
20 SUPPORTING INFORMATION;

21 (II) TO PARTICIPATE, EITHER IN PERSON OR THROUGH REMOTE
22 ACCESS, IN OPEN MEETINGS THAT ARE EASILY ACCESSIBLE TO THE RESIDENTIAL
23 OWNERS; AND

24 (III) TO A REASONABLE OPPORTUNITY TO SPEAK DURING A
25 TIMELY PERIOD WHEN MATTERS ARE DISCUSSED OR VOTED ON BY THE GOVERNING
26 BODY OR COMMITTEE;

27 (9) THE RIGHT TO HAVE A COMMON OWNERSHIP COMMUNITY
28 GOVERNING BODY AND COMMUNITY MANAGER THAT:

29 (I) ARE PROPERLY TRAINED AND INDEMNIFIED;

30 (II) ARE STEWARDS OF THE COMMUNITY'S COMMON
31 INTERESTS;

1 (III) ARE PROTECTIVE OF THE RIGHTS OF RESIDENTIAL OWNERS
2 IN THE COMMUNITY;

3 (IV) PROVIDE RESIDENTIAL OWNERS DUE PROCESS AND EQUAL
4 PROTECTION; AND

5 (V) COMPLY AND FUNCTION IN ACCORDANCE WITH STATE LAW
6 AND THE GOVERNING DOCUMENTS;

7 (10) THE RIGHT TO RECEIVE TIMELY ACCESS TO DOCUMENTS OF THE
8 COMMON OWNERSHIP COMMUNITY, INCLUDING THE ABILITY TO INSPECT AND COPY
9 SUCH DOCUMENTS;

10 (11) THE RIGHT TO RECEIVE PROMPT AND NONDISCRIMINATORY
11 SERVICE FROM THE STAFF AND GOVERNING BODY OF THE COMMON OWNERSHIP
12 COMMUNITY;

13 (12) THE RIGHT TO INDIVIDUAL PRIVACY BY THE GOVERNANCE AND
14 MANAGEMENT OF THE COMMON OWNERSHIP COMMUNITY;

15 (13) THE RIGHT TO FAIR TREATMENT IF CHARGED WITH A VIOLATION
16 OF THE GOVERNING DOCUMENTS, INCLUDING THE OPPORTUNITY TO:

17 (I) BE NOTIFIED IN WRITING ABOUT THE NATURE OF THE
18 VIOLATION;

19 (II) PRESENT EVIDENCE AND CROSS-EXAMINE WITNESSES AT A
20 PROPER HEARING; AND

21 (III) ABATE THE VIOLATION WITHIN A REASONABLE AMOUNT OF
22 TIME;

23 (14) THE RIGHT TO:

24 (I) BE INFORMED BY THE GOVERNING BODY OF THE COMMON
25 OWNERSHIP COMMUNITY OF PROPOSED CHANGES TO EXISTING GOVERNING
26 DOCUMENTS OR POLICIES; AND

27 (II) VOTE TO APPROVE ANY CHANGES OF THE TYPE IDENTIFIED
28 IN SUBPARAGRAPH (I) OF THIS PARAGRAPH AND HAVE THOSE CHANGES PROPERLY
29 ADOPTED AND PUBLISHED; AND

1 **(15) THE RIGHT TO HAVE THE CONSUMER PROTECTION DIVISION OF**
2 **THE MARYLAND OFFICE OF THE ATTORNEY GENERAL:**

3 **(I) REVIEW ALLEGED VIOLATIONS OF STATE LAWS THAT**
4 **GOVERN COMMON OWNERSHIP COMMUNITIES; AND**

5 **(II) TAKE DIRECT ENFORCEMENT ACTIONS ON BEHALF OF A**
6 **RESIDENTIAL OWNER, INCLUDING BY ACTING TO RECEIVE AN ADJUDICATION OF**
7 **THE MATTER BEFORE A COURT OR THE IMPOSITION OF PENALTIES BY THE**
8 **MARYLAND OFFICE OF THE ATTORNEY GENERAL.**

9 **(C) THE LISTING OF RIGHTS IN SUBSECTION (B) MAY NOT BE CONSTRUED**
10 **TO DENY OR DETRACT FROM OTHER RIGHTS THAT MAY BE RETAINED BY**
11 **RESIDENTIAL OWNERS IN A COMMON OWNERSHIP COMMUNITY.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2022.

