

MEMORANDUM

November 12, 2015

TO: Public Safety Committee
Planning, Housing, and Economic Development Committee

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

SUBJECT: OLO Report 2015-8, *An Evaluation of the Commission on Common Ownership Communities (CCOC) – Follow-Up*

Today the Public Safety (PS) and Planning, Housing, and Economic Development (PHED) Committees will hold a joint worksession on the *Office of Legislative Oversight Report 2015-8: An Evaluation of the Commission on Common Ownership Communities*.¹ The worksession is expected to include discussion on the Executive's proposed staffing and functional changes for the CCOC, as well as an update on Information Technology (IT) upgrades within the Office of Consumer Protection (OCP), which currently staffs the CCOC, and an update on the online training module that is being developed for members of COC Boards of Directors, as required by Bill 45-14. Those expected to brief the Committee today include:

Eric Friedman, Director, OCP
Clarence Snuggs, Director, Department of Housing and Community Affairs (DHCA)
Dieter Klinger, Chief Operating Officer, Department of Technology Services (DTS)

BACKGROUND

The Joint Committee first reviewed the OLO report on June 18, 2015. The report contained three recommendations:

- Request the County Executive to review the Commission's allocation of resources and ensure the Commission perform all tasks mandated by Chapter 10B, including more informal dispute resolution (mediation), education, and policy work.
- Request the County Executive to develop an electronic case management system for all Commission complaints and a database inventorying all relevant information regarding common ownership communities.
- Absent significant drawbacks, including organizational capacity to absorb the Commission, relocate the Commission on Common Ownership Communities from the Office of Consumer Protection to the Department of Housing and Community Affairs (DHCA).

¹ http://www.montgomerycountymd.gov/OLO/Resources/Files/2015_Reports/OLORReport2015-8CommissiononCommonOwnershipCommunities.pdf

After discussing the OLO report, the Joint Committee requested that the Executive Branch come back with a plan for providing administrative and fiscal support to the CCOC. This plan was to include information on appropriate staffing and placement (DHCA, OCP, or elsewhere), any other needed resources, and the estimated funding required. The Joint Committee also discussed refocusing CCOC's work on mediation and dispute resolution rather than the current quasi-judicial hearings.

UPDATE

On October 30, the County Executive sent a memo to the PHED and PS Committees, outlining his recommendations to amend Chapter 10B, Common Ownership Communities, in an effort to refocus the CCOC on mediation, and to provide staffing and other support necessary to achieve this goal (memo attached at © 1-4). The Executive outlines the following major changes to the CCOC:

- Staffing responsibility will be transferred from OCP to DHCA;
- Mediation of all complaints, which is currently optional, will be made mandatory;
- The composition of the Commission will be changed from eight owner/resident commissioners and seven professional/manager commissioners to five owners/residents, five professionals/managers, and five public at-large individuals; and
- The CCOC annual fee that is charged to each COC unit in the County will be increased from \$3 per unit to \$5 per unit, generating approximately \$266,000 in additional revenue.

The Executive will forward draft legislation that includes these proposed changes to the Council for consideration.

Transferring Staffing to DHCA: Executive staff indicates that the CCOC program would function as a stand-alone program within DHCA. As the Joint Committee is aware, the CCOC requires additional resources, including financial, staffing, and technology. DHCA indicates that the program will have dedicated staff that will share other DHCA resources including IT and licensing and registration functions. DHCA advises that a projected budget for the first year of operation is approximately \$675,000. The detailed budget for Years 1 and 2 are included on © 8-9. The proposed personnel complement would cost \$450,000 and would include two new full-time positions:

- Investigator III (currently in OCP);
- Investigator III (new);
- Office Services Coordinator (new);
- Licensing and Registration (currently in DHCA); and
- Office of the County Attorney (new chargeback).

Operating expenses would be approximately \$225,000. This assumes additional IT systems development and outreach and education, both of which would be covered by the increased fee.

Mandatory Mediation: The Executive also intends to focus more on mediation, by making this initial step mandatory. Executive staff indicates that most complaints that are submitted to the CCOC involve conflicts between neighbors. Mediation would permit the parties to come to solutions that enable them to continue to live together in the same community, with less conflict.

OCP has included a list of all CCOC complaints filed in October 2015 (© 6). These illustrate the types of complaints received by the CCOC and how they would be well-suited for resolution through mediation rather than a more formal quasi-judicial hearing.

Changing the Composition of the CCOC: The Executive proposes a change from eight owners/residents and seven professionals/managers to five owners/residents, five professionals/managers, and five public at-large individuals. This change is in response to a conflict of interest recently identified by the Ethics Commission. In a 2014 letter, the Ethics Commission identified a potential conflict of interest in the CCOC's use of attorneys as volunteer panel chairs. These volunteer panel chairs often later represent a party in a case before the CCOC. The change in CCOC composition would eliminate the need for volunteers. Instead, the at-large commissions would perform the same function. This use of public at-large commissions follows the same format as the Landlord-Tenant Commission.

Increasing the COC fee from \$3 to \$5: The proposed increase would increase revenues by approximately \$266,000 per fiscal year. Actual revenues for each of the past three fiscal years have been approximately \$410,000.

OCP IT Issues: Council staff had also asked for brief updates on the proposed IT upgrades within OCP as well as progress made on the online CCOC training module required by Bill 45-14.

IT Upgrades: DTS continues to develop the Complaint/Licensing Management System (CALMS). It is expected to be completed in March 2016, and training and implementation will begin in May 2016. This planned IT upgrade originally assumed CCOC staffing would remain in OCP. Since the Executive plans to shift that staffing to DHCA, DTS met with both OCP and DHCA earlier this month to provide an overview of the planned CALMS system and discuss coordination of support. DHCA is reviewing its options to determine whether to use the CALMS system or develop its own case management system. DHCA is in the second of a three-year comprehensive IT modernization plan, and modernization efforts for Licensing and Registration will begin in early 2016. DHCA could develop a CCOC case management system at this time. It would be completed by summer of 2016. ***The Joint Committee may wish to clarify whether DHCA intends to build its own case management system for CCOC cases, or use the CALMS system that is supposed to support all the case management needs of OCP, which at the time of design, included CCOC cases.***

COC Training Module: The training module will be delivered by the end of calendar 2015. A detailed timeline is included at © 10-11.

| <u>This packet includes the following:</u> | <u>©</u> |
|---|-----------------|
| County Executive's October 30 Memo: <i>Commission on Common Ownership Communities Amendments to Chapter 10B</i> | 1-4 |
| Executive Staff's Response to Questions | 5-7 |
| Proposed CCOC Expenditures, Years 1 and 2 | 8-9 |
| Status Update for COC Training Program | 10-11 |
| CCOC Correspondence Related to Ethics Commission Report | 12-13 |

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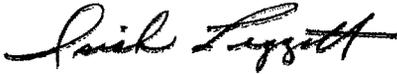
OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

October 30, 2015

TO: Nancy Floreen, Chair, Planning, Housing and Economic Development Committee
Marc Elrich, Chair, Public Safety Committee

FROM: Isiah Leggett, County Executive 

SUBJECT: Commission on Common Ownership Communities (CCOC) Amendments to Chapter 10B

This purpose of this memorandum is to transmit my recommendations to amend Chapter 10B, Common Ownership Communities, of the Montgomery County Code in an effort to enhance the Commission's ability to address the purposes for which it was established twenty-five years ago.

Several factors contribute to the timeliness of these proposed changes. Over one-third of Montgomery County's residents now live in common ownership communities, and the Commission has gathered experience regarding a multitude of issues. The Office of Legislative Oversight (OLO) recently submitted a report evaluating the CCOC and offered several recommendations. Montgomery County's Ethics Commission has identified a conflict of interest regarding the manner in which CCOC hearing panels are convened. A review of the nature of the complaints filed, as compared to the mechanisms used to process complaints, indicates that the CCOC dispute resolution program has strayed from its original intent to function as an alternative to court litigation.

In order to systematically address all of the above factors, and to ensure that the CCOC will continue to contribute to the quality of life in Montgomery County, I propose the following changes.

Dispute Resolution

Mediation of all complaints, which is currently optional, will be made mandatory. Although the parties need not reach an agreement at a mediation session, they must attend and

participate in good faith. This will facilitate the prompt resolution of complaints without the formalities and costs associated with a quasi-judicial administrative hearing. The majority of CCOC complaints involve conflicts between neighbors in which one party is a resident and the other party is a resident serving as a volunteer on the board of directors of the common ownership community. Because the parties typically will continue to live together in the same community, these types of complaints are best resolved through a mediation process in which the parties agree to a settlement, rather than being resolved through an adversarial administrative hearing in which there is a “winner” and a “loser.” Focusing the complaint resolution process on mediated resolutions will ensure that the CCOC functions as an inexpensive and speedy mechanism for resolving complaints. In the event that a complaint is not successfully resolved through mediation, the complaint can be scheduled for an administrative hearing with the CCOC. In addition, the parties retain the option of filing complaints in court.

