



HB 322: Real Property - Restrictions on Use - Low-Impact Landscaping

Senate Judicial Proceedings

March 17, 2020

Positon: Favorable

Dear Chairman Smith and Members of the Committee,

Polluted runoff continues to be a challenge for Maryland as we strive to return our streams, rivers, and Chesapeake Bay to safe, swimmable bodies of water. While we need government and coordinated action to install stormwater facilities to mediate the impact of large parking lots, roads, and large impervious areas, actions homeowners take on their own property can have a large impact on slowing and cleaning the stormwater leaving their individual property.

Low-impact landscaping and the installation of projects like rain barrels and rain gardens can go a long way towards treating the stormwater coming off a single property. People who are willing to make the investment in this type of landscaping should not have to perfectly navigate through a series of hoops and challenges, but unfortunately when homeowners associations get into the mix the process to installation can be difficult.

To illustrate the barrier that a homeowners association can be, in 2018 we were working on a project to install rain barrels at homes in the Red Branch tributary of the Patapsco River. The project provided both a rain barrel as well as installation by a local youth employment non-profit. We quickly ran into the barrier of homeowners associations. Despite our offer to help homeowners through their hearings and paperwork, every homeowner who had been interested in getting a rain barrel backed out once they realized they were going to have to face their HOA. These were homeowners who had originally been interested in the opportunity to get not only a free rain barrel, but also to get it installed.

Had these HOAs had reasonable requirements for stormwater practices and low-impact landscaping, we could have complied with those. The vast majority of people were willing to install rain barrels in the back of their homes, and I understand the hesitancy to install certain color barrels (sometimes counties get blue barrels instead of white barrels). But by adding burdensome review practices, the end result was no rain barrels and no stormwater improvements in those neighborhoods.

With that illustration, we urge a favorable report on HB 322.

Thank you,

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