

June 7, 2024

Commissioners of Charles County, Maryland  
200 Baltimore Street  
La Plata, MD 20646

**RE: 2024 Legislative Proposals**

Commissioners:

Following please find my comments regarding the 2024 Legislative Proposals to date.

First: several of the new proposals would create new programs that Charles County Government would have to develop, staff, and maintain. Without taking issue with the goals of these programs, I ask that the Commissioners keep in mind the responsibilities the county already has and the ability to implement those effectively, especially those that ONLY government can do. Responsibilities such as essential infrastructure and public safety should not be compromised to bring on new programs, as appealing as they may be. Please be realistic about what can be accomplished with existing resources, including staff, time, and money.

No.	Subject	Position	Comments
1	Squatters/ Trespassers	Support	I support redefining “squatters” in the way that the proposer describes, as trespassers. (My understanding is that “squatters,” as used here, is different than the legal definition of squatter, that would allow someone to make a claim of adverse possession, which has its own criteria that must be met for the claim to be valid.) When someone takes occupancy of another person’s home (or portion thereof), the homeowner should have the right to treat that person(s) as a trespasser (a criminal matter), rather than having to resolve the occupancy using landlord-tenant law (a civil matter). It is outrageous that a homeowner would have to spend months and a lot of money getting someone out of their house who should never have been there in the first place. I concur that squatters should be responsible for damages and that creating a forged or fake lease should be a criminal offense. If it turns out this matter has to be addressed under state law, the Commissioners should support such legislation at the state level.
4-10	Removal of elected official	Support	Support
11	Term Limits	Support w/ modification	Support 3 @ 4-year terms
12	Town Halls	Support	Support

13	Lead fuel ban	Oppose	This appears to be targeted at MD Airport, since there are very few users & purveyors of leaded fuel aside from small airplanes. The FAA has already set a date to phase out leaded fuel in airplanes. I know some people in the community have expressed concern about lead levels. This concern should be directed to the Health Department and CCPS. Effectively shutting down a business (one that was here before most of us lived in the area) by prohibiting lead fuel just a few years before the FAA regulation goes into effect seems like overkill and targeting. Again, the place to start is with the agencies responsible for health matters. Also, since lead fuel has not been banned at the state or federal level yet, I suspect there is a compelling reason for that decision.
14	AC mandate	Oppose	I believe the likely result of this mandate will be a reduction in available rental units. Charles County already has a shortage of rental units at more affordable price points. The expense of retrofitting existing dwellings to have AC - or AC in all rooms - can be prohibitive. The property owner's alternative is to sell rather than continuing to lease the property, which would be detrimental to the available rental stock. There are many of us still around who have lived without AC at one time or another, and while a home with AC may be problematic for some people, others should be afforded the choice. All new multi-family units are being constructed with AC. Any dwelling advertised as having AC should of course have operable AC, and failure to meet the terms of the lease would be a violation of the lease and actionable under landlord-tenant law.
15	Special Election	Support	Support
17	Ballot referendum	Support	My understanding is this would need to be changed at the state level. If passed, I'd want to see a higher 10% of registered voters.
18	Waldorf Municipality	Concerned /Neutral	<p>I would prefer to see the subject of a Waldorf Municipality effort arise from a broader citizen-led effort with more community discussion within Waldorf to examine this possibility, rather than starting with a government-created board. I think the first step is to hold community meetings to get broader citizen input. This would also help in establishing a proposed boundary, should the initiative to incorporate move forward.</p> <p>Specifically, it would be beneficial to understand (1) what the larger community hopes to improve by incorporating / what the goal(s) are; (2) what can actually be achieved by incorporating; and (3) what is involved, in terms of both process and cost.</p>

			One concern I do have is that <i>some</i> of the objectives I've heard for incorporating are not likely to be realized through creating a municipality alone, because they are driven by fundamentals other than government structure (e.g., economic development). If this proposal is moved forward, it would be a significant and costly endeavor and would benefit only certain residents. Therefore, the cost for it should be assessed to Waldorf residents that are part of the municipality. We are still spending a great deal of county resources on the charter effort.
19	Bond – HOA Amenities	Comment	I suggest that the definition of amenities address major amenities such as a community center, pool, etc., but retaining developer flexibility for “minor” amenities (e.g., pocket parks).
21	Developer responsibilities	Comment	Facilities should be turned over to the HOA in a condition useable for the intended purpose without significant alteration or expense by the HOA.
22	Transfer of HOA	Support	<p>I worked in commercial construction and development for years and was surprised to learn that HOA's don't have the same contractual guarantees at project turnover as is customary in commercial projects. Anything required at project close-out from the contractor performing work for a commercial customer should be similarly provided to the HOA at transfer of assets. In addition, I would add these to the “Solution”:</p> <ul style="list-style-type: none"> <li>- Require O&amp;M manuals be provided to the HOA with one print copy and a digital copy</li> <li>- “Recorded” deeds to the common areas</li> <li>- All financial records should be reconciled to the most recent statement prior to transfer</li> <li>- Include insurance policies both in effect and prior</li> <li>- Include warranties in effect and expired</li> <li>- Include as-built A&amp;D drawings depicting any structures, facilities, or amenities; or any other items to be operated or maintained by the HOA</li> <li>- Include design calculations as appropriate, such as for storm flows and SWM ponds &amp; structures.</li> </ul>
24	SWM Responsibility	Comment	While I am empathetic to the situation, I also recognize that many other areas in the county – both community organizations and individuals – have to deal with SWM maintenance and repairs without assistance. So if the county were to take over ownership and maintenance of only certain new facilities, the cost for that should be attributed to those communities rather than borne by the county at large (meaning those who have to pay for their own SWM repairs & maintenance).
25	HOA Fiduciary	Support	Support

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26	HOA Board	Comment	Having a homeowner representative when only 5 homes have been conveyed seems low to me. When only 5 homes are complete the developer still has all the responsibility to complete the project as designed, yet a homeowner would be given authority on the HOA board. And while some homeowners are very reasonable and would work well with the developer, some are unreasonable. And a pool of 5 to choose from is very small. Perhaps the 80% requirement could be lowered slightly?
30	HOA & CA Board Member Ed	Comment	This should only apply to associations that have mandatory membership in the community (some organizations are voluntary and/or own no physical assets). Perhaps it should also apply to communities of a minimum size.
33	Tent Community Task Force	Concerned	I am highly concerned about Charles County Government becoming essentially a landlord to the homeless; governments have been notoriously problematic as housing providers.

Thanks for your consideration,

Debra Jones  
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