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**TO:** COLUMBIA ASSOCIATION BOARD OF DIRECTORS  
**FROM:** MICHAEL W. ANITON, GENERAL COUNSEL  
**RE:** 2022 LEGISLATIVE SESSION – FILED STATE LEGISLATION  
AND CURRENT HOWARD COUNTY COUNCIL LEGISLATION  
**DATE:** MARCH 17, 2022

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### **A. MARYLAND GENERAL ASSEMBLY BILLS**

#### **House Bill 8/Senate Bill 275 – Labor and Employment – Family and Medical Leave Insurance Program – Establishment (Time to Care Act of 2022)**

**Summary:** These bills would establish the Family and Medical Leave Insurance Program in the Maryland Department of Labor to provide certain benefits to individuals who take leave from employment for certain purposes and require certain employers to contribute to the Fund in a certain manner beginning January 1, 2023. Employers would be required to contribute an amount equal to 50% of the total rate of contribution, which would not exceed 0.75% of an employee's wages, and would deduct the contribution required from the employee's wages.

**Potential Impact to CA:** We expect these bills to be opposed by the Maryland Chamber of Commerce and various business groups given the additional costs which would be imposed on employers.

**Status:** We will continue to monitor the bills as they proceed through the legislative process.

#### **House Bill 26 - Real Property – Regulation of Common Ownership Community Managers**

**Summary:** This bill would create 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 and would (1) require a common ownership community to register with the Board under certain circumstances (2) impose certain duties on a contracting party concerning a fidelity bond or theft insurance under certain circumstances, and (3) require a contract to provide management services to include certain provisions.

**Potential Impact to CA:** This bill is similar to bills filed in prior years and would create an onerous regulatory process imposing registration and licensing requirements for HOAs and community managers. However, this bill provides that the provisions that require an individual to be issued a license or a limited license do not prohibit an "individual who is an employee of a common ownership community from providing management services only to that common ownership community or to an affiliated common ownership community." As a result, CA and village employees providing "community manager services" (as defined in the bill) to CA and the villages are not subject to the bill's regulatory requirements.

**Status:** We will continue to monitor the bill as it proceeds through the legislative process.

#### **House Bill 93 – Candidates for Offices of Municipalities and Common Ownership Communities – Reports of Donations and Disbursements**

**Summary:** This bill would (1) require homeowners associations that require candidates for office to file reports of donations and disbursements to transmit copies of the reports to the State Board of Elections and (2) require homeowners associations that do not require candidates for office to file reports of donations and disbursements to establish an election committee and file reports of donations and disbursements with the State Board of Elections.

**Potential Impact to CA:** This bill would directly impact candidates running for a Village Board seat, and the Village Boards by requiring them to take certain action. This bill does not directly impact the CA Board.

**Status:** This bill will not move forward this session.

#### **House Bill 107 - Cooperative Housing Corporations, Condominiums, and Homeowners Associations – Reserve Studies – Statewide**

**Summary:** This bill would (1) require the governing body of certain cooperative housing corporations, condominiums, or homeowners associations to have a reserve study conducted of the common elements of the cooperative housing corporation, condominium, or homeowners association and to update the study at certain intervals, (2) impose certain requirements relating to the annual budget of a cooperative housing corporation, condominium, or homeowners association, and (3) authorize the governing body of a cooperative housing corporation, condominium, or homeowners association to increase a certain assessment.

**Potential Impact to CA:** The relevant portions of this bill do not apply to a homeowners association that issues bonds for the purpose of meeting capital expenditures. CA is an HOA that issues bonds, therefore this bill would not apply to CA.

**Status:** We will continue to monitor the bill as it proceeds through the legislative process.

#### **House Bill 140 - Real Property – Condominiums and Homeowners Associations – Governing Bodies and Annual Meetings**

**Summary:** This bill would (1) increase the number of meetings the board of directors or the developer of a condominium or a homeowners association must convene each year, (2) require that unit owners or lot owners have an opportunity to comment, (3) require the developer of a condominium to appoint certain persons to the board of directors for the council of unit owners and to establish a board of directors if no board of directors has been established, (4) require a declarant to appoint certain persons to the governing body of a homeowners association and to establish a governing body of the homeowners association if no governing body has been established, (5) require a developer or a declarant to deliver certain notices regarding a certain bond, (6) require a council of unit owners and a homeowners association to maintain certain books and records, and (7) make certain provisions of law applicable to the accounts of a condominium or a homeowners association.