Commission Composition

The Commission is currently composed of fifteen commissioners, appointed by the County Executive and confirmed by the County Council, of which eight commissioners are owners/residents and seven commissioners are professionals/managers. In addition, Chapter 10B currently requires that CCOC administrative hearings be conducted by a three-person panel comprised of one owner/resident commissioner, one professional/manager commissioner, and one volunteer panel chair. These volunteer panel chairs are attorneys who practice common ownership community law and are not CCOC commissioners. The Ethics Commission has identified a conflict of interest with this procedure. These volunteer panel chairs may currently have the dual role of serving on a CCOC hearing panel in one case, while representing a party before a CCOC hearing panel in another case. In addition, the volunteer panel chairs are neither appointed by the County Executive nor confirmed by the County Council. Under my proposal, there still would be fifteen commissioners; however, the composition of the CCOC would be amended to include five owners/residents, five professionals/managers, and five public at large individuals. CCOC hearing panels would then be comprised of one commissioner from each of the three categories so that there would not be any need to use volunteer panel chairs. The proposed changes to the composition of the CCOC and the administrative hearing panel would eliminate this potential conflict of interest, while still enabling the CCOC to conduct administrative hearings when needed. Additionally, the changes closely mirror the composition of the Department of Housing and Community Affairs’ (DHCA) Commission on Landlord-Tenant Affairs (COLTA), which was a recommendation in the 1989 Task Force Report – the report that guided the formulation of the Commission.

Staffing

DHCA would serve as the staffing agency to the CCOC, rather than the Office of Consumer Protection (OCP). When the CCOC was first created, it was staffed by Montgomery County’s housing department. Currently, staffing for the CCOC is bifurcated. DHCA is responsible for registering common ownership communities and collecting registration fees, while OCP

administers the complaint resolution process. The CCOC is tasked with providing advice to the County Executive and County Council regarding issues and policies that affect common ownership communities. Many of the challenges faced by common ownership communities are more closely related to housing issues in which DHCA has expertise. Since DHCA administers an established rental mediation program, oversees the COLTA, delivers housing outreach through a variety of avenues, and provides financing solutions for single family and multifamily properties, staffing the program at DHCA allows for greater synergy between the CCOC and these existing housing programs and adds value to impacted residents and communities.

Funding

The numbers and needs of common ownership communities continue to grow in Montgomery County. The purpose and function, as articulated by the 1989 Task Force Report continues to necessitate that there are sufficient resources for the program. In order to address these growing needs, I am recommending an increase to the CCOC annual fee of \$2.00 per unit – from \$3.00 to \$5.00 – which would generate approximately \$266,000 in new revenue. These additional resources will enable DHCA and the Commission to address this growing need and deliver a low-cost, easy, and accessible dispute resolution solution while providing the increased training, technical assistance, and outreach needed to build stronger common ownership communities. The program has long been in need of additional resources and this will ensure that there is a dedicated and adequate level of funding for DHCA to administer an appropriately staffed program refocused on serving the needs of common ownership communities.

Improvements are already underway. OCP, DHCA, and the Department of Technology Services collaborated with the CCOC to develop an online training program to educate all residents serving on boards of directors on key CCOC challenges and issues. We will launch this program on January 1, 2016. In addition, DHCA will launch a new program to ensure that the owners of rental housing in common ownership communities are paying dues to their common ownership communities as well as upgrading its current licensing and registration system to streamline reporting and increase customer responsiveness.

Draft Legislation

Amendments to Chapter 10B are needed to accomplish the above recommendations. In the near future, I will forward such legislation to the Council for its consideration.

Nancy Floreen, Chair, Planning, Housing and Economic Development Committee
October 30, 2015
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As you know, I was a member of the County Council when the CCOC was established, and I remember well the intent and the need for creating this first-of-its-kind Commission. After twenty-five years, changes are needed, and I look forward to working with the Council and the Commission to accomplish these goals. We will meet with the entire Commission soon to provide a detailed briefing on these proposed changes.

IL:wd

cc: George Leventhal, Council President
Timothy L. Firestine, Chief Administrative Officer
Eric Friedman, Director, Office of Consumer Protection
Marc Hansen, County Attorney
Jennifer Hughes, Director, Office of Management and Budget
Fariba Kassiri, Assistant Chief Administrative Officer
Bonnie Kirkland, Assistant Chief Administrative Officer
Connie Latham, Special Assistant to the County Executive
Sonny Segal, Director, Department of Technology Services
Clarence Snuggs, Director, Department of Housing and Community Affairs

CoC Update

05-November-2015

- 1) Mr. Leggett's memo indicates the intention to transfer all CCOC staffing responsibilities to DHCA. Please describe how staffing will work in DHCA. Will new positions be needed to provide CCOC support? Or are there identified existing positions within DHCA that can take on these functions? Please describe the efficiencies you anticipate by shifting staffing functions to DHCA.**

The Common Ownership Communities program would function as a stand-alone program in DHCA as it once was. The program requires additional resources including financial, human, and technology resources to help the operation run smoothly. DHCA envisions that the program will have dedicated staff that would share certain resources currently located in DHCA including IT and Licensing and Registration functions.

DHCA anticipates new staff will be needed to provide CCOC support including an Investigator, an Office Services Coordinator as well as assistance from the Office of the County Attorney. Additionally, DHCA requires funding to develop a case management system for all Commission complaints, to upgrade the existing CCOC portion of the Licensing and Registration database, and to support community outreach and education.

Efficiencies may be gained in sharing the abovementioned functions. Additionally, DHCA administers an established rental mediation program, oversees the Commission on Landlord Tenant Affairs, delivers housing outreach through a variety of avenues, and provides financing solutions for single family and multifamily properties. This expertise may lend additional efficiencies and synergies. There is also an opportunity to cross-train DHCA Landlord Tenant Mediation staff and Common Ownership Community staff.

- 2) Please describe the benefits of making mediation mandatory. Please provide a sampling of cases that show how the disputes would benefit from mediation.**

Benefits of making mediation mandatory.

The CCOC was designed to function as an alternative dispute resolution program. This alternative to litigation provides residents and governing boards the option of resolving disputes without protracted legal action.

With mediation, the parties retain control of the outcome and the parties are able to craft remedies that enable them to continue to successfully live together in the same community. Most CCOC complaints also involve an underlying misunderstanding or issue that exacerbates the specific dispute. These underlying issues are typically not addressed in court or quasi-judicial litigation. In addition, the parties in a CCOC complaint are always "related" to each other to the extent that the one party is always a member of the other party in the dispute.

However, mediation is only possible if both parties attend and engage in the mediation session. By making mediation mandatory, the ability of the CCOC to function as a "solution center" is greatly enhanced. A mediation process in which a mediator can work with both parties in the same room, and also with each party in separate rooms, enables the parties to better express their respective concerns and fashion a workable remedy.

Court or quasi-judicial litigation results in the parties giving up control of the outcome and being forced to accept an outcome imposed by a third party (or pursue additional court litigation). Mediation enables the parties to agree to terms that a judge or hearing panel may not have the ability to impose.

A mandatory mediation program enables staff to more easily administer the alternative dispute resolution program. With mandatory mediation, staff can immediately engage in scheduling the mediation session rather than trying to explain the virtues of mediation and trying to convince the parties to attend a mediation session.

Below is a list of all the CCOC complaints filed in October 2015. The nature of each complaint generally appears to be well suited for resolution efforts through mediation.

Complaints filed by Owner:

Case #54-15 / 46135

Townhouse owner wants the condominium to assign spaces and enforce parking restrictions. The Board decided that it did not want to implement permit parking enforced by towing because it would require the posting of large signs and would create a predatory environment that pits neighbor against neighbor.

Case #55-15 / 46168

Owner is concerned that the Condominium is not planning to provide sufficient technical information to unit owners regarding the bulk transfer to a different internet provider. Board states that the contract with the new provider has not yet been finalized, and that arrangements will be made to provide detailed information to unit owners.

Case #56-15 / 46169

Owner claims that Condominium is not entitled to an assessment seeking reimbursement for a \$5,000 master insurance deductible because the cause of the water damage to other units has not been documented and claims that the damage was caused by a defect in common element drain.

CCOC Case #57-15 / 46171

Owner states the hot water in condominium is not sufficiently hot in kitchen or bathrooms and is always less than 120 degree Fahrenheit. The governing Board states that the hot water system has been checked by a plumber and that no other unit owners have complained. Complaint referred to DHCA Housing Code Enforcement. CCOC complaint was closed and \$50 filing fee returned.

