

I'd like to offer you my viewpoint on amending our by-laws regarding the recoupment of legal fees by the HOA in the event that it becomes necessary to enforce any provisions of the By-laws.

I think that I was on the Board when this came up several years ago. At first, I thought it was a good idea. I may have even helped in the drafting of the proposed amendment. However, the more I thought about it, the more I realized that it was not a good idea. In fact, I realized that it was a bad idea. If you can automatically recoup legal fees, there is not much incentive to try to settle things without resorting to going to a lawyer. I don't think that is what we want to do.

When I was President of the Board, I considered one of the main responsibilities of the HOA was to promote peace and harmony in the community. If we amend the by-laws to provide for the automatic recoupment of legal fees, and this provision is abused by the HOA, I guarantee there will not be peace and harmony in this community. This community could turn into the land of lawsuits.

If you have a bona fide case of egregious conduct on the part of a homeowner, which winds up in court, you can always ask for legal fees. It's the little things like the color of outside doors, screens, shrubs and the like that should be resolved at a very low level that worry me. Do you go to a lawyer because the HOA and a homeowner might not agree on the shade of paint for an outside door? I'm not talking about a "Raven's purple" door. I'm talking about a shade variance that should be very resolvable.

I have an article that was in the Baltimore Sun last month that supports my viewpoint. I'll read you the first couple of paragraphs. I've made copies if anyone would like one.

If you have voted for the proposed amendment and agree with me, I urge you to rescind your approval.

I would like to thank the Board for all their efforts in making this community a very nice place to live. I do not mean to imply that if we amended the Covenants as proposed, this Board would abuse this provision. It's the future Boards that I worry about.

MARYLAND



CALVERT ST. BECOMING A PARKING LOT

WATCHDOG, PG 2B

FIGHTING FOR OVERSIGHT

Task force tackles complaints about homeowners associations

BY TIMOTHY B. WHEELER
(SUN REPORTER)

Seeking to address complaints about abuses in Maryland's growing number of homeowners and condominium associations, a state task force is calling for greater local oversight of these quasi-governmental bodies, which essentially tax their residents to take care of swimming pools, playgrounds, trash pickup and other community services.

But at least a few members of the 23-member task force complained yesterday

that the group did not go far enough in protecting residents from abuses by their homeowners or condo association boards, which have the power to fine owners or even seize and auction off their homes for unpaid fees.

The task force, created by the legislature and appointed by Gov. Robert L. Ehrlich Jr., recommended among other things that local governments field complaints from residents about such privately governed communities and attempt to resolve disputes through mediation rather than through costly court battles.

"I think the vast majority of these common-ownership communities are well-run," said Jacqueline Phillips, chairwoman of the task force. "But the fact is they all should be."

No one knows exactly how many Marylanders live in homes or condos governed by associations, but their ranks appear to be growing, both in the suburbs and cities. One University of Maryland economist estimates that associations oversee as much as half of all new housing built nationwide since 1980.

Governed by residents elected by their peers, associations arrange for such

neighborhood services as snow removal, landscaping and maintenance of sidewalks and other common property. They typically assess fees ranging from hundreds to thousands of dollars a year on each home to pay for neighborhood or building upkeep.

Associations also typically regulate the external appearance of homes, including size and types of fencing, decks and sheds, and even dictate the color of doors and mailboxes.

Many residents like such controls, believing they help maintain property value. [Please see ASSOCIATION, 7B]

Gripes over homeowners groups

ASSOCIATION [From Page 1B]

ues and buffer disputes among neighbors. But others have complained about the lack of democracy and accountability for such boards, which not only set the rules but decide any disputes over them.

After a year spent studying the issues, the task force called for better education of residents and of the volunteer boards of directors who manage their common property. The group also urged tighter regulation of real estate developers setting up associations to prevent developers from saddling the groups with costly maintenance and repairs of property without the ability to pay for it.

Legislators serving on the task force pledged to push at least some of its recommendations when the General Assembly convenes in January. Sen. Delores G. Kelley, a Baltimore County Democrat, noted that she lives in a neighborhood where because of past disputes over collection of fees no one is willing to serve on the homeowners association board anymore.

Del. Tony McConkey, an Anne Arundel County Republican, said he plans to introduce six or seven bills dealing with reforms on which the group was in basic agreement. They include a proposal to tighten regulation of private management companies hired by association boards to col-

lect fees from property owners, and another enabling the state attorney general's office to get involved in disputes when a homeowners association is accused of violating state law.

But the panel balked at calling for greater state enforcement of existing condo and homeowners association laws, for making the laws uniform across housing types or for establishing a "bill of rights" for residents of such communities.

"It's a start, but it falls way short of where advocates for residents wanted to go," said Alexander Hekimian, a task force member. The president of a townhouse association in Columbia, he said he has long advocated for greater accountability in associations, including the Columbia Association, which essentially governs a community of nearly 100,000 people in Howard County.

Hekimian contended that the task force was stacked with association representatives and "passed the buck" on addressing abuses by leaving enforcement largely up to local governments. He had drafted a two-page "bill of rights" for residents similar to one backed nationally by AARP. But he said the task force was unwilling even to endorse the concept, much less his language.

But Kelley said the task force just couldn't balance competing views on some of the more far-reaching recommendations, like

the residents' bill of rights.

"The hardest people to help are the general public," she said.

Betsy Cunningham, a lawyer who lives in a condo in Baltimore, contended that to meet its Dec. 31 report deadline, the task force ducked some of the knottiest problems.

"These are mini-governments," she said, "and I want to stress they are not democracies."

Cunningham said she nearly wound up in court in a dispute with her building management over delays in fixing a roof leak that dripped into her bedroom. She also pointed to news reports about a Colorado homeowner who was threatened with being fined \$25 a day by her homeowners association for displaying a Christmas wreath shaped like a peace symbol. The association has since apologized and dropped its demand for the wreath's removal.

McConkey said he wanted to focus first on the most immediate problems and those for which there was general agreement how to resolve them. He suggested that it might take up to four years to pass the bulk of the task force's recommendations.

When told of the delegate's remarks, Cunningham replied: "If every senator and delegate had to live in a condo for a year, I think we'd get this worked out real fast."

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tim.wheeler@baltsun.com