

AGENDA ITEM #2G  
July 28, 2009

Action

**MEMORANDUM**

July 27, 2009

TO: County Council

FROM: Susan J. Farag, Legislative Analyst *SJF*

SUBJECT: **Action** – Resolution to extend time until December 31, 2009, for Council action on Executive Regulation 12-09, *Establishment of Annual Registration Fee for Common Ownership Communities*

The Council received Executive Regulation 12-09, *Establishment of Annual Registration Fee for Common Ownership Communities* on June 22, 2009. If the Council does not approve or disapprove a Method 2 regulation within 60 days after the Council receives it, the regulation automatically takes effect unless the Council extends by resolution the deadline for Council action. The 60-day deadline for Council action on Regulation 12-09 is August 21, 2009.

The Public Safety Committee reviewed Executive Regulation 12-09 on July 23, 2009 and requested certain amendments. The Committee recommended approval with the requested amendments. Executive staff will need additional time to complete the amendments and arrange for the Executive to issue an amended regulation.

A resolution to extend the time for Council action to December 31, 2009, is attached on © 1. Proposed Regulation 12-09 is on © 2-5, and the Executive's transmittal memorandum is on © 6.

Resolution No. \_\_\_\_\_  
Introduced: July 28, 2009  
Adopted: \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By: County Council

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**SUBJECT:** Extension of time for action on proposed Executive Regulation 12-09,  
*Establishment of Annual Registration Fee for Common Ownership Communities*

**Background**

1. On June 22, 2009, the County Council received proposed Regulation 12-09, *Establishment of Annual Registration Fee for Common Ownership Communities* from the Executive.
2. The Council must review the regulation under method (2) of Section 2A-15 of the County Code. Under method (2), if the Council does not approve or disapprove a regulation within 60 days after the Council receives it, the regulation automatically takes effect unless the Council, by resolution, extends the deadline for action. The 60-day deadline for Council action on proposed Regulation 25-08 is August 21, 2009.

**Action**

The County Council for Montgomery County, Maryland approves the following resolution:

The time for Council action on Regulation 12-09, *Establishment of Fee for Common Ownership Communities* is extended to December 31, 2009.

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> Establishment of Annual Registration Fee for Common Ownership Communities	<b>Number</b>  12-09
<b>Originating Department</b> Department of Housing and Community Affairs	<b>Effective Date</b>

## ESTABLISHMENT OF ANNUAL REGISTRATION FEE FOR COMMON OWNERSHIP COMMUNITIES

### DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Issued By: County Executive  
Regulation No. 12-09

Authority: Code Section 10B-7(b)  
Supersedes: [9-02]

Council Review: Method (2) under Code Section 2A-15  
Register Vol. 26 NO. 5  
Comment Deadline: May 31, 2009

Effective Date:

**SUMMARY:** The proposed regulation establishes the annual registration fee for common ownership communities. The fee must be set at an amount sufficient to fund the provision of dispute resolution and technical assistance by the [Department of Housing and Community Affairs]Office of Consumer Protection.

**ADDRESSES:** Additional information and copies of the regulation are available from Cynthia Gaffney, Division of [Consumer Affairs]Housing and Code Enforcement, 100 Maryland Avenue, Room [330]260, Rockville, Maryland 20850 (240-777-[3636]3799).

The County Executive may establish reasonable annual fees in amounts sufficient to fund the provision of dispute resolution and technical assistance by the [Department of Housing and Community Affairs]Office of Consumer Protection.

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# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> Establishment of Annual Registration Fee for Common Ownership Communities	<b>Number</b> 12-09
<b>Originating Department</b> Department of Housing and Community Affairs	<b>Effective Date</b>

An annual registration fee of \$~~2.25~~2.75 per unit is hereby established.

A unit shall be assessed only one registration fee, regardless of the number of common ownership communities that govern that unit.

Registration fees shall not be pro-rated and must be made payable to Montgomery County, Maryland.