Case #58-15 / 46218

Condominium owner alleges that the condominium improperly imposed a late fee with respect to payment of her monthly dues. In response to prior complaint filed with OCP, the management company sent letter waiving the late fee and confirming that payments are current. CCOC complaint was closed and \$50 filing fee returned.

Case #59-15 / 46228

Townhouse owner installed synthetic grass in front yard because his professional landscaper was unable to get grass to grow. HOA states synthetic grass is not permitted pursuant to HOA documents.

Case #60-15 / 46229

Condominium owner alleges that unit damage by animals and water resulted from the failure of the condominium to maintain the condominium's roof. The condominium states the cause and damage has not been documented.

- 3) Please briefly describe the conflict of interest that the Ethics Commission identified with regard to the use of volunteer panel chairs in the CCOC's administrative hearings. How will the use of five public at-large members differ? Will this new model potentially decrease the type of subject matter expertise the volunteer panel chairs bring to the hearings?**

On February 4, 2014, Montgomery County's Ethics Commission notified the Chair of the Commission on Common Ownership Communities that the Ethics Commission had received information regarding a potential conflict of interest related to the use of volunteer panel chairs serving on the panel at CCOC hearings.

The Ethics Commission advised that volunteer panel chairs, who typically are attorneys familiar with common ownership law, are considered to be "public employees" as defined by Montgomery County's ethics law. As such, the Ethics Commission believes it is improper for a volunteer panel chair to serve on a CCOC hearing panel and

later represent a party in a case before the CCOC (see attached correspondence between the CCOC and the Ethics Commission).

The County Executive recommends changing the composition of the CCOC to obviate the need for volunteer panel chairs. The use of Public at Large Commissioners would be the same format at the composition of the Landlord-Tenant Commission, which was the model for the 1989 Task Force which recommended the creation of the CCOC.

In so doing, additional work for CCOC staff and for the County Attorney's Office may be needed to ensure that CCOC administrative hearing orders are written in proper form. However, this currently is the case with respect to orders issued by the Landlord-Tenant Commission. An attorney from Montgomery County's Office of the County Attorney is assigned to advise the CCOC and the Landlord-Tenant Commission.

Correspondence regarding the potential conflict of interest is attached.

4) Please provide an update on the IT upgrades within OCP. Will the shift of CCOC staffing responsibilities to DHCA change the planned IT upgrades in any way?

The planned shift of CCOC staffing responsibilities from OCP to DHCA will not impact the online CCOC training module. DHCA and OCP will coordinate the realignment of websites and content, including the training module.

DTS reports that the development of the Complaint / Licensing Management System (CALMS) is on track for a target completion in March 2016 with target for Training & Implementation in May 2016. Since the inception of the project earlier this year, DTS has been continually reviewing system requirements with OCP staff to assure that the system meets OCP and CCOC requirements. Given the planned shift of CCOC support from OCP to DHCA, DTS met with both OCP and DHCA on November 5th, to give DHCA IT staff a comprehensive overview of the planned CALMS system and discuss coordination of support for the new system. DHCA is reviewing its options to determine the suitable course of action, which may include in-house development of a case management system.

Currently, DHCA is in year two of a three-year comprehensive IT modernization plan. DHCA anticipates to begin the modernization effort on the Licensing and Registration system in the middle of FY16 Q3. The modernization effort will upgrade the system to ASP.net and allow for CCOC user internet functionality including online registration and a document repository. DHCA would also develop a CCOC case management system. The goal would be to complete these IT upgrades by mid-summer 2016.

5) Please provide an update on the online training module being developed for the members of CoC Boards of Directors.

The system is set to be delivered by the end of the calendar year. A detailed update is attached (CoC Training Program Update).

6) Could you also give a proposed budget for all the positions that will be doing CCOC work?

See attached "Proposed CoC Budget". DHCA envisions that in year 1, the budget would be weighted in IT development in order to develop the OLO recommended case management system and upgrade the CCOC portion of the Licensing and Registration system.

Year 1 - CoC Program

| Expense Type | Cost | FTEs | Notes |
|--|----------------|-------------|---------------------------|
| Personnel Costs | 450,000 | 4.10 | |
| Licensing and Registration (currently in DHCA) | 65,000 | 0.60 | |
| Investigator III (currently in OCP) | 120,000 | 1.00 | |
| Investigator III (new) | 120,000 | 1.00 | |
| Office Services Coordinator (new) | 65,000 | 1.00 | |
| Office of County Attorney (new chargeback) | 80,000 | 0.50 | paid for by increased fee |
| Operating Expenses | 225,000 | | |
| 60530 - Other Professional Services | 5,000 | | |
| 62010 - General Office Supplies | 1,500 | | |
| 62016 - Computer Supplies | 1,000 | | |
| 62018 - Computer Equip-Non Capitalized | 2,500 | | |
| 62022 - Paper & Supplies For Copiers | 150 | | |
| 63022 - Other Central Dup Svc - Printing | 3,500 | | |
| 63200 - Central Dup - Postage - Bulk | 4,500 | | |
| 64120 - Training (Staff) | 500 | | |
| 64010 - Travel | 250 | | |
| 64208 - Other Dues | 400 | | |
| 69038 - Transcripts | 14,000 | | |
| 69999 - Other Misc Operating Expenses | 5,700 | | |
| n/a - IT Systems Development (CMS) | 75,000 | | paid for by increased fee |
| n/a - Outreach and Education | 111,000 | | paid for by increased fee |
| Total Cost | 675,000 | | |
| Total Revenue (135,000 x \$5.00) | 675,000 | | increasing fee by \$2 |

Year 2+ - CoC Program

| Expense Type | Cost | FTEs | Notes |
|--|----------------|-------------|---------------------------|
| Personnel Costs | 450,000 | 4.10 | |
| Licensing and Registration (currently in DHCA) | 65,000 | 0.60 | |
| Investigator III (currently in OCP) | 120,000 | 1.00 | |
| Investigator III (new) | 120,000 | 1.00 | |
| Office Services Coordinator (new) | 65,000 | 1.00 | |
| Office of County Attorney (new chargeback) | 80,000 | 0.50 | paid for by increased fee |
| Operating Expenses | 225,000 | | |
| 60530 - Other Professional Services | 5,000 | | |
| 62010 - General Office Supplies | 1,500 | | |
| 62016 - Computer Supplies | 1,000 | | |
| 62018 - Computer Equip-Non Capitalized | 2,500 | | |
| 62022 - Paper & Supplies For Copiers | 150 | | |
| 63022 - Other Central Dup Svc - Printing | 3,500 | | |
| 63200 - Central Dup - Postage - Bulk | 4,500 | | |
| 64120 - Training (Staff) | 500 | | |
| 64010 - Travel | 250 | | |
| 64208 - Other Dues | 400 | | |
| 69038 - Transcripts | 14,000 | | |
| 69999 - Other Misc Operating Expenses | 5,700 | | |
| n/a - IT Systems Maintenance + Development | 20,000 | | paid for by increased fee |
| n/a - Outreach and Education | 166,000 | | paid for by increased fee |
| Total Cost | 675,000 | | |
| Total Revenue (135,000 x \$5.00) | 675,000 | | increasing fee by \$2 |

Status of COC Training Program

9-November-2015

Application / System Development

CCOC Online Training Course Prototype (Estimated completion date: 11/20/2015)

- Text content has been added to all Course sections (Cable Office - Shannon Farney)
- Cable Office (Shannon Farney) and OCP (Lorena Bailey) will meet today (11/6) to review and finalize the requirements for the CCOC Online Training Course System
 - As a result, it is anticipated that "cosmetic adjustments" will likely need to be made by Cable Office - Shannon
 - Also, additional photos / images will likely also be added to the Online Course content as well. OCP will need to provide the content or access to the content by 11/10/2015 as the deadline is approaching
- Functional adjustments will need to be made to the Online Course System (Cable Office - Shannon Farney)
 - Triggers to enable students to smoothly transition from one section to another need to be updated
 - Logic used to display check mark images, indicating the completion of a course section, will need to be updated as well
 - Emails generated from the system need to be unit tested
 - It is recommended that OCP create an O365 email distribution group to receive/store all emails generated from the system for auditing purposes
 -

CCOC Course Registration Application (Estimated completion date: 11/13/2015)

- DTS-WMAT (Gary Dai) will make minor adjustments to the Registration application (<http://portal-dev.mcgov.org/ccoctrainingreg>) to more clearly distinguish the registration form from the registration confirmation
- The Registration application will be deployed on the County WWW2 application server and will interface with the CCOC Online Course System towards the end of the course, just before the certificate page

