

## **BEECH CREEK HOA SPENDS APPROXIMATELY \$100,000 IN EFFORT TO TURN 15 YEAR OLD POLLINATOR GARDEN INTO GRASS**

In a series of threatening letters beginning in November 2017, the Beech Creek HOA board of directors demanded that my family remove our environmentally friendly pollinator garden of approximately 15 years and replace it with turf grass. Beginning with the first letter in 2017 and every subsequent letter, the board threatened to sue us if we did not comply.

For nearly two years, we lived under the threat of being sued by the BC HOA as well as the threat of having the Beech Creek board decide to remove the garden itself, before we sued the HOA in an effort to retain our garden and protect our property rights. Rather than simply allowing the case to proceed to court and be decided by a judge, the HOA decided to countersue over the very same issues, thus raising its legal fees even higher.

Since the HOA hired lawyer sent us the first letter in 2017 until the matter was settled in January of this year, the board spent approximately \$100,000 of the community's money on legal fees. Because of the manner in which the legal bills are reflected in the ACM portal, a precise number is hard to come by. As our family has fought what we believe to be wrongful actions by Beech Creek, I have met numerous other homeowners and board members in HOA communities. No one I have met has heard of a board spending anywhere near \$100,000 on a legal matter. It is unheard of.

Why wasn't the community notified about the board's decisions and extraordinary expenditures? This remains a mystery to me. I have spoken with numerous neighbors who were shocked the board was pursuing this matter and disagreed with the actions. I asked the HOA if it would change its position if I presented a petition signed by homeowners in support, and it said it would not. To this day, many homeowners remain unaware of what occurred, and have no idea that the Beech Creek HOA spent significant sums to fight a battle on behalf of homeowners who disagree with their actions. No one should be placed in a situation that can so greatly impact their life without the community at large knowing what the board is doing (on its behalf).

As part of our settlement, we agreed to replace some of our garden with grass. We are happy to discuss the settlement as we refused to sign an agreement that would not allow us to tell our story. This has disrupted the last several years of our lives and cost us tens of thousands of dollars. The documents we received in discovery provided a troubling context for how this whole matter appears to have come about. For our part, we will meet the terms of the settlement agreement and work to ensure that what happened to us happens to no one else.

Because we have to remove some of our native plants, we will be giving them away to neighbors who would like to keep them in the neighborhood. We anxiously await this season's beautiful butterflies, bees and other creatures who will always have a home in our garden.



### **THE MD SENATE HAS UNANIMOUSLY PASSED A BILL THAT ENSURES THIS NEVER HAPPENS AGAIN**

Our battle with the Beech Creek HOA inspired the introduction of a bill that unanimously passed the Maryland senate last week. The bill repudiates the Beech Creek HOAs contention that environmentally sustainable and wildlife friendly gardens are not acceptable in HOAs. It enhances property rights by codifying your right to plant native plants and maintain an environmentally friendly garden. It is a new day for Maryland residents in HOA communities, who will no longer have to garden in fear of unreasonable HOA boards and their hired attorneys.