HB1061 (Local Government – Condominium and Homeowners Associations – Repair and Rehabilitation Funds)

The collapse of the Champlain Towers condominium building in Surfside Florida last year is a stark reminder to all of us how difficult it is for boards of directors of associations that govern common ownership communities to collect enough funds to adequately and timely maintain their infrastructure.

Developers build these communities, but too often it's the associations of many of those communities that have the sole burden of repairing and maintaining their common elements. And, the cost of doing so is turning out to be huge and unaffordable.

When local governments approved the original developers' plans, many of them unfortunately underestimated how much of a burden it would be to the associations that govern these communities. The governing documents drafted by the developers made the situation worse because there are serious restrictions on how much the associations can raise by the annual assessments. So, over the past 50 years, older communities could not collect enough money to adequately fund their reserves, many of the reserves are now severely underfunded, and even if those restrictions are now somehow eased, the total amount of money needed is so massive that it is impractical and unfair to extract them from today's residents.

Much of an association's infrastructure, like roads and stormwater facilities, are normally the types of facilities that governments provide. So, in some cases, during the subdivision approval process, local governments agreed with the developers of certain communities to declare such facilities in their developments public facilities, thereby causing local government to take responsibility for funding all repairs and maintenance. However, in other cases, such facilities in other communities were deemed private and therefore that responsibility was imposed on the associations. Those differing decisions have caused a serious inequity between those communities.

This bill would authorize local governments to establish a Repair and Rehabilitation Fund (RRF) to help resolve that inequity and place all community associations on an equal financial footing. It also removes double taxation, whereby residents of some communities that have to pay assessments to their associations to restore their own infrastructure would no longer have to see their property taxes used by local governments to pay for restoring the infrastructure of other communities. This bill allows all community associations to recoup a percentage of the property taxes that its residents pay each year to local government via a grant from the fund. The net result is to prevent further deterioration of common elements that are unsafe and detract from such communities, and to help avoid depressed property values and the resulting negative impact and a drain on local government's property tax income.

Such a fund is generally similar in principle to TIF (Tax Increment Financing), where the State has authorized local governments to create a fund that developers could use to recoup a portion of their development's property taxes to pay for their development's infrastructure. Just as TIF is a beneficial resource for developers, RRF would be a comparable beneficial resource for community associations.

HOUSE BILL 1061

L6, Q2

2lr2066

By: **Delegate Holmes**

Introduced and read first time: February 10, 2022

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Local Government – Condominium and Homeowners Associations – Repair and**
3 **Rehabilitation Funds**

4 FOR the purpose of authorizing a county or municipality to establish a certain fund for the
5 purpose of providing support for the repair of infrastructure in a community subject
6 to a condominium association or homeowners association; requiring that certain
7 property tax revenues be assigned to a fund created under this Act in a certain
8 manner; and generally relating to public funding for the repair or rehabilitation of
9 infrastructure.

10 BY adding to
11 Article – Local Government
12 Section 1–1317
13 Annotated Code of Maryland
14 (2013 Volume and 2021 Supplement)

15 Preamble

16 WHEREAS, Many nonprofit condominium associations and homeowners
17 associations in Maryland are over 50 years old, and many of the communities governed by
18 these condominiums and homeowners associations have reached the point where the
19 community is faced with significant costs to repair the physical infrastructure; and

20 WHEREAS, During the past 50 years, many condominium associations and
21 homeowners associations have been severely constrained by their governing documents
22 that require a supermajority of all owners to approve large increases in yearly assessments,
23 resulting in a backlog of unfunded infrastructure that has deteriorated and is in need of
24 immediate repair despite good faith efforts by the condominium associations and
25 homeowners associations to accumulate sufficient income to pay for these repairs; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, The original developers of many of those communities, during the
2 subdivision approval process, created the constraining governing documents and
3 negotiated with local government to designate roads for the community and other
4 infrastructure traditionally maintained by the local government as private physical
5 elements that would have to be owned and maintained by the condominiums or
6 homeowners associations; and

7 WHEREAS, As a result of those decisions, local governments pay to maintain this
8 costly infrastructure in some communities, but not in others; and

