



TO: COLUMBIA ASSOCIATION BOARD OF DIRECTORS
FROM: SHERI FANAROFF
RE: 2021 LEGISLATIVE SESSION – MEMO 3
DATE: FEBRUARY 3, 2021

Pursuant to CA's legislative policy, I am providing the next memo summarizing legislation that may be of interest or concern to CA. If you have questions, please contact me by **Monday, February 8** at 443-677-2169 or at Sheri.Fanaroff@ColumbiaAssociation.org.

A. Bill Descriptions

SB 211/HB 375 - Labor and Employment – Family and Medical Leave Insurance Program – Establishment (Time to Care Act of 2021)

These bills would establish a Family & Medical Leave Insurance (“FAMLI”) Program to be administered by the Department of Labor’s (“DOL”) Unemployment Insurance Division. Generally, the program would provide up to 12 weeks of benefits to an employee who is taking partially paid or unpaid leave for one of the following reasons: 1) to care for a child during the first year after the child’s birth or after the placement of the child through foster care or adoption; 2) to care for a family member with a serious health condition, 3) because the employee has a health condition that results in his/her being unable to perform the functions of his/her job, 4) to care for a service member who is the employee’s next of kin, or 5) because the employee has an exigency arising out of the deployment of a service member who is a family member. The bill permits an employee to receive benefits for up to 24 weeks of leave if 12 weeks were taken for the employee’s own health condition and the other 12 weeks were taken for one of the other listed reasons.

These bills would establish the FAMLI Fund, to which both employers and employees would contribute beginning January 1, 2022 at a rate to be set by the DOL. The total rate of contribution may not exceed 0.75% of an employee’s wages up to the Social Security wage amount and would be paid equally by the employer and employee. All employers, regardless of the number of their employees, would be required to contribute to the Fund. Claims for benefits could be submitted starting on July 1, 2023, and the weekly benefit, which would be based on the employee’s wages, would range from \$50 to \$1000. Beginning July 1, 2024, the benefit would be adjusted in accordance with the Consumer Price Index. According to the Department of Legislative Services Fiscal and Policy Note, these bills would have a significant impact on businesses and would result in a significant increase in government expenditures.

SB 323/HB 310 - Maryland Arts Capital Grant Program

These bills would establish the Maryland Arts Capital Grant Program, to be administered by the Maryland State Arts Council. An appropriation of \$3 million would be made to the Council each fiscal year from 2023 to 2028 to fund grants to organizations that participate in the Community Arts Development Program. Under this program, grants not to exceed \$1 million may be awarded, based on a competitive application process, for the expansion or renovation of or major repairs to a facility.

SB 486/HB 581 - Labor and Employment – Employment Standards During an Emergency (Maryland Essential Workers’ Protection Act)

These bills would require employers to pay workers defined as “essential” an additional \$3 per hour in hazard pay dating back to the start of a state of emergency. They also would require employers to provide financial assistance for unreimbursed health care costs to each essential worker who becomes sick or is injured if the sickness or injury is related to the emergency. The legislation also would create a new leave program requiring employers to provide at least 3 days of bereavement leave and 14 days of paid health leave during an emergency when the employee’s leave is due to his/her illness or other health needs related to the emergency. The bills also would afford essential employees the right to refuse work.

An “essential worker” is defined as a person who performs work “during an emergency that cannot be performed remotely or is required to be performed at the worksite.” An “essential employer” is defined as a person who employs an essential worker. The bills set forth a long list of essential employers. As with the Time to Care Act described above, these bills if passed may result in significant increased costs to employers.

SB 535 – Condominiums and Homeowners Associations - Meeting Requirements

This bill is the parallel to HB 593, described in my second memo to the Board regarding this legislative session. This bill, previously filed in 2019, would set forth certain requirements for providing notice of a second meeting of lot owners in circumstances where a quorum was not met at the first meeting. The bill appears to confuse board and members meetings and to assume that the association’s members are its lot owners.

HB 826 - Real Property – Condominiums and Homeowners Associations – Dispute Settlement

This bill, which has been filed in prior years, sets out a procedure to address rule violations by property owners. The procedure would include a right for the violator to request a hearing by the board of directors at which the violator would be able to present evidence and cross-examine witnesses. The procedure also would require in all violation cases that the board of directors deliberate and determine whether a violation occurred and the appropriate sanction. The bill contains an exemption for CA.

B. Hearing Schedule

Hearing Date – Time	Bill Number	Title	Cross-filed Bill
N/A - Withdrawn	Ho.Co. 13-21	Howard County – Homeowners Association Commission – Alternative Dispute Resolution Authority	---
2/9 – 1:00 p.m.	SB 73	State Real Estate Commission - Property Managers - Registration	HB 239
2/18 – 11:00 a.m.	SB 144	Electric Vehicle Recharging Equipment for Multifamily Units Act	HB 110
1/27 – 1:00 p.m.	SB 174	Property Tax Assessments – 5–Year Assessment Cycle	---
1/26 – 1:00 p.m.	SB 210	COVID-19 Claim - Civil Immunity	HB 508
1/28 – 1:00 p.m.	SB 211	Labor and Employment - Family and Medical Leave Insurance Program - Establishment (Time to Care Act of 2021)	HB 375
2/3 – 1:00 p.m.	SB 254	Public Safety - Maryland Swimming Pool and Spa Standards - Adoption	HB 109
1/14 – 11:00 a.m.	SB 323	Maryland Arts Capital Grant Program	HB 310
2/11 – 1:00 p.m.	SB 486	Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)	HB 581
2/18 – 11:00 a.m.	SB 535	Condominiums and Homeowners Associations - Meeting Requirements	HB 593
1/26 – 1:30 p.m.	HB 109	Public Safety – Maryland Swimming Pool and Spa Standards – Adoption	SB 254
1/26 – 1:30 p.m.	HB 110	Electric Vehicle Recharging Equipment for Multifamily Units Act	SB 144
1/19 – 1:30 p.m.	HB 239	State Real Estate Commission - Property Managers - Registration	SB 73
1/26 – 1:30 p.m.	HB 248	Condominiums and Homeowners Associations - Rights and Restrictions - Composting	---
1/20 – 1:30 p.m.	HB 310	Maryland Arts Capital Grant Program	SB 323
1/26 – 1:30 p.m.	HB 313	Cooperative Housing Corporations, Condominiums, and Homeowners Associations - Reserve Studies - Statewide	---
1/19 – 1:30 p.m.	HB 322	Real Property - Restrictions on Use - Low-Impact Landscaping	---
1/19 – 1:30 p.m.	HB 352	Real Property – Condominiums and Homeowners Associations – Governing Bodies and Annual Meetings	---
1/26 – 1:30 p.m.	HB 361	Real Property - Governing Bodies of Common Ownership Communities - Member Training	---
1/19 – 1:30 p.m.	HB 367	Real Property - Regulation of Common Ownership Community Managers	---
2/23 – 1:30 p.m.	HB 375	Labor and Employment - Family and Medical Leave Insurance Program - Establishment (Time to Care Act of 2021)	SB 211
2/3 – 1:30 p.m.	HB 508	COVID-19 Claim - Civil Immunity	SB 210
2/5 – 11:00 a.m.	HB 581	Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)	SB 486
2/9 – 1:30 p.m.	HB 593	Condominiums and Homeowners Associations - Meeting Requirements	SB 535
2/16 – 1:30 p.m.	HB 826	Real Property – Condominiums and Homeowners Associations – Dispute Settlement	---