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Subject: *NEW SUBMISSION* Submit Comments - Commissioners' Public Comment Sessions
Date: Monday, July 1, 2024 12:27:21 PM

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Submit Comments - Commissioners' Public Comment Sessions

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Read-Only Content

Name

GLORIA SAWYERS

Address

5829 Monmouth Court
Bryans Road, MD, MD 20616

Phone

(301) 602-9640

Email

gs1112@verizon.net

Comment

This complaint has 5 Attachments; therefore, there are multiple submissions- This is 2 of 3. My name is Gloria Sawyers, and I am a resident of your district and I need to call your attention to a very serious matter affecting citizens you serve. The Issue: I am writing to express my concern about the weakness of the above referenced ACT (MD Code, section 11B) and the limitless and unchecked power it allows Primary Development Home Owners Associations (HOA) to wheel over related communities. Outside of definitions, currently, there is nothing in the Act that prevents these Primary Development HOAs from the unbridled collection of association fees, special assessments, or placing liens against the homeowners residing in Related Developments. I am proposing an amendment to the Act that will, with your assistance, control and limit the power of these Primary Development HOAs to operate arbitrarily and capriciously outside the boundaries of their primary development and dictate/communicate directly with homeowners in the related developments without the authority and expressed written consent of the Related Development HOAs.

Upload File(s)

[Amendment to the Maryland Homeowners Association Act 7-01-2024.docx](#)
[List of SHTHOA Advocating for the Amendment.pdf](#)

Thank you,
Charles County, MD

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July 1, 2024

Commissioner Thomasina O. Coates, M.S. (District 2)
P.O. Box 2150
County Government Building
200 Baltimore Street
LaPlata, MD 20646-2150

Reference: Amendment to the Maryland Homeowners Association Act (ACT)

Dear Commissioner Coates:

My name is Gloria Sawyers, and I am a resident of your district and I need to call your attention to a very serious matter affecting citizens you serve.

The Issue:

I am writing to express my concern about the weakness of the above referenced ACT (MD Code, section 11B) and the limitless and unchecked power it allows Primary Development Home Owners Associations (HOA) to wheel over related communities. Outside of definitions, currently, there is nothing in the Act that prevents these Primary Development HOAs from the unbridled collection of association fees, special assessments, or placing liens against the homeowners residing in Related Developments.

I am proposing an amendment to the Act that will, with your assistance, control and limit the power of these Primary Development HOAs to operate arbitrarily and capriciously outside the boundaries of their primary development and dictate/communicate directly with homeowners in the related developments without the authority and expressed written consent of the Related Development HOAs.

Background

In the South Hampton Development there are two distinct and separate communities with two distinct and separate HOAs: the South Hampton Townhouse Owners Association (SHTHOA) and the South Hampton Homeowners Association (SHHOA). Each HOA has its own distinct and separate websites and management companies.

However, the SHHOA operates as the Primary Development HOA and directly collect annual assessments from Townhouse Owners residing in the Related Development SHTHOA community with no governing authority or control.

1. The practice goes against the SHTHOA governing ByLaws (Article XIII Assessments) that provide that each owner in South Hampton Townhouse Community is obligated to pay to the SHTHOA annual and special assessments...”.

2. The Article does not in any way mention or suggest that owners in South Hampton Townhouse Community pay annual and/ special assessments to the SHHOA.
3. In addition to the requirements of Article XIII Assessments, Article VIII Maintenance, (Section 8.02. Association Maintenance) of the SHTHOA ByLaws provide that:

“The Association may, in the discretion of the Board of Directors, assume additional maintenance responsibilities upon all or any portion of the properties. In such event, all costs of such maintenance shall only be assessed against those owners receiving or benefiting or being served by the additional services.”

The ByLaws does not give or grant authority for another HOA to perform maintenance or make assessments against Townhouse Owners in the SHTHOA.

4. According to the 2024 SHHOA proposed annual budget, an assessment of \$70,400 is being collected directly from the Townhouse Owners in the SHTHOA; however, the budget spreadsheet does not provide any details as to what or how the \$70,400 will be used or the benefits that the Townhouse owners in the SHTHOA will receive from the assessed amount.

a. The chart below shows the collection of SHHOA Association Fees from SHTHOA owners from 2021 through 2024:

Townhome Assessment Income				
Year	Quarterly Installments	Yearly Assessment	Number of Residents	Total Annual Income
2021	\$50	\$200	313	\$62,600
2022	\$52.50	\$210	313	\$67,200
2023	\$55	\$220	320	\$70,400
2024	\$55	\$220	320	\$70,400

a1. The chart below shows the benefits (services, supplies, materials, etc.) the Townhome Owners received from the Assessment collected by the SHHOA.