CCOC Course Completion Verification Application Prototype (Estimated completion date: 11/13/2015)

- The Verification application, developed by DTS-WMAT (Gary Dai), will be used to verify that a required person (i.e.. HOA board member) has taken the CCOC training
- The application needs to be separated from the Registration application
- The application will eventually be tested and deployed to the WWW2 application server and interfaced with an OCP web page via iFrame. The application may be hosted in a DHCA web page once CCOC has officially transitioned to DHCA

Testing

Integration Testing (Estimated completion date: 11/24/2015)

- The Cable Office and the DTS-WMAT will work together to conduct integration testing to ensure that the form interfaces and the email confirmations / notifications work properly

User Acceptance Testing (UAT) (Estimated Completion date: 12/4/2015)

- In preparation for the user testing...
 - DTS-WMAT will work with the DTS-Server Team to deploy the Registration and Verification for testing
 - DTS-WMAT will work with the Cable Office to deploy the Online Course System for testing
 - DTS-WMAT will interface the Online Course System and the Verification application into an OCP web page iFrame for testing
- The entire system will be tested from start to finish
 - Content correctness and accuracy will be verified
 - Functionality including but not limited to section transitions, interfaces and emails, certificate printing, and course registration / verification, will also be tested
 - Performance testing will also be conducted
 - Interfaces/integrations will be tested as well
- User feedback (hopefully minor revisions) will be captured by DTS-WMAT (Gary Dai) and the Cable Office (Shannon Farney)
- System UAT sessions will be conducted in the DTS-WMAT training / testing lab (COB 1st Floor) with OCP staff
 - OCP may invite a few key DHCA or CCOC reps as or if necessary
 - The training / testing lab can not accommodate more than 10 people total
- Any major changes requested at this meeting will need to be discussed with OCP and DTS decision makers
- Minor changes (i.e... text changes) that are accepted by OCP will be made as or if necessary

Post Production Testing

- Post production testing will be conducted after the applications have been deployed by the Cable Office and DTS-WMAT staff to ensure performance, database connections, functionality, integrations, etc...

Final Prototype Deployment (Estimated Completion Date: 12/18/2015)

- It is anticipated that the final CCOC application and training system prototypes will be deployed to production ready environments by December 18, 2015
- DTS-WMAT will work with the DTS-Server Team to deploy the Registration and Verification applications to the WWW2 web application server (**Wednesday December 16**)
- The Cable Office will work with the DTS-WMAT to deploy the Online Course to the WWW Server
- DTS-WMAT will interface the Online Course System and the Verification application into an OCP web page iFrame

Commission on Common Ownership Communities

100 Maryland Avenue, Room 330
Rockville, Maryland 20850

June 1, 2015

Robert W. Cobb, Esq.
Chief Counsel / Staff Director
Montgomery County Ethics Commission
100 Maryland Avenue, Room 204
Rockville, Maryland 20850

Dear Mr. Cobb:

I am writing to request an advisory opinion from your office on two possible options for addressing the conflict of interest concerns raised by the Ethics Commission in its letter to the CCOC dated 2014. In that letter, the Ethics Commission called into question the CCOC's use of volunteer attorneys who also practice before the Commission as panel chairs in its adjudicatory hearings.

As a consequence of this ruling, over half of the CCOC's volunteer attorneys were disqualified from serving on CCOC panels. This has had a chilling effect on the operation of the CCOC, making it difficult for it to carry out its statutory mandate to provide County citizens with the full range of alternative dispute resolution services, to include quasi-judicial hearings. Many of these attorneys are among the most experienced practitioners of common ownership law in the County and, as such, are not easily replaced.

Recently, two ideas have been brought to my attention on how the CCOC might address the Ethics Commission's concerns. Your assessment of each would be most gratefully appreciated.

Option #1

- The CCOC would establish several full and/or part-time positions for staff attorneys whose responsibility it would be to preside as panel chairs in the Commission's quasi-judicial hearings. This would not eliminate the use of volunteer attorneys serving in this capacity, but would help to make up for the shortfall of available attorneys resulting from the fact that some currently practice before the CCOC. Both the Council and the Executive would be asked to consider funding these positions as a way of resolving the Ethics Commission's concerns regarding conflict of interest.

Option #2

- Parties wishing to bring their dispute before a CCOC quasi-judicial panel would be given the option of agreeing to a panel chair of their choosing and waiving any claim to a conflict-of-interest by virtue of the fact that the panel chair might also practice before the Commission on Common Ownership Communities.

As part of this Option, the parties would be offered the choice of at least two panel chairs, one of whom is not an attorney who practices before the CCOC. If both parties agree to use the panel chair who does practice before the CCOC, this will constitute a waiver of any conflict of interest claims they might have. If both parties do not agree to use the services of the attorney who practices before the CCOC, then the CCOC shall appoint an attorney who does not practice before the CCOC to chair the panel. When using this option, the CCOC shall provide to both parties the resumes of the attorneys who have volunteered the chair the panel.

Thank you for your time and attention to this inquiry. The CCOC is eager to work with your office to find an approach that satisfactorily addresses the Ethics Commission's concerns and allows us to resume our normal operations at the earliest possible date.

Sincerely,

Randy

Rand H. Fishbein, Ph.D.
Chair, CCOC

PS/PHED COM #1
November 16, 2015
ADDENDUM

MEMORANDUM

November 13, 2015

TO: Public Safety Committee
Planning, Housing, and Economic Development Committee

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

SUBJECT: OLO Report 2015-8, *An Evaluation of the Commission on Common Ownership Communities (CCOC) – Follow-Up*

Members of the Commission on Common Ownership Communities (CCOC) have provided several memos for inclusion in the worksession.

The first memo, "Emergency Relief Request for Montgomery County Commission on Common Ownership Communities," (attached at © 1-12) outlines several requests from the CCOC for additional funding, more staff, and a new County "home" for CCOC. The memo requests that the County consider:

- Relocating CCOC out of OCP and either establishing it as an independent County agency, put it under the authority of the County Council, or establish a new County department that oversees different agencies that currently perform quasi-judicial functions;
- Directing all fees collected on behalf of the CCOC to the CCOC;
- Transferring the responsibility for the registration and collection of fees to the CCOC;
- Enhancing the County ethics law to allow attorneys who practice before the CCOC to also serve as panel chairs after extensive vetting and oversight procedures are adopted.
- Enabling any CCOC surplus funds to be rolled over from one fiscal year to the next; and
- Requiring all COCs to have a dispute resolution procedure.

The second memo, "CCOC Response to the County Executive's October 30, 2015 Memorandum: Proposed Amendments to Chapter 10B" (attached at © 13-19) recommends that:

- The Executive's recommendations on mandatory mediation should be postponed until the CCOC's Committee on Process and Procedures has had time to meet with the Executive and the Council to discuss its recommendations for informal mediation;

- The Executive’s recommendation to change the composition of the CCOC to include five public at-large individuals be tabled, and the Executive discuss with the CCOC how hearing panels could be improved;
- The Executive, Council, and CCOC work together to decide where the CCOC should reside;
- The County develop a reliable database listing all COC information, and that a system be implemented as soon as possible for the collection and enforcement of delinquent fees.

The last four memos are identical, but addressed to different individuals. These memos are from current and former volunteer panel chairs for the CCOC, and they request that the Council “give urgent consideration to providing the Commission with the funding, staff, and IT modernization it critically needs to carry out its mandate and ensure its continued viability.”

This packet includes the following:

| | |
|--|-------|
| | © |
| “Emergency Relief Request for Montgomery County Commission on Common Ownership Communities,” Memo from CCOC (November 16, 2015) | 1-12 |
| “CCOC Response to the County Executive’s October 30, 2015 Memorandum: Proposed Amendments to Chapter 10B” Memo from CCOC (November 16, 2015) | 13-19 |
| Letter to Council President George Leventhal from Hearing Panel Chair Attorneys (November 1, 2015) | 20-22 |
| Letter to Council Vice President Nancy Floreen from Hearing Panel Chair Attorneys (November 1, 2015) | 23-25 |
| Letter to Councilmember Marc Elrich from Hearing Panel Chair Attorneys (November 1, 2015) | 26-28 |
| Letter to County Executive Isiah Leggett from Hearing Panel Chair Attorneys (November 1, 2015) | 29-31 |



Commission on Common Ownership Communities

Rm. 330, 100 Maryland Avenue, Rockville, Maryland 20850

To: The Hon. Isiah Leggett, Montgomery County Executive
The Hon. Councilmembers, Montgomery County Council

From: Rand H. Fishbein, Ph.D., Chair *RHF*
Aimee Winegar, CMCA, LSM, PCAM, Vice-Chair
Richard Brandes, Commissioner
The Hon. Jim Coyle, City of Rockville Mayor (Ret.), Commissioner
Terry Cromwell, Commissioner
Marietta Ethier, Esq., Commissioner
Mark Fine, Commissioner
Bruce Fonoroff, Commissioner
David Weinstein, Commissioner
Donald Weinstein, Commissioner
Ken Zajic, Commissioner

Date: November 16, 2015

Re: Emergency Relief Request for Montgomery County Commission on Common
Ownership Communities

On November 4, 2015, the Commission on Common Ownership Communities, meeting in official session and by a unanimous vote of the members present, authorized that the following memorandum on the "Emergency Relief Needs of the Montgomery County Commission on Common Ownership Communities," be transmitted to the County Council and the Executive for their consideration.