**Potential Impact to CA:** CA already complies with the provisions of this bill.

**Status:** We will continue to monitor the bill as it proceeds through the legislative process.

#### **House Bill 303/Senate Bill 319 – Public Safety – Maryland Swimming Pool and Spa Standards - Adoption**

**Summary:** These bills would require the Maryland Department of Labor to adopt by regulation the International Swimming Pool and Spa Code as the Maryland Swimming Pool and Spa Standards. The bills provide that “this Act shall be construed to apply to swimming pools and spas...only prospectively and may not be applied or interpreted to have any effect on or application to a swimming pool or spa in operation before the effective date of this Act.”

**Potential Impact to CA:** This could have a significant fiscal impact to CA as it pertains to pool renovations.

**Status:** HB 303 passed in the House and has crossed over to the Senate for consideration. We will continue to monitor the bills as they proceed through the legislative process.

#### **House Bill 615 – Real Property – Condominiums and Homeowners Association – Dispute Settlement**

**Summary:** This bill would establish procedures for dispute settlement between a board of directors or other governing body and an alleged violator under the Maryland Homeowners Association Act.

**Potential Impact to CA:** There is language in the bill that states “this section does not apply to the Columbia Association of the Village Community Associations for the Villages of Columbia in Howard County.”

**Status:** HB 615 passed in the House and has crossed over to the Senate for consideration. We will continue to monitor the bill as it proceeds through the legislative process.

**House Bill 698/Senate Bill 721 – Labor and Employment – State Minimum Wage Rate – Increase**

**Summary:** These bills would increase the State minimum wage rate on July 1, 2022.

**Potential Impact to CA:** This would have a significant fiscal impact on CA especially when compression increases are accounted for.

**Status:** We will continue to monitor the bills as they proceed through the legislative process.

**House Bill 1060 – Residential Owners in Common Ownership Communities Bill of Rights**

**Summary:** This bill would establish a “bill of rights” for lot owners in a homeowners association.

**Potential Impact to CA:** This bill proposes procedures that appear intended to apply to typical smaller HOAs, but those provisions are inconsistent with CA’s unique organizational structure or governing documents, and are unnecessarily duplicative of procedures that CA has already established.

**Status:** We will continue to monitor the bill as it proceeds through the legislative process.

**House Bill 1147 – Real Property – Cooperative Housing Corporations, Condominiums, and Homeowners Associations – Virtual Meetings**

**Summary:** This bill would require a person conducting a meeting of a homeowners association by telephone conference, video conference, or similar electronic means, to provide a participant a reasonable opportunity to participate in the meeting, and require certain participants in a meeting of a homeowners association to have equal access to any available chat function.

**Potential Impact to CA:** Portions of this bill may impact the way in which the CA BOD operates its virtual meetings as it concerns the procedures applicable to lot owners who wish to participate.

**Status:** We will continue to monitor the bill as it proceeds through the legislative process.

**House Bill 1247 - Howard County - Property Tax - Credit for Seniors to Offset Property Tax Rate Increase Ho. Co. 10-22**

**Summary:** This bill would authorize Howard County to grant a property tax credit against the county property tax imposed on dwellings owned by senior citizen homeowners who also meet certain income and residency requirements.

**Potential Impact to CA:** Homeowners affected by this bill would be eligible to have their CA annual charge invoice adjusted to reflect the proportionate credit.

**Status:** HB 1247 passed in the House and has crossed over to the Senate for consideration. We will continue to monitor the bill as it proceeds through the legislative process.

**Senate Bill 294 – Health – Automated External Defibrillator, First Aid, and CPR – Requirements for Health Clubs**

**Summary:** This bill would require a health club to (1) make available an automated external defibrillator on the premises of the health club, (2) have an employee on the premises who is certified in first aid and cardiopulmonary resuscitation, and (3) provide immunity from civil liability for employees of the health club regarding the presence or use of or failure to use an automated external defibrillator.

**Potential Impact to CA:** CA already has automated external defibrillators in each of its fitness clubs and has CPR certified staff (which is the majority of the staff).