Year of Assessment	Assessments	*Benefit(s)
2021	\$62,600	None listed
2022	\$67,200	None listed
2023	\$70,400	None listed
2024	\$70,400	None listed

*Note: No benefits were recorded in the SHHOA annual yearly assessment report for the Townhouse Owners.

b. The chart below shows the Association Fees paid by the SHTHOA owners:

Townhouse Assessment Income				
Year	Quarterly Installments	Yearly Assessment	Number of Residents	Total Annual Income
2021	\$202.46	\$809.84	320	\$259,148.80
2022	\$202.46	\$809.84	320	\$259,148.80
2023	\$202.46	\$809.84	320	\$259,148.80
2024	\$202.46	\$809.84	320	\$259,148.80

b1. The chart below shows the benefits (services, supplies, materials, etc.), the Townhouse Owners received from the Assessment collected by the SHTHOA.

Year of Assessment	Assessments	*Benefit(s)
2021	\$259,148.80	Administrative Expenses, Utilities, Maintenance & Repair, Grounds Maintenance, Reserve Activity
2022	\$259,148.80	Administrative Expenses, Utilities, Maintenance & Repair, Grounds Maintenance, Reserve Activity
2023	\$259,148.80	Administrative Expenses, Utilities, Maintenance & Repair, Grounds Maintenance, Reserve Activity
2024	\$259,148.80	Administrative Expenses, Utilities, Maintenance & Repair, Grounds Maintenance, Reserve Activity

*Note: The SHTHOA annual assessment reports recorded the benefits identified. See Enclosure 2 and 3 for a list of activities for each category under the Benefit(s) column. The annual budgets reflecting the information in the charts above are enclosed.

The Solution:

To ensure that Primary Development HOAs have limits on their ability to impose arbitrary and uncontrolled assessments directly on the homeowners of Related Developments, an Amendment to the Maryland Homeowners Association Act is attached (see Attachment 1) for your review, consideration, and action.

Summary/Closing

I thank you in advance for moving the amendment through the legislative process and any other action you may take to ensure that the unchecked arbitrary actions and of Primary Development HOAs are brought under control.

For your knowledge, a list of Townhouse Owners in the SHTHOA actively advocating for this action is attached (Attachment 2).

If you have questions or need additional information, I am available to assist.

Sincerely,

Gloria Sawyers
5829 Monmouth Court
Bryans Road, MD 20616
(301) 602-9640
gs1112@verizon.net

Enclosures:

1. South Hampton Townhouse ByLaws -- 01-29-2024
2. 2024 Proposed Annual Assessment Budget for South Hampton Homeowners Association
3. 2024 Proposed Annual Assessment Budget for South Hampton Townhouse Owners Association

Attachment:

1. Amendment to the Maryland Homeowners Association Act
2. List of SHTHOA Advocating for the Amendment

Amendment to the Maryland Homeowners Association Act

Amend Maryland Law § 11B-101, Section 2, Paragraph (k) and (m) of the legislation as follows:

(k) Primary Development: Means a development where the homeowners association governs a community of homes that are part of a larger development. A Primary Development HOA may have its own rules, fees, and amenities, but it may also share some common areas and services with other HOAs in a Related Development.

1. A Primary Development may impose assessments on homeowners in a Related Development. Any assessments imposed by the Primary Development HOA on homeowners in a Related Development shall be for services, materials, equipment, or other justifiable benefits not being provided by the HOA in the Related Development.
2. For any such assessments imposed, the Primary Development HOA shall collect all such assessments through the Related Development's HOA and not directly from the homeowners in the Related Development.
3. The Primary Development HOA shall maintain a separate account and records for all such assessments in 1 above, showing the amount collected and the services, materials, equipment, or other benefits derived from the assessments that satisfy the needs of the homeowners in the Related Development. The records shall be made available for the review and retention of the Related Development HOA upon request as established in the ByLaws of the Primary Development HOA.
4. The Primary Development shall ensure that the assessments it impose on a Related Development are fair and proportional to the benefits the homeowners in the Related Development receive.