On November 1, 2015, ten of the CCOCs volunteer attorney Panel Chairs¹ wrote to each of the Members of the Council and the Executive endorsing measures, similar to those outlined in this memorandum, to strengthen and stabilize the Commission.²

¹ Dinah Stevens, Esq., Rachel Browder, Esq., Julie Dymowski, Esq., Charles H. Fleischer, Esq., Greg Friedman, Esq., Jennifer Jackman, Esq., Kevin Kernan, Esq., Corinne Rosen, Esq., Douglas Shontz, Esq., and Nicole Williams, Esq.

The Commission respectfully calls upon the leadership of the County Government to take urgent notice of the analysis and recommendations contained herein and act swiftly to address the pressing resource needs of the Commission as part of its FY 2017 budget deliberations.

CCOC at a Crossroads

Years of neglect have taken their toll on the Commission on Common Ownership Communities. Without a near-term solution that provides for a sustained infusion of resources appropriate to its statutory mission, the CCOC will be unable to carry out all but its most essential functions. First among these is funding. The transformation of the Commission into a strong, well-equipped program must begin with transparent stewardship and a commitment from the County that all of the fees paid by associations for the support of the CCOC must, henceforth, be used only by the CCOC for its direct benefit as intended by statute.

Second, additional funds will be needed, possibly drawn from General Revenue, to support increased staffing and IT office modernization on a sustainable basis.

Third, the Commission urges the County to consider transferring the CCOC out of the Office of Consumer Protection (OCP) and into an administrative environment that is more hospitable to its growth and development. The rising number of common ownership communities in the County, coupled with a mounting demand for its services, requires that urgent steps need to be taken by County leaders to ensure that the Commission will be able to meet the expectations of its constituency well into the future.

For over five years, the Commission has relied almost exclusively on a single professional staff member to perform all of the essential administrative functions of the office. Despite the recent involvement of the Director of the OCP in routine inquiries and case processing, no steps have been taken to hire or train additional staff in the specialized laws pertaining to associations. Members of the Commission are concerned that the sudden, unplanned loss of the single highly skilled and credentialed staff member, with his vast institutional knowledge, could result in the immediate shuttering of CCOC operations. It is essential that active succession planning and cross training, begin as soon as possible and that the County support and fund this effort.

² Dinah Stevens, Esq., Coordinator, Letter, Hearing Panel Chair Attorneys to County Executive, The Honorable Isiah Leggett and Councilmembers: The Honorable George Leventhal (President), The Honorable Nancy Floreen (Vice-President), The Honorable Roger Berliner, The Honorable Marc Elrich, The Honorable Tom Hucker, The Honorable Sidney Katz, The Honorable Nancy Navarro, The Honorable Craig Rice, and The Honorable Hans Riemer.

This present situation is far from optimal given that Chapter 10B of the County Code prescribes the deadlines whereby staff is required to respond to parties availing themselves of the Commission's alternative dispute resolution services. Without an adequate number of well-trained office staff, meeting the timely needs of association residents and boards will become increasingly problematical.

Currently, the authority of the Commission extends to well over one thousand common ownership communities. This equates to forty (40) percent of the County's available housing stock or an estimated 340,000 individuals. County officials predict that for the foreseeable future, the number of common ownership communities in the County will only escalate and with it, the responsibilities of the CCOC. Under these conditions, and with only one full time employee and no IT infrastructure, including an appropriate digital case management system for dispute resolution, associations are not receiving the services for which they pay a dedicated fee.

Lastly, the Commission continues to remind the County that it has appropriated no funding for an IT program essential to monitoring the compliance and enforcement of the 5,000 directors mandated, by statute, to take the new online training course beginning on January 1, 2016.

Urgent Legislative Request to the County's Political Leadership

The Commission asks that the Council and Executive consider the beneficial impact on the CCOC of the following package of amendments to current law to support the more efficient and cost-effective functioning of the CCOC. These amendments would include:

- **Relocate the CCOC out of OCP.** The Commission strongly suggests that the County consider four (4) preferred options for transferring CCOC operations from the Office of Consumer Protection (OCP). This would include:
 1. Establish the Commission as an independent county agency,
 2. Bring the CCOC under the authority of the Council on a permanent basis. The CCOC would function under the Council's auspice in a manner similar to the six legislative branch offices already under the administration of the Council. They include: Office of the Inspector General; Board of Appeals; Office of Legislative Oversight (OLO); Office of Zoning & Administrative Hearings; Merit System Protection Board; Charter Review Commission. Like the CCOC, three of these offices have a quasi-judicial function,
 3. Alternatively, bring the CCOC under the authority of the Council for a period of not less than five years. This would provide the time and supportive

environment in which the Commission could be properly resourced and its operations revitalized while a solution for a permanent home is developed, or

4. Create a new county agency that brings together under one roof many of the agencies that currently perform quasi-judicial functions.

Currently, oversight of the CCOC is split between OCP and DHCA. OCP has overall responsibility for policy formulation and operational support, while DHCA controls the annual collection of CCOC fees and the maintenance of a database on all known common ownership communities in the County. This split authority, or stovepipe management approach, has proven unworkable. There is no staff IT interoperability between OCP and DHCA, no oversight or enforcement mechanism with regard to fee collection, and no policy or budgetary coordination with the Commission. In short, the present system is plagued with operational dysfunction, inefficiency, ineffective oversight and resource insufficiency.

The Commission understands that DHCA is suffering from budgetary austerity like most, if not all, other County departments and believes it would be unrealistic to expect that it would divert resources away from its own priority concerns to accommodate the needs of an office not within its core mission area. For the CCOC to thrive, not only must it be appropriately staffed and funded, but the leadership to whom it is accountable must be a champion of its work and a forceful advocate of its mission within the County government. Experience strongly suggests that this would not be the case if the Commission returned to DHCA.

The CCOC has observed that services provided presently by DHCA for the Commission are disproportionately costly and sub-optimal in a number of areas. The Commission has a responsibility to its paying associations to ensure that it receives value for the dollars spent and that the quality of the work product it receives from others meets the needs of its constituency. A solution for the CCOC is one that harmonizes the entire operation of the Commission within a single county entity. This is both essential and urgent at this time. Unfortunately, DHCA has not demonstrated that it can perform its duties towards the CCOC in either a vigorous or cooperative manner.

The County Attorney has informed the Commission that any decision to move the CCOC out from under the administrative authority of OCP to the Council likely would require an amendment to the County's Charter. There is a precedent for this action. Nearly a decade ago both OCP and the CCOC were moved out of the Department of Housing and Community Affairs (DHCA) and the OCP was given responsibility for supporting CCOC activities.

- **Direct that ALL fees collected on behalf of the CCOC go to the CCOC.** The County should give priority to ensuring that ALL funds collected by DHCA for the CCOC should be controlled by, and used ONLY for the benefit of, the CCOC. This should be done BEFORE any thought is given to raising the current fee rate of \$3.00 per unit. OCP should be directed to provide the Commission with complete real-time information on ALL of its annual revenue and expenditures to ensure that all fees collected in the name of the CCOC are being used ONLY to support, directly, the mission of the CCOC. The County's stated commitment to transparency in budgeting also should extend to the manner in which fees collected on behalf of the CCOC are obligated and expended.
- **Transfer the responsibility for the registration and collection of fees to the CCOC.** The CCOC should have full and transparent oversight and control over its budget. Once a new IT platform and accompanying staff are in place to oversee this activity, the Council and Executive should consider authorizing the Commission to negotiate the best value price from other government agencies and/or commercial collection companies. **At the present time the CCOC is paying DHCA \$67.00 for every invoice dispatched** and with only a superficial effort made to collect payments in default and with no clear accountability for how all of the funds are being used.
- **Enhance the County Ethics Law** as applied to the CCOC to allow attorneys who practice before the Commission also to serve as panel chairs after extensive vetting and oversight procedures are adopted. If this is not possible, then the County should consider funding the direct hire of county attorneys to chair CCOC hearing panels as a supplement to the current system that utilizes *only volunteer attorneys* who serve the County at *no cost*, but have been excluded from service in an effort to address potential and, to-date, unproven concerns about conflicts of interest.
- **Enable any CCOC surplus funds to be "rolled over"** from one fiscal year to the next for the benefit of CCOC future expenses.
- **Require all HOAs to have a dispute resolution procedure** and require all associations to create mechanisms for member complaints. The Commission has published sample documents for the use of HOAs.