**Status:** We will continue to monitor the bill as it proceeds through the legislative process.

**B. HOWARD COUNTY COUNCIL BILLS**

**CB14-2022 – Forest Conservation Plan Requirements**

**Summary:** This bill would affect the preparation of forest conservation plans by adding the requirements of locating and listing each tree that is 24 inches in diameter or larger measured at 4.5 feet above the ground, labeling the plan with the tree species and condition, and noting the diameter of the applicable state champion tree of that species.

**Potential Impact to CA:** It does not appear that this bill would impact CA operations.

**Status:** This bill was passed by the Council at its 3/7/2022 meeting, and was signed by the County Executive on 3/10/2022.

**C. HEARING CHART**

<b>Hearing Date – Time</b>	<b>Bill Number</b>	<b>Title</b>	<b>Cross-filed Bill</b>
2/15/22 – 1:00 p.m.	HB 8	Labor and Employment – Family and Medical Leave Insurance Program – Establishment (Time to Care Act of 2022)	SB 275
1/18/22 – 1:00 p.m.	HB 26	Real Property - Regulation of Common Ownership Community Managers	---
1/25/22 – 1:00 p.m.	HB 93	Candidates for Offices of Municipalities and Common Ownership Communities - Reports of Donations and Disbursements	---
1/13/22 – 1:00 p.m.	HB 107	Cooperative Housing Corporations, Condominiums, and Homeowners Associations - Reserve Studies - Statewide	---
1/13/22 – 1:00 p.m.	HB 140	Real Property - Condominiums and Homeowners Associations - Governing Bodies and Annual Meetings	---
2/2/22 – 1:00 p.m.	HB 303	Public Safety - Maryland Swimming Pool and Spa Standards - Adoption	SB 319
3/22/22 – 1:00 p.m.	HB 615	Real Property - Condominiums and Homeowners Associations - Dispute Settlement	---
2/22/22 – 1:00 p.m.	HB 698	Labor and Employment - State Minimum Wage Rate - Increase	SB 721
3/1/22 – 1:00 p.m.	HB 1060	Residential Owners in Common Ownership Communities Bill of Rights	---
3/4/22 – 1:00 p.m.	HB 1147	Real Property - Cooperative Housing Corporations, Condominiums, and Homeowners Associations - Virtual Meetings	---
3/1/22 – 1:00 p.m.	HB 1247	Howard County - Property Tax - Credit for Seniors to Offset Property Tax Rate Increase Ho. Co. 10-22	---
n/a – bill withdrawn	SB 139	Public Health - Semipublic Pools - Lifeguards	---
2/10/22 – 1:00 p.m.	SB 275	Labor and Employment – Family and Medical Leave Insurance Program – Establishment (Time to Care Act of 2022)	HB 8
2/17/22 – 1:00 p.m.	SB 294	Health - Automated External Defibrillator, First Aid, and CPR - Requirements for Health Clubs	---
2/10/22 – 1:00 p.m.	SB 319	Public Safety - Maryland Swimming Pool and Spa Standards - Adoption	HB 303
3/10/22 – 1:00 p.m.	SB 721	Labor and Employment - State Minimum Wage Rate - Acceleration	HB 698
9/20/21 – 7:00 p.m.	CB64-2021	Howard County Council – Specimen Trees	---
9/20/21 – 7:00 a.m.	CB66-2021	Howard County Council – Forest Conservation Act removal of exemptions	---
10/18/21 – 7:00 p.m.	CB78-2021	Howard County Council – Forest Conservation Act tree “lookback”provision	---
10/18/21 – 7:00 p.m.	CB79-2021	Howard County Council – Forest Conservation Act enforcement measures	---
11/15/21 – 7:00 p.m. 11/17/21 – 6:00 p.m.	CB82-2021	Howard County Council – Local Minimum Wage	---
11/15/21 – 7:00 p.m.	CB88-2021	Howard County Council – Historic Structure Maintenance	---
11/15/21 – 7:00 p.m.	CB89-2021	Howard County Council – Forest Conservation Act tree “lookback”provision	---
1/18/22 – 7:00 p.m.	CB10-2022	Howard County Council – Recall of Employees after COVID-19 Lay-Offs	---
2/22/22 – 7:00 p.m.	CB14-2022	Howard County Council - Forest Conservation Plan Requirements	---