(m) Related Development: Means a development where the purchasers of a lot pay fees to the homeowners' association (HOA) established by the lot owners in such development, and the HOA shall be responsible for collecting any assessments from its lot owners imposed by the Primary Development HOA.

1. The Related Development HOA shall include in its ByLaws a requirement that it will collect assessments imposed on its homeowners by the Primary Development HOA for services, materials, equipment, or other justifiable benefits not being provided by the Related Development HOA.
2. The Related Development HOA shall include in its ByLaws language that indicates that all such assessments imposed in 1 above shall be paid by the homeowners to the Related Development HOA and not directly to the Primary Development HOA.
3. The Related Development HOA shall include in its ByLaws language that indicates that the Primary Development HOA will maintain a separate account and records for such assessments imposed in 1 above and that such records will be made available to its homeowners upon written request to the Related Development HOA in accordance with the Primary Development HOA Bylaws.
4. The Related Development HOA shall include in its ByLaws language that indicates it will review all assessments imposed by the Primary Development to ensure that they are fair and proportionate to the benefits the homeowners in the Related Development receive.

**South Hampton Townhouse Owners
Petition for Among Other Things, the Following:
Eliminate Costs Affiliated with Two HOA Management Companies for South Hampton Townhouses**

Name	City	State	Postal Code	Country	Signed On	Sign by Your Name (see signatures at Petition - Eliminate Costs Affiliated with Two HOA Management Companies for South Hampton Townhouses - Change.org)	Address
South Hampton Townhouse Owners				US	12/27/2023		
Trisha Butler	Bryans Road	MD	20616	US	12/30/2023		
Terrilyn Briscoe	Prince Frederick	MD	20678	US	12/30/2023		
Marlene Coles	Ft. Washington	MD	20744	US	12/30/2023		
Deanne Wiggins	Bryans Road	MD	20616	US	12/30/2023		
Amanda Caddell	Bryans Road	MD	20616	US	12/30/2023		
Camille Morris	Bryans Road	MD	20616	US	12/30/2023		
Stephanie Gray	Bryan's Road	MD	20616	US	12/30/2023		
Jill angelichio	Charlotte	NC	28204	US	12/30/2023		

Renee Powell	Washington	DC	20012	US	12/30/2023		
Tunisia Johnson	Bryand Road	MD	20616	US	12/30/2023		
Janet Thomas	Apopka	FL	32703	US	12/30/2023		
Tammi Crank	Bryans Road	MD	20616	US	12/30/2023		
ShaNice Stokes	Bryans Road	MD	20616	US	12/30/2023		
Brittany Blyther	Beltsville	MD	20705	US	12/30/2023		
Lenise Smith-Walters	Accokeek	MD	20607	US	12/30/2023		
Dynese Davis	Bryans Road	MD	20616	US	12/31/2023		
Jada Dorvilme	White Plains	MD	20695	US	12/31/2023		
Sandra Page	Prince Frederick	MD	20678	US	12/31/2023		
Sean Baker	Los Angeles			US	1/1/2024		
Tekoya Barnes	Bryan's Road	MD	20616	US	1/1/2024		

garlandra35@gmail.com grimage	Milwaukee		53218	US	1/1/2024		
Christopher Ware	Bryans road	MD	20616	US	1/1/2024		
Hesham Soliman	Friendswood		77546	US	1/1/2024		
Shantel Lambert-Hardy	Bryans Road	MD	20616	US	1/1/2024		
Ronald Flood	Falls Church	VA	22042	US	1/1/2024		
Maya McCoy	Falls Church	VA	22042	US	1/1/2024		
Aaron Mills	Baltimore	MD	21224	US	1/1/2024		
Mohammed El-Rasheed Jr	Washington	DC	20011	US	1/1/2024		
Barbara Allen	Bryans RD	MD	20616	US	1/1/2024		
B Harris	Bryans Road	MD	20616	US	1/1/2024		
Cherlyn Thompson	Baltimore	MD	21223	US	1/1/2024		
Paul Jr.	Bryans Road	MD	20616	US	1/1/2024		