The Commission **strongly opposes** any effort to weaken, eliminate or transfer any of the CCOC's present legislative authorities under Chapter 10B of the County Code. In its view, the ability of the Commission to function in an integrated and effective fashion, and provide the full panoply of services envisioned by the September, 1989, study group³, makes these

³ Homeowners' Association Task Force, established by the Montgomery County Council pursuant to Resolution #11-579, December 8, 1987. Final Report submission: September, 1989.

authorities essential to its success. What makes the CCOC attractive to both residents and association boards is that it provides them with a range of potent, yet cost-effective tools, for resolving conflicts at the lowest possible level of strife.

The Commission **emphatically rejects** the suggestion that its quasi-judicial function (hearing panels), be altered or ended. The panels fill an essential and otherwise unmet need on the dispute resolution continuum between mediation and formal court adjudication. The panels are **staffed entirely by volunteers**, and meet after regular business hours, thus accommodating the work schedules of individual parties.

The Commission contends that in the absence of cost-effective CCOC hearing panels, most complainants would not have the time, ability or financial resources to bring a case to ordinary court. The existence of the CCOC ensures that all citizens, regardless of social or material standing, can have access to a full range of alternative dispute resolution services. The CCOC was the first government agency of its kind in the nation. Today, the CCOC is the gold standard for jurisdictions looking for a model upon which to base a similar program of their own.

CCOC to Oversee Its Own Budget

The Executive and Council are urged to consider granting the CCOC full and independent authority to prepare, request, oversee, account for and execute its own annual budget. Since its inception twenty-five years ago, the CCOC has relied completely upon DHCA and then OCP to manage its funding. Permitting the Commission to oversee its own budgetary obligations and expenditures would provide greater transparency over the manner in which both the fees collected by DHCA in its name, and any annual appropriations from the General Fund, are used to further its mission.

For over two years the CCOC has attempted, without success, to obtain a detailed balance sheet covering all of the annual fees collected on its behalf. Recently, the OLO stated that in 2014 DHCA collected \$408,000 in fees for the CCOC. Yet, questions remain about how an estimated \$250,000 of this amount was obligated by OCP. At the present time, the Commission has only a notional understanding of how OCP and DHCA spend its resources. The Commission would like full visibility and real-time tracking on the personnel, tasks and purchases funded with CCOC funds. The Commission believes that its request is fully in keeping with the Executive's public pledge of open and transparent government.

As noted, the CCOC currently has no input into the annual budget process and absolutely no oversight or control over any funds collected or appropriated on its behalf. The Commission has no visibility over its budget and is does not prepare an annual budget presentation for the Executive and Council.

The annual budget justification documents prepared by OCP barely make reference to the significant accomplishments of the CCOC or highlight the important role it plays in the County government structure. Attempts by the Commission over the last several years to correct the false and misleading picture presented by OCP of the CCOC have been unsuccessful. This is a clear, albeit unintended, slight to associations, and through them, their residents, who pay fees for services provided by the CCOC.

In order for the Executive, the Council, and county residents to receive an accurate and fair understanding of the CCOC's work, the Commission proposes that in the future, it assume full responsibility for the preparation and presentation of its own budget document.

Emergency Staff Relief Request:

At a minimum, the Commission believes that the Commission urgently needs the following near-term increase in staff support to ensure minimum operational capability and near-seamless management succession.

Emergency Proposed Staff Enhancements to the CCOC in FY 2016

| Staff Position | FTE | Responsibilities | Class Code | Grade | Projected Salary ¹ Amount ² (\$\$) |
|--|-----|--|------------|-------|--|
| Management Level II | 1.0 | Manages the CCOC staff; responsible for planning, development and implementation of mission of CCOC. | 000111 | M2 | 148,004 |
| Program Manager II (Education Specialist) | 1.0 | Develops whole range of educational and training programs including implementation of recent mandate to train COC board members. | 000832 | 25 | 100,326 |
| Senior Information Technology Specialist (IT Specialist) | 1.0 | Provides IT support; assists in communication with COC's and tracking of data. | 000551 | 28 | 115,471 |
| Management Level III | 1.0 | Functions as Assistant to the Manager II including supervision of complaints and management of process and procedures to resolve same. | 000112 | M3 | 127,711 |
| Office Services Coordinator | 1.0 | Provides advanced office support. | 009273 | 16 | 65,934 |
| TOTAL | | | | | \$557,446 |

¹ Salaries are the mid-point between the minimum and maximum levels on the Management Leadership Service Salary Schedule for FY2015

² Salaries are the Mid-point on the General Salary Schedule for FY2015 for the Montgomery County Government plus 25% for benefits

NOTE: Please see Addendum, below, for a Zero-Baseline Assessment of full CCOC Staff needs. We ask that the Executive and Council give this request every consideration in the FY 2017 budget cycle.

All Annual Fees Collected for CCOC to be Overseen by CCOC

The Commission requests that the County consider taking the following actions with respect to the collection, obligation, expenditure and accounting of fees currently collected by DHCA on behalf of the CCOC:

- Transfer the full responsibility for the registration and collection of fees back to CCOC and permit the Commission to negotiate the best value price from service providers until such time as a new IT platform and accompanying staff are in place to undertake this activity in-house; and
- Direct in statute that all fees collected annually by DHCA for the CCOC are earmarked solely for the operational benefit of the CCOC as provided for in Chapter 10B. All decisions regarding the obligation and expenditure of funds would be made by the Commission.

In 2014 the fees paid by the County's common ownership communities amounted to \$408,000. Of this amount, the CCOC only netted approximately \$160,000 after DHCA and OCP took their allocations. Beyond the collection of the funds, it is unclear what services of direct benefit to the CCOC either DHCA or OCP provides for the money they charge the CCOC. Despite repeated requests to OCP, the Commission has been unable to obtain a detailed budgetary track on the OCP allocated costs paid for with CCOC funds. Further, DHCA has not provided assurances that all associations have been identified and invoiced properly. It is possible that fees in addition to those collected are due, but the Commission has no way of knowing.

IT Modernization

CCOC is in urgent need of a modern office information technology (IT) infrastructure to include, but not limited to, inter-agency connectivity; case management; fee collection; community registration; surveying; constituent outreach; automated data processing; performance metrics, budgeting, tracking and analysis; publishing; and scheduling.

Currently, the CCOC has:

- no case modern management or data management system,
- no ability to track compliance of 5,000 board directors with new training law,
- no ability to collect basic management or financial profiles on all common ownership associations in the County,
- no ability to generate real-time data analysis,
- no ability to generate real-time performance analytics,
- no ability to budget or track revenue and expenditures automatically,
- no ability to independently survey residents and boards of associations,

- no ability to produce multimedia educational materials,
- no flexible desktop publishing capability (e.g. CCOC Newsletter), and
- no ability to message through social media.

It is the Commission's opinion that unless and until there is an IT modernization of the CCOC, improvement and/or expansion of Commission services is impossible. Additional staff, in addition to technology, is needed to effectively implement a modernization program and to carry out essential tasks such as data entry, system maintenance and the administration of the databases.

The Commission is eager to work directly with the County's Department of Technology Service (DTS) to develop a needs assessment, work plan and timetable for the digital modernization of the CCOC. However, Commission staff and volunteers have been prevented from doing so. OCP has decided to staff that responsibility even though they have no direct experience with CCOC operations and/or needs. However, in the interests of time, cost saving and work efficiency, the Commission believes that the interests of both the County and its citizens would be better served through unfettered communication and streamlining of a bureaucratic structure that often obstructs, rather than facilitates, the smooth and timely transmission of ideas.

Urgent Relief Needed From Ethics Commission Ruling

The Commission believes that statutory relief is urgently needed from a recent ruling by the County Ethics Commission barring attorneys who practice before the CCOC from also serving as hearing panel chairs. The result is that the CCOC has lost the ability to use fifty (50) percent of its volunteer attorneys most of whom are among the most skilled and knowledgeable practitioners of common ownership law in the County. This has severely hampered the CCOC's capacity to efficiently process its growing caseload at a time when the Commission is being criticized for not moving cases more quickly.

