

Is HOCO about to regulate HOA's, including CA?

During the Columbia Association (CA) elections this past year, various special interests actively supported candidates. Concerns were expressed that future decisions about open space protections and land use decisions in Columbia could be affected.

Now, another influential decision could control CA, its budget and election process.

In May, Howard County Council members Opel Jones and Christiana Mercer Rigby proposed legislation to create a commission having jurisdiction over all HOA's, including CA, and all community associations.

The bill was withdrawn but Jones recently said it will be reintroduced this fall. Many question if CA will still be part of the proposed oversight. Concerns have been raised about the appropriateness of this type of county intervention.

In the original bill, all HOA's and community associations would be required to pay a fee and register with the county. They would be required to open their records and books for fiscal review, hold open meetings and board elections, and more, all subject to county fines and penalties. An arbitration process would be run by the county to handle conflicts.

What is the purpose of this supervision?

Other jurisdictions have an arbitration process with similar commissions, which could be beneficial as a non-binding process provided by the county to resolve disputes between neighbors or between neighbors and the HOA.

The proposed legislation set up a commission comprised of five members (from any managed association), plus four members from the building community, all appointed by the county executive, approved by the council.

Given that dispute resolutions would not be binding,



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and still subject to appeal in court, the process could end up as an unnecessary delay to final outcomes. HOA's may not find a county led arbitration body helpful, if it comes with mandatory fees and auditing.

No one wants to see mismanaged HOA's, small or large, but the reach and control that was proposed for the new commission went far beyond the perceived arbitration benefit.

Requirements such as registration of board members, the commission having the ability to judge decisions and budgets, with the ability to impose fines, seem to have political goals, especially given the proposed make-up of the members.

These issues raise a lot of questions, affecting the

smallest to the largest community organizations, with or without CA remaining covered in the endeavor.

For example, scaling fees for the "services" need to be considered, since many community associations are small, without big budgets, and some have only voluntary dues.

The county fines in other areas, such as environmental and deforestation non-compliance, and huge polluting issues, aren't anywhere near as high as in this original HOA Bill, where citation violations have each day equating to a separate offense.

CA will likely have a strong opinion about the county and its appointees reviewing their records, overseeing their election process, meetings, plans and decisions, with the authority to fine.

If you are part of an HOA or community association in Howard County, contact your council member to discuss this proposed new commission.

Meetings took place over the summer to get input from Columbia village boards.

Hopefully, the council will request input from all villages, CA and other HOA's, prior to refileing this legislation and take all input into consideration with the next version.

Lisa Markovitz, MSF, is president of the Maryland civic/political group, The People's Voice.

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