Tatyana Coria	Bryans Road	MD	20616	US	1/1/2024		
Austin Ward	Corvallis	OR	97330	US	1/2/2024		
Jamyra Wall	Ellenwood		30294	US	1/2/2024		
Bernita Lambert	Washington	DC	20024	US	1/2/2024		
Dalia Elzayatie	Lansdale		19446	US	1/2/2024		
Carla Chrisp	Bryans Road	MD	20616	US	1/2/2024		
Victor Rosas	Altus		73521	US	1/3/2024		
Cindy Ruiz	Newport News		23606	US	1/3/2024		
Miguel Angel Vega piña	Phoenix		85339	US	1/3/2024		
Ludwin Mendoza	New Orleans		70130	US	1/4/2024		
Anthony Lopez	Pomona		91766	US	1/4/2024		
Tomas Chanchavac Martinez	Houston		77035	US	1/4/2024		

Ines Salas	Riverside		92509	US	1/4/2024		
Aurelio Guivas	Revere		2151	US	1/4/2024		
Yadira Navarro	Santa Cruz		95062	US	1/4/2024		
Fredy Tambriz	Piscataway		8854	US	1/4/2024		
George Taipe	Brooklyn		11207	US	1/4/2024		
Jonathan Matute	Atlanta		30349	US	1/4/2024		
Carlo's De la Vega	Coronado		92118	US	1/4/2024		
Evelin Ibanez-castro	Bristol		19007	US	1/4/2024		
Eder Ortega	Gilbert		85234	US	1/4/2024		
Tint O'Connor	Alexandria	VA	22304	US	1/4/2024		
Juan Rodriguez	Gaithersburg		20878	US	1/4/2024		
Adriana Cruz	Los Angeles		90022	US	1/4/2024		

Esteban United states	Chester		29706	US	1/4/2024		
Abelina Maas	Los Angeles		90022	US	1/4/2024		
Danny Rivera	HARTFORD		6120	US	1/4/2024		
Eder Orozco	St. Petersburg		33709	US	1/4/2024		
Emerson Enamorado	College Station		77845	US	1/4/2024		
Bruney Buele	Worcester		1601	US	1/4/2024		
Yosselyn Bonilla	Gaithersburg		20878	US	1/4/2024		
Lucia Romero	Irving		75038	US	1/4/2024		
Cristobal Maldonado	Philadelphia		19139	US	1/4/2024		
Edgar Muñoz	Chicago		60616	US	1/4/2024		
Javier Torres	Sacramento		94204	US	1/4/2024		
Jeremy Medrano pineda	Seattle	WA	98188	US	1/4/2024		

Nallely Hernandez	DeBary		32713	US	1/4/2024		
Kevin Hernandez	Philadelphia		19140	US	1/4/2024		
Natasha Taylor	Bryans Road	MD	20616	US	1/4/2024		
Sergio Gutierrez	Houston		77016	US	1/4/2024		
Yat soria Linda viviana	Orlando		32808	US	1/4/2024		
Erika Rikhiram	Clermont		34711	US	1/4/2024		
Liz Williams	Troutdale		97030	US	1/4/2024		
Ana Jimenez	Salinas		93905	US	1/4/2024		
Jessica Watson	Bryans Road	MD	20616	US	1/4/2024		
Jeron Jeffers	BRYANS ROAD	MD	20616	US	1/4/2024		
Beverly Sanders	Accokeek	MD	20607	US	1/4/2024		
Martha Quintero	Taft		93268	US	1/4/2024		

Kimberley Isreal	Bryan's Road	MD	20616	US	1/4/2024		
Estefani Orellana	Saint Louis		63114	US	1/4/2024		
Josue Gamez	Washington		20001	US	1/4/2024		
Victor Lopez	Houston		77040	US	1/4/2024		
Jennifer Valerio	New Brunswick		8873	US	1/4/2024		
Medinat Lawal	Chicago		60659	US	1/4/2024		
David Lopez	Memphis		38116	US	1/4/2024		
Avi Francisco	Iowa		50317	US	1/4/2024		
Stephanie Graves	La Plata	MD	20646	US	1/4/2024		
Tyler Campbell	Fort Washington	MD	20744	US	1/4/2024		
Lynda Biaou	Rockville	MD	20852	US	1/4/2024		
Barbara Erby-Young	Hyattsville	MD	20782	US	1/4/2024		

Erika Vaughan	Bryans Road	MD	20616	US	1/4/2024		
Devin Briscoe	Bryans Road	MD	20616	US	1/4/2024		
Kaniesha Wilkerson	Ft. Washington	MD	20744	US	1/4/2024		
K Carroll	Woodbridge	VA	22191	US	1/4/2024		
Checunya Stevenson	Bryan's Road	MD	20616	US	1/4/2024		
Marie H	Bryans Road	MD	20616	US	1/4/2024		
jemero harris	Oxon Hill	MD	20745	US	1/4/2024		
Carol Butler	Alexandria	VA	22312	US	1/4/2024		
Vincent Jones	Bryans Road	MD	20616	US	1/4/2024		
Myia Flemmings	Bryans road	MD	20616	US	1/4/2024		
Natali Manning	Charlotte Hall	MD	20659	US	1/4/2024		
Shaneka Martin	Ft. Washington	MD	20744	US	1/4/2024		