In an advisory opinion issued in August, 2015, the Ethics Commission rejected a CCOC suggestion (originally proposed by the Ethics Commission itself), that would have established conflict of interest filters for CCOC panel chair attorneys that many believe exceed those set for the judges serving in the judicial branch.

The CCOC is committed to maintaining the highest practicable level of conflict-of-interest protections in all of its operations. To that end, the Commission has developed new and more stringent procedures for panel chairs that the County may wish to consider enshrining in statute as part of an amendment to permit practicing attorneys also to serve as CCOC hearing panel chairs.

Transfer Oversight of the CCOC from OCP: Four Preferred Options

The suggestion has been floated in a number of quarters that the CCOC be returned to its former home in the Department of House and Community Affairs (DHCA). Under current conditions, the Commission opposes this idea. The Commission believes strongly that the return of the CCOC to DHCA would be a mistake and incompatible with the broader objectives of the Commission, the Council and the Executive.

DHCA management insists that the Department remains under resourced as a result of County cutbacks in recent years and rising public demand for its services. Despite the fact that the CCOC is authorized, by statute, to collect fees for its own support, the Commission believes it would be unwise, if not irresponsible, to expect that DHCA would give priority to addressing the CCOC's pressing needs before tackling its own.

Currently, oversight of the CCOC is split between OCP and DHCA. OCP has overall responsibility for policy formulation and operational support, while DHCA controls the annual collection of CCOC fees and the maintenance of a database on all known common ownership communities in the County. This split authority, or stovepipe management approach, has proven unworkable. There is: no staff IT interoperability between OCP and DHCA, no oversight or enforcement mechanism with regard to fee collection, and no policy or budgetary coordination with the Commission – to name only a few issues.

In short, the present system is plagued with operational dysfunction, inefficiency, apparent mismanagement and resource insufficiency. A solution that harmonizes the entire operation of the CCOC within a single county entity is both essential and urgent. However, for the Commission to prosper and fulfill all of its statutory mandates, it needs a single County leader who supports its mission and will aggressively advocate for the resources needs and the interests of the County's common ownership communities.

Three options that the County should strongly consider include: 1) establish the Commission an independent county agency, 2) bring the Commission under the authority of the Council (as currently is the case for six agencies), 3) bring the CCOC under the authority of the Council for a period of not less than five years to provide a supportive environment in which the Commission could be properly resourced and its operations revitalized while a solution for a permanent home is developed, or 4) create a new county agency that brings together under one roof many of the County agencies that currently perform quasi-judicial functions.

Conclusion

The CCOC is a unique and increasingly essential service provided by the County to its residents of common ownership communities. As such, the resource issues facing the Commission should be seen in their proper context – a reflection of the natural evolution of

an organization whose mission has grown with time and with it, the demands of those who rely on its services.

The Commission looks forward to working with both the Council and the Executive on a comprehensive plan that provides for a sustainable and robust future for the CCOC. To this end, the Commission asks that County leaders act thoughtfully and speedily on its request for increased staff support, additional funding, IT modernization, a new county home and the enhancement of current Chapter 10B authorities.

ADDENDUM

Below please find a Zero-Baseline Assessment of Full CCOC Staff Needs. We ask that the Executive and Council give this request every consideration in the FY 2017 budget cycle.

ZERO-BASELINE ASSESSMENT OF FULL CCOC STAFF NEEDS

| STAFF POSITION | FTE | Responsibilities | Class Code | Grade | Budgeted Amount* (\$\$) |
|---|-----|---|------------|-------|-------------------------|
| Management Level II | 1.0 | Manages the CCOC Staff, responsible for planning, development and implementation of mission of CCOC | 000111 | M2 | 148,004 |
| Management Level III | 1.0 | Functions as Assistant to the Manager II including supervision of complaints and management of process and procedures to resolve same | 000112 | M3 | 127,711 |
| Investigator III (Mediator) | 0.5 | Provides Mediation Services in second step in dispute resolution techniques | 000643 | 25 | 50,163 |
| Program Manager II (Education Specialist) | 1.0 | Develops whole range of educational and training programs including implementation of recent mandate to train COC board members | 000832 | 25 | 100,326 |
| Investigator III (Ombudsman) | 1.0 | Develops and conducts informal dispute resolution programs as first step in program of dispute resolution techniques. Includes site visits as necessary. | 000643 | 25 | 100,326 |
| Program Manager II (Support Specialist / and Ethics Compliance Officer) | 1.0 | Develops programs to assist COCs with cost savings, provides basic services such as assistance with governance issues, oversight of elections, development of forms, procedures, etc. | 000832 | 25 | 100,326 |
| Legislative Analyst II (Legislation & Advocacy Specialist) | 1.0 | Legislative resource to COCs. Advise County Council in developing legislation. Serves as Advocate for COCs. | 000832 | 26 | 105,179 |
| Accountant Auditor II | 0.5 | Provides Financial Support | 000212 | 21 | 41,571 |
| Office Services Coordinator | 1.0 | Provides advanced office support | 009273 | 16 | 65,934 |
| Administrative Aide | 1.0 | Provides entry level office support | 009275 | 12 | 55,209 |
| Senior Information Technology Specialist (IT Specialist) | 1.0 | Provides IT support | 000551 | 28 | 115,471 |
| Planning Specialist I (Internship Program Coordinator) | 0.5 | Coordinates the hiring and oversight of law school / public policy internship program | 004404 | 18 | 36,141 |
| TOTAL | | | | | 1,046,361 |

* Salaries are the mid-point between the minimum and maximum levels on the Management Leadership Service Salary Schedule for FY2015

** Salaries are the Mid-point on the General Salary Schedule for FY2015 for the Montgomery County Government plus 25% for benefits



Commission on Common Ownership Communities

Rm. 330, 100 Maryland Avenue, Rockville, Maryland 20850

To: The Honorable Isiah Leggett, Montgomery County Executive
The Honorable Councilmembers, Montgomery County Council

From: Rand H. Fishbein, Ph.D., Chair *RHF*
Aimee Winegar, CMCA, LSM, PCAM, Vice-Chair
Richard Brandes, Commissioner
The Hon. Jim Coyle, City of Rockville Mayor (Ret.), Commissioner
Terry Cromwell, Commissioner
Marietta Ethier, Esq., Commissioner
Mark Fine, Commissioner
Bruce Fonoroff, Commissioner
David Weinstein, Commissioner
Donald Weinstein, Commissioner
Ken Zajic, Commissioner

Date: November 16, 2015

Re: CCOC Response to the County Executive's October 30, 2015, Memorandum:
Proposed Amendments to Chapter 10B

On November 4, 2015, at its regular monthly session, the Commission on Common Ownership Communities, meeting in open session and by a unanimous vote of the members present, authorized the CCOC Chair and Vice Chair to respond to the County Executive's October 30, 2015, memorandum: "*Commission on Common Ownership Communities (CCOC) Amendments to Chapter 10B.*"

The Commission also authorized the transmittal to the Council and the Executive its vision of how the CCOC should be resourced and administered going forward so that it can thoroughly and effectively carry out all of its statutory mandates. This document, entitled: "*Emergency Relief Request for Montgomery County Commission on Common Ownership Communities,*" November 16, 2015, is being transmitted under separate cover.

Executive Leggett's October, 2015, Recommendations

On October 30, 2015, County Executive, Isiah Leggett, responded to a request by the Council's PHED and PS Committees for recommendations on the future of the CCOC and its resource needs.¹ While the Commission is gratified that Mr. Leggett desires to "enhance the Commission's ability to address the purposes for which it was established twenty-five years ago," it strongly questions the emphasis placed on dispute resolution to the exclusion of other aspects of the CCOC's mandate such as education.

It might have been better if the CCOC had been consulted prior to transmittal of the recommendations to the Council. Its long years of service, combined with an intimate knowledge of how the Commission operates, or should operate, could have provided important "ground truth" as the Executive deliberated its recommendations. Still, we are hopeful that the positive attention the Commission's work now is receiving from the County's leadership, will serve as the catalyst for a serious dialogue on how the CCOC can be staffed to better serve the nearly 340,000 residents (36% of the housing stock of Montgomery County), that reside in common ownership communities.

Dispute Resolution:

It is the Commission's considered opinion that several of the Executive's recommendations are based on a false premise, namely, that "... (the) CCOC dispute resolution program has strayed from its original intent to function as an alternative to court litigation." The Executive may not be aware that these allegations have been thoroughly discredited by the report of the Office of Legislative Oversight (OLO) and the Commission's own statistics.