9 WHEREAS, Condominium associations and homeowners associations that are
10 obligated to maintain this infrastructure cannot afford the costs of necessary repairs, which
11 has led to deteriorated infrastructure that is unsafe, detracts from the appearance and
12 desirability of the community, and depresses property values in the community, thereby
13 negatively impacting property tax revenues to the local governments; and

14 WHEREAS, Those who live in condominiums and planned communities with
15 homeowners associations that are responsible for the private maintenance of this
16 infrastructure are burdened by paying for repairs and services for the types of
17 infrastructure that would otherwise be paid for by local governments, as well as paying
18 property taxes that support this type of infrastructure in other condominiums and
19 homeowners associations with publicly managed infrastructure; and

20 WHEREAS, There is now a greater sense of urgency from local governments to
21 remove these burdens and assist condominium associations and homeowners associations
22 by raising sufficient funds to repair this deteriorating infrastructure; now, therefore,

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
24 That the Laws of Maryland read as follows:

25 **Article – Local Government**

26 **1–1317.**

27 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
28 **INDICATED.**

29 **(2) “CONDOMINIUM ASSOCIATION” MEANS A COUNCIL OF UNIT**
30 **OWNERS, AS DEFINED IN § 11–109 OF THE REAL PROPERTY ARTICLE, SUBJECT TO**
31 **THE PROVISIONS OF THE MARYLAND CONDOMINIUM ACT.**

32 **(3) “HOMEOWNERS ASSOCIATION” MEANS A HOMEOWNERS**
33 **ASSOCIATION SUBJECT TO THE PROVISIONS OF THE MARYLAND HOMEOWNERS**
34 **ASSOCIATION ACT.**

1 **(B) (1) A COUNTY OR MUNICIPALITY MAY ESTABLISH A LOCAL TRUST**
2 **FUND OR OTHER APPROPRIATE FUND FOR THE PURPOSE OF REPAIRING OR**
3 **REHABILITATING INFRASTRUCTURE WITHIN COMMUNITIES THAT ARE SUBJECT TO**
4 **THE REQUIREMENTS OF THE MARYLAND CONDOMINIUM ACT OR THE MARYLAND**
5 **HOMEOWNERS ASSOCIATION ACT.**

6 **(2) A FUND CREATED UNDER PARAGRAPH (1) OF THIS SUBSECTION:**

7 **(I) MAY BE USED, AT THE DISCRETION OF A COUNTY OR**
8 **MUNICIPALITY, FOR THE REPAIR OF INFRASTRUCTURE THAT IS TRADITIONALLY**
9 **MAINTAINED BY THE COUNTY OR MUNICIPALITY FOR THE BENEFIT OF THE PUBLIC,**
10 **INCLUDING ROADS AND STORMWATER MANAGEMENT FACILITIES; AND**

11 **(II) MAY NOT BE USED TO REPAIR OR REPLACE RECREATIONAL**
12 **FACILITIES USED FOR THE EXCLUSIVE USE OR BENEFIT OF THE MEMBERS OF A**
13 **CONDOMINIUM ASSOCIATION OR HOMEOWNERS ASSOCIATION OR THEIR GUESTS.**

14 **(C) (1) A FUND ESTABLISHED BY A COUNTY OR MUNICIPALITY UNDER**
15 **SUBSECTION (B) OF THIS SECTION SHALL CONSIST OF:**

16 **(I) PROPERTY TAX REVENUES PAID TO THE COUNTY OR**
17 **MUNICIPALITY BY UNIT OWNERS IN A CONDOMINIUM OR LOT OWNERS IN A**
18 **HOMEOWNERS ASSOCIATION;**

19 **(II) OTHER APPROPRIATIONS MADE BY THE COUNTY OR**
20 **MUNICIPALITY FOR THE BENEFIT OF THE FUND;**

21 **(III) GIFTS OR DONATIONS MADE TO THE FUND; AND**

22 **(IV) INVESTMENT EARNINGS OF THE FUND.**

23 **(2) A COUNTY OR MUNICIPALITY SHALL ASSIGN PROPERTY TAX**
24 **REVENUES PAID TO THE COUNTY OR MUNICIPALITY BY THE UNIT OWNERS IN A**
25 **CONDOMINIUM OR THE LOT OWNERS IN A HOMEOWNERS ASSOCIATION TO A FUND**
26 **ESTABLISHED IN ACCORDANCE WITH THIS SECTION AS FOLLOWS:**