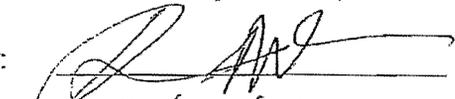
Failure to register is a Class A violation under Section 1-19 of the Montgomery County Code and also makes the community ineligible to file a dispute under Chapter 10B of the Code.

Approved:

 (Acting)  
Isiah Leggett  
County Executive

6/20/2009  
Date

Approved as to Form and Legality  
Office of the County Attorney

By:   
Date: 4/6/09  
Walter E. Wilson



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> Establishment of Annual Registration Fee for Common Ownership Communities	<b>Number</b> 12-09
<b>Originating Department</b> Department of Housing and Community Affairs	<b>Effective Date</b>

## ESTABLISHMENT OF ANNUAL REGISTRATION FEE FOR COMMON OWNERSHIP COMMUNITIES

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Issued By: County Executive  
Regulation No. 12-09

Authority: Code Section 10B-7(b)  
Supersedes: 9-02

Council Review: Method (2) under Code Section 2A-15  
Register Vol. 26 NO. 5  
Comment Deadline: May 31, 2009

Effective Date:

**SUMMARY:** The proposed regulation establishes the annual registration fee for common ownership communities. The fee must be set at an amount sufficient to fund the provision of dispute resolution and technical assistance by the Office of Consumer Protection.

**ADDRESSES:** Additional information and copies of the regulation are available from Cynthia Gaffney, Division of Housing and Code Enforcement, 100 Maryland Avenue, Room 260, Rockville, Maryland 20850 (240-777-3799).

The County Executive may establish reasonable annual fees in amounts sufficient to fund the provision of dispute resolution and technical assistance by the Office of Consumer Protection.

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# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> Establishment of Annual Registration Fee for Common Ownership Communities	<b>Number</b>  12-09
<b>Originating Department</b> Department of Housing and Community Affairs	<b>Effective Date</b>

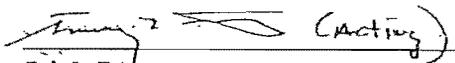
An annual registration fee of \$2.75 per unit is hereby established.

A unit shall be assessed only one registration fee, regardless of the number of common ownership communities that govern that unit.

Registration fees shall not be pro-rated and must be made payable to Montgomery County, Maryland.

Failure to register is a Class A violation under Section 1-19 of the Montgomery County Code and also makes the community ineligible to file a dispute under Chapter 10B of the Code.

Approved:

 (Acting)  
 Isiah Leggett  
 County Executive

4/20/2009  
 Date

Approved as to Form and Legality  
Office of the County Attorney

By:   
 Date: 4/6/09  
 Walter E. Wilson

Exec Reg



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OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

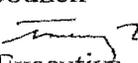
Isiah Leggett  
County Executive

MEMORANDUM

Method 2

June 22, 2009

TO: Phil Andrews, President  
Montgomery County Council

FROM: Isiah Leggett, County Executive  (Acting)

SUBJECT: Executive Regulation 12-09 to Establish Fee Schedule for Registration of  
Common Ownership Communities

Transmitted for your review is a proposed executive regulation to establish the annual registration fee for Common Ownership Communities effective July 1, 2009. The regulation proposes a registration fee increase from \$2.25 to \$2.75 per unit. This is the first increase since July 1, 2002. The \$0.50 increase is needed to fund the cost of the administration of the Montgomery County's Office of Common Ownership Communities. Executive Regulation 12-09 was advertised in the May 2009 issue of the *Montgomery County Register* and the comment period expired May 31, 2009. No comments were received.

This proposed regulation is being promulgated by the Department of Housing and Community Affairs under Method 2 of Section 2A-15 of the Montgomery County Code. If you have any questions or would like additional information, please contact Richard Y. Nelson, Jr., Director, Department of Housing and Community Affairs, at 240-777-3600.

RYN:cg

Attachment

2009 JUN 22 AM 11:23

MONTGOMERY COUNTY  
COUNCIL