Keshia Armstrong	Accokeek	MD	20607	US	1/4/2024		
Bethany Kregar	Accokeek	MD	20607	US	1/4/2024		
Sandra Storms	Ft. Washington	MD	20744	US	1/4/2024		
Lashauntay Yeldell	College Park	MD	20740	US	1/4/2024		
Herbert Dark	Bryans Road	MD	20616	US	1/4/2024		
Jamesha Yorkshire	Waldorf	MD	20601	US	1/4/2024		
Alicia Hair	Bryans road	MD	20616	US	1/4/2024		
Diasia Atkins	Silver Spring	MD	20904	US	1/4/2024		
Jazmine Gale	Bryans Road	MD	21045	US	1/4/2024		
Daphne M. Weeks-Gale	Washington	DC	20011	US	1/4/2024		
Angela BradfordLartey	Waldorf	MD	20602	US	1/4/2024		
Brittany Bolden	Bryans Road	MD	20616	US	1/4/2024		

Kaina Brice	Bryans Road	MD	20616	US	1/5/2024		
Gordon Poston	Kingstree		29556	US	1/5/2024		
Rose Witcher	Brooklyn		11208	US	1/5/2024		
Valerie Ellis	Charles county	MD	20616	US	1/5/2024		
Jackie Chacon	Lynn		1902	US	1/5/2024		
Tracy Smith	Silver Spring	MD	20901	US	1/5/2024		
Jessica Whiting	Greenbelt	MD	20770	US	1/5/2024		
Kateryn Vasquez	Washington		20002	US	1/5/2024		
Paul Markillie	Grand Blanc Township		48439	US	1/5/2024		
Gretchen Servito	Bryans Re	MD	20616	US	1/5/2024		
Caphana Fontrose	Orange Park		32073	US	1/5/2024		
Lanisha McCoy	Waldorf	MD	20601	US	1/5/2024		

Jihad Olley	Ft. Washington	MD	20744	US	1/5/2024		
Symone Olley	Ft. Washington	MD	20744	US	1/5/2024		
Tijera Williams	Long Beach		90815	US	1/5/2024		
Rochelle Reid	Bryan's road	MD	20616	US	1/6/2024		
Nia Stallings	Chesapeake		23320	US	1/6/2024		
Leandro Vicente	Chesterfield		23236	US	1/6/2024		
Richard Villarreal	Baytown		77520	US	1/6/2024		
Todd Freeman	Portland		97206	US	1/6/2024		
Robyn Pickett-Ford	New York	NY	10065	US	1/6/2024		
Angela Fenwick	Bryans Road	MD	20616	US	1/10/2024		
Marylou Perez	Los Angeles		96929	US	1/10/2024		
Arlethea Adams	Ft. Washington	MD	20744	US	1/10/2024		

Joyce Fadahunsi	Bryans Road	MD	20616	US	1/10/2024		
Matthew Powell	Bryans Road	MD	20616	US	1/11/2024		
Mirza Basravi	Irvine		92606	US	1/11/2024		
Valerie A Henson	Waldorf	MD	20601	US	1/12/2024		
Tracey Davis	Rockville	MD	20852	US	1/12/2024		
Kim Humphries	Bryans Road	MD	20616	US	1/14/2024		
Joyce Blue	Bryans Road	MD	20616	US	1/14/2024		
Starteese Lindsay	Bryan's Road	MD	20616	US	1/15/2024		
GLORIA SAWYERS	Bryans Road, MD	MD	20616	US	1/23/2024		
Larry Mccuan	Oklahoma City		73106	US	1/25/2024		
Mimi Morgan	Minneapolis		55406	US	1/25/2024		
Reid Alejandro	Belvidere		61008	US	1/26/2024		

Ruby Tilder	New Cumberland		17070	US	1/26/2024		
Jean Talinowski	Breezy Point		11697	US	1/26/2024		
Olivia Marcum	Louisville		40241	US	1/26/2024		
ZZ			40864	US	1/26/2024		