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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 24, 2022

Link to YouTube recording of the February 24, 2022 OMCA Board Meeting:

https://youtu.be/V_r32iEvgG0

OMCA SPECIAL 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 12:01 p.m.

Present: Jonathan Edelson, Chair; Bill McCormack, Vice-chair; Lynn Engelke, Architectural Committee Chair; Ginny Thomas, Columbia Council Representative; Rebecca Bryant (arrived 12:05); 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 Liaison Paul Verchinski; see resident list.

Opening of Meeting

- **Mr. Wortman** motioned to approve the February 24, 2022 OMCA Special Board meeting agenda (ATTACHMENT A). **Mr. McCormack** seconded, and the motion passed (6-0-0).

Resident Remarks

Resident Paul Verchinski asked that the Board support both Maryland House Bills 1060 and 1061.

Resident Alex Hekimian thanked the Board for meeting about the bills.

Resident David Smith spoke in support of both bills.

Old Business

Maryland House Bills 1060 and 1061

Mr. Edelson reviewed Maryland House Bills 1060 and 1061 (ATTACHMENT B), which had been discussed as New Business at the February 22, 2022 Board meeting. A discussion ensued. **Ms. Bryant** motioned to support MD HB1060 with language added to the testimony indicating that special consideration be given to the unique relationship between CA and the villages when it comes to facilities and setting rates. **Mr. McCormack** seconded, and the motion passed (6-0-1). **Ms. Bryant** motioned to support MD HB1061. **Mr. Wortman** seconded, and the motion passed (7-0-0).

CA FY23 Budget Discussion

Ms. Thomas discussed the need to request that funds for The Other Barn second floor bathroom be added to CA's FY23 budget, which would be voted on that night. The Board supported Ms. Thomas making the request.

Mr. Edelson adjourned the OMCA Board meeting at 12:54 p.m.

Respectfully submitted: Amy Carpenter, Administrative Assistant



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**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
Thursday, February 24, 2022, 12:00 noon – 1:00 p.m.**

Topic: OMCA Board of Directors Special Meeting

Time: Feb 24, 2022, 12:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/82560920076>

Meeting ID: 825 6092 0076

One tap mobile

+13017158592,,82560920076# US (Washington DC)

Dial by your location

+1 301 715 8592 US (Washington DC)

Meeting ID: 825 6092 0076

Find your local number: <https://us02web.zoom.us/j/82560920076>

12:00 p.m. (Noon) Opening of meeting
Approve Agenda for February 24, 2022 Special Board Meeting

12:02-12:10 p.m. Resident Speak Out

12:10 – 1:00 p.m. OLD Business
Maryland Legislation pertaining to HOA Common Ownership
Discussion of MD HB 1060 and MD HB 1061, Board Discussion

1:00 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.