27 **(I) 25% OF THE REVENUES PER YEAR FOR ANY CONDOMINIUM**
28 **ASSOCIATION OR HOMEOWNERS ASSOCIATION THAT HAS NOT RECEIVED SUPPORT**
29 **FROM THE FUND SINCE THE DATE ON WHICH THE FUND WAS ESTABLISHED; AND**

30 **(II) NOT LESS THAN 10% BUT NOT MORE THAN 25% OF THE**
31 **REVENUES PER YEAR FOR ANY CONDOMINIUM ASSOCIATION OR HOMEOWNERS**

1 ASSOCIATION THAT HAS RECEIVED SUPPORT FROM THE FUND SINCE THE DATE ON
2 WHICH THE FUND WAS ESTABLISHED.

3 (D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COUNTY OR
4 A MUNICIPALITY MAY ESTABLISH ELIGIBILITY REQUIREMENTS FOR THE AWARD OF
5 FUNDS TO A CONDOMINIUM ASSOCIATION OR HOMEOWNERS ASSOCIATION.

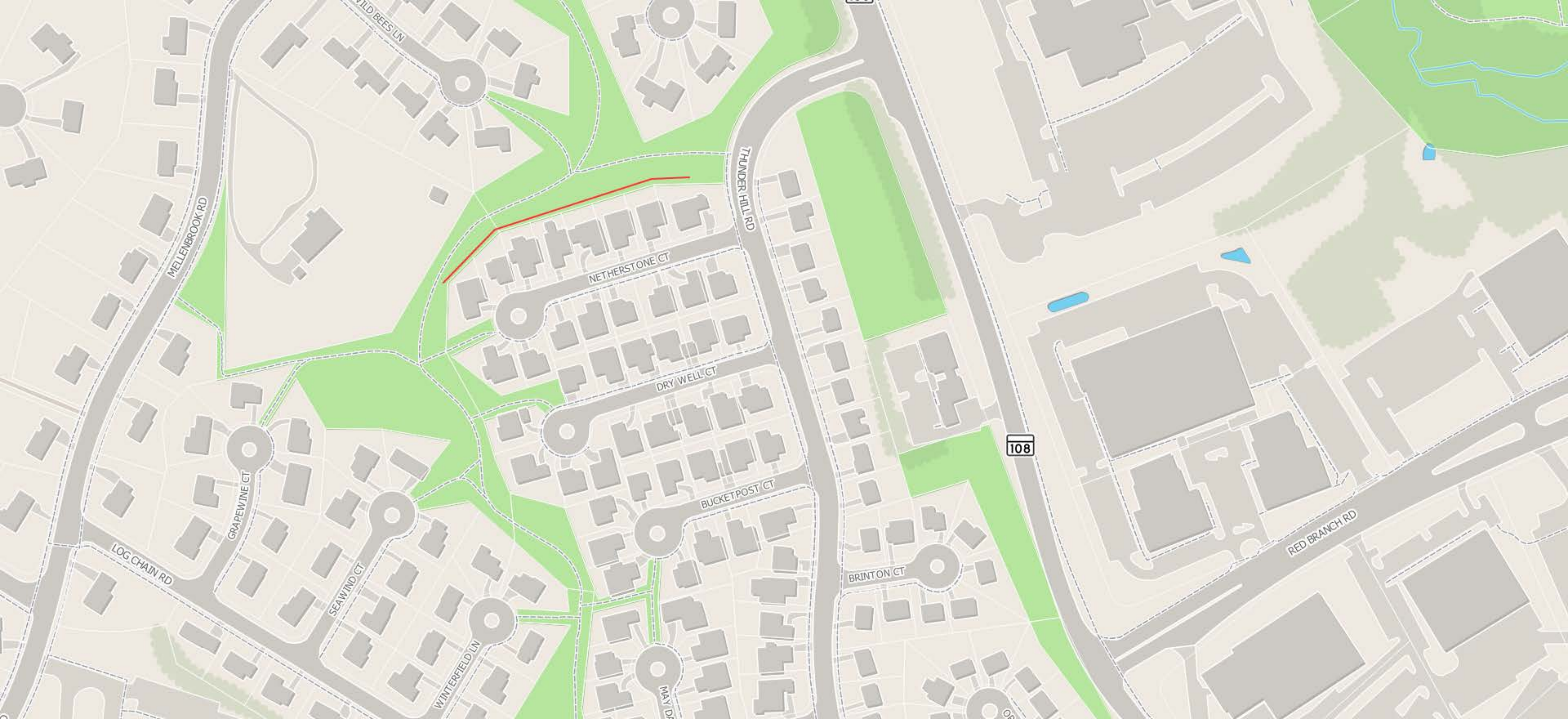
6 (2) (I) A COUNTY OR MUNICIPALITY SHALL PRIORITIZE SUPPORT
7 FOR CONDOMINIUMS AND HOMEOWNERS ASSOCIATIONS THAT EXHIBIT THE
8 GREATEST NEED FOR INFRASTRUCTURE REPAIR OR REHABILITATION.

