

AGENDA ITEM #2D  
September 29, 2009

Action

**MEMORANDUM**

September 25, 2009

TO: County Council

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

SUBJECT: **Action** – Extension of Effective Date of Temporary Regulation: 12-09T,  
*Establishment of Annual Registration Fee for Common Ownership Communities*

The Council received temporary regulation 12-09T, *Establishment of Annual Registration Fee for Common Ownership Communities*, on August 10, 2009. The regulation was retroactively made effective July 1, 2009, so that the Department of Housing and Community Affairs (DHCA) could bill applicable housing units at the new rate. Therefore, the initial 90-day effective period will expire September 29, 2009.

Under County Code Section 2A-15(j), a temporary regulation takes effect when the Council receives it (although it may be made effective retroactively), and may not remain in effect for more than 90 days. The issuer may ask the Council to extend by resolution the effective period for another 90 days, and must provide a compelling reason for the extension. The Council must not extend a temporary resolution more than once.

The Executive has requested an extension of the regulation to continue the adoption process for a permanent regulation, which cannot be finalized before this temporary regulation expires on September 29, 2009.

**BACKGROUND OF REGULATIONS 12-09 AND 12-09T**

The Public Safety Committee reviewed Executive Regulation 12-09 on July 23, 2009 and requested certain amendments. Initially, the proposed regulation changed an annual fee levied on housing units within Common Ownership Communities from \$2.50 per unit to \$2.75. The Committee requested that this fee be raised to \$3.00 per unit, with the additional funds to be used

for community outreach and education. The Committee recommended approval with the requested amendments. Executive staff stated at that time that they needed additional time to complete the amendments and arrange for the Executive to issue an amended regulation. The 60-day deadline for Council action on Regulation 12-09 was August 21, 2009, which fell during Council recess. Consequently, the Council approved a resolution extending the time in which the Council could take action on the regulation until December 31, 2009.

DHCA, in order to bill housing units at the new rate (\$3.00 per unit per year), issued a temporary regulation effective July 1, 2009. Since the permanent regulation will not be ready by the expiration of the temporary regulation (September 29, 2009), the Executive is requesting an extension.

The Executive's transmittal memorandum is attached at © 1. The temporary regulation is attached at © 2-3. A resolution to approve an extension is attached at © 4.

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Isiah Leggett  
County Executive

OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

MEMORANDUM



September 18, 2009

TO: Phil M. Andrews, President  
Montgomery County Council

FROM: Isiah Leggett, County Executive 

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

The purpose of this memorandum is to request that the County Council extend Temporary Executive Regulation 12-09T to Establish Fee Schedule for Registration of Common Ownership Communities, which will expire on September 29, 2009. Temporary Executive Regulation 12-09T was submitted to Council on August 10, 2009. A copy is attached to this memorandum.

Proposed Executive Regulation 12-09, which would make the fee set by Temporary Executive Regulation 12-09T permanent, was published for comment in the September County Register but cannot be finalized before Executive Regulation 12-09T expires on September 29, 2009. I should note that, although Temporary Executive Regulation 12-09T was sent to the Council in August, its effective date was made retroactive to July 1, 2009, thus necessitating this extension so that the current fee remains in effect while the permanent regulation is finalized.

Please contact Department of Housing and Community Affairs Director Rick Nelson at 240-777-3611 if you have any questions about these regulations.

IL:pb

Attachment

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MONTGOMERY COUNTY  
COUNCIL

2009 SEP 19 PM 2:45

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# MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject Establishment of Annual Registration Fee for Common Ownership Communities	Number 12-09T
Originating Department Department of Housing and Community Affairs	Effective Date July 1, 2009

TEMPORARY EXECUTIVE REGULATION  
ESTABLISHMENT OF ANNUAL REGISTRATION FEE FOR COMMON OWNERSHIP  
COMMUNITIES

DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Issued By: County Executive  
Regulation No. 12-09T

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

Effective Date: July 1, 2009

**SUMMARY:** The proposed temporary 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 fee in 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

Subject Establishment of Annual Registration Fee for Common Ownership Communities	Number 12-09T
Originating Department Department of Housing and Community Affairs	Effective Date July 1, 2009

An annual registration fee of \$3.00 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.

In accordance with Section 2A-15 (j) of the Montgomery County Code, this regulation shall remain in effect for not more than 90 days unless the sunset date is extended by the County Council.

Approved:

A handwritten signature in cursive script, appearing to read "Isiah Leggett".

Isiah Leggett  
County Executive

Aug 10, 2009  
Date

Approved as to Form and Legality  
Office of the County Attorney

By: A handwritten signature in cursive script, appearing to read "Walter E. Wilson".

Date: 7/29/09  
Walter E. Wilson

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Resolution No.: \_\_\_\_\_  
Introduced: September 29, 2009  
Adopted: \_\_\_\_\_

COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND

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By: County Council

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Subject: Extension of Temporary Executive Regulation 12-09T, Establishment of Annual Registration Fee for Common Ownership Communities

Background

1. The Council received Temporary Executive Regulation 12-09T, *Establishment of Annual Registration Fee for Common Ownership Communities*, on August 10, 2009, and it will expire on September 29, 2009.
2. County Code section 2A-15(j) establishes the procedures for issuing and extending a temporary regulation. Among other things, the section says that: a temporary regulation may be issued for a period of up to 90 days; the issuer may ask the Council once to extend the effective period for an additional 90 days; the issuer must provide a compelling reason for the extension; the Council must not extend a temporary regulation more than once.
3. The Executive has requested an extension of Temporary Regulation 12-09T to enable the Department of Housing and Community Affairs to continue the development and adoption process for a permanent regulation to supersede the temporary one.

Action

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

The effective period for Temporary Executive Regulation 12-09T, *Establishment of Annual Registration Fee for Common Ownership Communities*, is extended until December 28, 2009.

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council

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