9 (II) WHEN EVALUATING THE NEED FOR FUNDING TO SUPPORT
10 INFRASTRUCTURE REPAIR, A COUNTY OR MUNICIPALITY MAY CONSIDER THE
11 AVAILABILITY OF OTHER FUNDS AND RESOURCES ON WHICH A CONDOMINIUM
12 ASSOCIATION OR HOMEOWNERS ASSOCIATION MAY RELY.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2022.

NETHERSTONE COURT SWALE - The red line is the extent of the existing swale. The swale runs along the back of the properties and discharges down by Thunderhill Rd=. It currently does not drain well and backs water up into some backyards. Regrading the swale to get better drainage will involve reshaping the swale and removing some plant material and steps residents have put in the swale, without CA permission. To avoid creating a drainage problem for residents over on Creek Bed Ct I think a bio retention facility at the end of the swale with an outlet that would let CA direct where the water went instead of just letting it flow down hill will be necessary. Just letting the water flow down hill means it has to flow across the path.

John



MELENBROOK RD

WILD BEES LN

THUNDER HILL RD

NETHERSTONE CT

DRY WELL CT

BUCKETPOST CT

BRINTON CT

RED BRANCH RD

LOG CHAIN RD

GRAPEVINE CT

SEAWIND CT

WINTERFIELD LN

MAY DR

108



oakland mills
we value connections

Oakland Mills Community Association Public Space Committee Meeting Minutes

Tuesday, February 15, 2022

Attendees:

- Warren Wortman, chair
- Jim Caffey
- Mike Westendorf
- Casey Bryant
- Rebecca Bryant

Discussion(s):

- **BikeShare will begin removing bikes on February 21st, 2022. OMVC station is scheduled for removal on 2/24.**
- **Bike Corral** The OMCA Board suggested holding a bike corral at the Oakland Mills Fall Festival in October. Bike HoCo will hold the 4th of July bike corral again this year.
- **Snow Shoveling** Still waiting for snow to conduct a see-click-fix campaign showing plowed snow impeding sidewalks at intersections. Bob Marietta mentioned that Kris Jagapu would welcome that information.
- **Lake Elkhorn Watershed Restoration Project.** Warren Wortman noted that the OMCA board members had received many letters condemning this project. A lengthy discussion ensued, mostly from Bob Marietta. Below are the main points
 - .This first step is a means of financing, the actual project has not yet been fully planned,
 - Although some trees will be removed, because of the proximity to the CA paths, this will be minimized,
 - The threat of an Ellicott City-like flood and collapse of the Lake Elkhorn dam is likely if remediation is not performed. Remediation will provide more water and delay siltation. This should help protect the dam but is still not an absolute guarantee from huge storm events.
 - Many trees have already been lost due to extensive erosion along the stream and more are threatened by continuing erosion.

Future Events

- **February 12** (Saturday) through February 18 (Friday at 4 pm) - Howard County Active Transportation Open House 2022 (only virtual) to attend visit 2/12 to 2/18: www.howardcountymd.gov/ATOH2022
- **April 9th** - Green Fest at Howard Community College on Saturday, April 9th from 10 am - 3 pm
- **May 7th** (9am - 1:00p,m) – Oakland Mills Plant sale and Yards Alive [Plant Share](#)
- **May 14-15** (in-person event May 14) - BikeAround Spring 2022
- **May 16-20** (B2W Day event afternoon of May 20 @ ColorBurst Park) - Bike to Work Week

Next Meeting: March 15th - 7:00 pm - Zoom