Additionally, we believe that it is a mistake to place total reliance on formal mediation to resolve disputes. Experience teaches that a one-size-fits-all solution to conflict resolution does not work and that the number and intensity of disputes will diminish with education and training. Conflicts, in any sphere, fall along a continuum. Disputes start small and grow in intensity with time and inattention. If and when conflicts do arise they should be addressed at the earliest possible moment. As every medical practitioner knows, early intervention often is the key to minimizing risk and improving outcomes.

The CCOC's Process and Procedures Committee has spent many months examining ways to streamline the present case management system. Several recommendations under evaluation include the use of an investigator to meet the parties on site for "informal" mediation discussions. Mediation is a broad concept, defined as "an act or process of

¹ Isiah Leggett, County Executive, to Nancy Floreen, Chair, Planning, Housing and Economic Development Committee, and Marc Elrich, Chair, Public Safety Committee, Memorandum, Subject: Commission on Common Ownership Communities (CCOC) Amends to Chapter 10B, October 30, 2015. The request for recommendations from the County Executive came during a work session of the PHED and PS Committees, meeting in joint session, on June 18, 2015. The request from chairs Floreen and Elrich were made to OCP Director, Eric Friedman, and DHCA Director, Clarence Snuggs, testifying on behalf of County Executive Leggett on the subject of the resource needs of the CCOC.

...intervention between conflicting parties to promote reconciliation, settlement, or compromise.” We do not want to deny the importance of “formal” mediation, but this avenue often comes too late in the process. Experience shows that when the parties to a dispute are presented with the facts and options at the earliest possible stage of a disagreement they are much more willing to compromise.

Disputes involving common ownership communities are no different than disputes in any other field. Even with the best of intentions, some simply cannot be resolved through early intervention or mediation. They may involve issues of first impression or basic disagreement on the law, its application and interpretation. Who, then, is best equipped to hear and decide these complaints? Is it a court of law with a crowded calendar, a requirement that attorneys must represent the parties and where the trier of facts has limited understanding of this specialized area of the law, or the CCOC whose members know the law, are familiar with the factual situations of most complaints and are volunteers thereby saving the County considerable expense.

RECOMMENDATION #1

That consideration of the Executive's recommendations on this issue be postponed until the Committee on Process and Procedures has had time to meet with representatives of the Executive's Office and the Council. All parties share the same objectives and the Commission is reasonably certain that all parties can reach a policy consensus.

Composition of the CCOC: The Executive has recommended that the CCOC's charter be amended to include five public at-large individuals as members of the Commission along with five owner/residents, and five professionals/managers.

This is a baffling suggestion since it would mean that instead of striving to enhance its talent pool with ever more qualified and experienced experts in common ownership law, the Commission, is being asked to lower its standards and accept individuals bereft of such specialized knowledge. The Commission understands that the new “at-large” commissioners would **not**, by definition, be attorneys. How this approach would enhance the delivery of justice, and ensure that the rights of all parties to a dispute are protected, is a question that the proposal leaves unanswered.

While this proposed change in the Commission's composition might work for the Office of Landlord-Tenant Affairs, it is unsuited to the CCOC. The issues addressed by the Office of Landlord-Tenant Affairs primarily involve leasing contracts and security deposits, two relatively narrow areas of the law. By contrast, common ownership disputes involve knowledge of several different areas of the law as well as the ability to understand lengthy and complex governing documents. Today, it has come into its own as a legal specialty, requiring unique training and years of experience to develop the required proficiency in its application.

The Commission believes strongly that there are significant public benefits from having experienced attorneys fully engaged in the hearing process. That their decisions are based upon a nuanced knowledge of the law, often is what is responsible for the fact that CCOC rulings being upheld on appeal well in excess of ninety-five percent of the time.

Lastly, the Executive's comments are based on a misunderstanding. Not all panel chairs are subject to the alleged conflict of interest identified by the Ethics Commission. The Ethics Commission only focused on the use of lawyers as chairpersons of the CCOC's hearing panels when those same lawyers might represent private parties in other, unrelated disputes that might come before the CCOC at another time. **Only half of the CCOC's sitting panel chairs practice before the CCOC; the others do not.**

Like all licensed attorneys in the State, Commission attorneys are subject to the *Rules of Professional Conduct*² and the sanctions that attend proven misconduct. Attorneys who practice common ownership law are no different than attorneys in any other legal niche with respect to their susceptibility to conflicts of interest. The fact that no CCOC attorney panel chair in the twenty-five year history of the Commission ever has been found "guilty" of a conflict of interest speaks for itself.

That said, the Commission stands committed to the highest level of professional conduct in all of its dealings. We always will strive to eliminate not only the potential for an actual conflict of interest among our volunteer attorneys and non-attorneys, but the perception of a conflict of interest as well. The CCOC will comply fully with the opinions of the Ethics Commission.

RECOMMENDATION #2

That the question of changes to the composition of the CCOC be tabled and that the Executive engage the Commission in dialogue on how the operation of hearing panels might be improved and the policies designed to strengthen judicial fairness and due process strengthened.

Transfer of CCOC to DHCA

The Commission believes that neither the Office of Consumer Protection nor the Department of Housing and Community Affairs is the right home for the Commission. Each has its own well-defined mission and a budget and trained staff tailored to carry out very specific responsibilities.

² <http://www.courts.state.md.us/attygrievance/rules.html>

By contrast, common ownership communities have their own set of unique challenges. They operate under specialized statutory authorities and are subject to rules and regulations applicable to the needs of legally distinct constituencies. COC's operate under corporate law. The conflicts that arise with COCs are between neighbors, each of whom is an equal shareholder in their community. The residents of COCs are not consumers or businesses regulated by OCP, nor are they landlords or tenants as regulated by the Office of Landlord-Tenant Affairs within DHCA. To place the CCOC within either OCP or DHCA is simply to mix apples and oranges and to unnecessarily complicate the management responsibilities of those in charge of overseeing these large and complex operations.

Fortunately, the CCOC is composed of a dedicated, knowledgeable and skilled group of volunteers. Its leadership is intensely and passionately interested in making the Commission the model resource for COCs that will be the envy of all jurisdictions. We know we can do it. What the Commission needs is strong support and advocacy at all levels of the County government.

RECOMMENDATION #3

That representatives of the Council and the Executive, in close consultation with the Commission on Common Ownership Communities, consider where the CCOC ultimately should reside and under what conditions (e.g. where it would report on the organization chart of the agency chosen), mindful that the Commission must be appropriately funded, staffed, and equipped to carry-out its statutory mandate to the best of its ability. Moreover, the responsibility for the Commission's budget and policy must be aligned under a single authority; the Commission must have a strong advocate at the helm and be allowed to continue to provide advice directly to the Executive, the Council and other entities as currently provided for under Chapter 10B. The Commission has provided both the Executive and the Council with four alternative options for a future home and respectfully asks for their consideration.

Increased Staffing and Funding:

There appears to be broad agreement between the Executive, the Council, the Commission and the constituency it serves, that the CCOC needs additional resources to function as the law intends. However, an issue hangs over the Commission that first must be addressed.

Why are over 60 percent of the fees collected to support the Commission used to support indirect administrative expenses with little or no measurable direct benefit accruing to CCOC operations?

The Executive has proposed increasing financial support for the CCOC support by raising the fees charged to communities. But what first must be asked is whether any of these new funds will be subject to a 60 percent administrative charge as well? If so the increase in

fees will not have little appreciable impact on the CCOC's urgent need for additional staffing, office IT modernization, the new online training mandate or general program support. At some point common ownership communities will question how their money is being spent.

It bears reminding that currently the CCOC has no authority over its own budget. It does not control its own funds. It lacks the technology to track its own expenses. It has no oversight over the collection or disbursement of its funds or their allocation to the indirect costs assumed by other government entities that act on its behalf. It submits no annual budget presentation to the Executive or the Council and is not authorized to make any independent budget decisions.

The Commission operates solely on the basis of the fees collected annually from the residents of common ownership communities at the rate of \$3.00 per unit. According to a recent OLO report, that amounts to \$408,000 in FY 2014. Since the Commission never has been provided a full accounting of how its operating funds, it is impossible to estimate with any precision how all but about \$160,000 is allocated. To the best of our knowledge, the CCOC receives no direct operating funds from the County's general revenue.

Poorer communities may oppose an increase in fees since a number of COCs have serious fiscal issues and are having difficulty paying the current fees. There also is the question of timing. Most COCs already have approved budgets for the next fiscal year. Any funding plan may require that the County pay for staffing out of general funds for a period of time to allow communities to adjust to this additional expense.

On September 15, 2015, three commissioners met with DHCA staff to discuss how DHCA collects fees and administers data collection. Serious fault lines were identified which must be addressed since association numbers may be much greater than previously thought. There seems to be no system to collect fees from delinquent COCs, data is imputed manually and basic data essential for the implementation of the training of association directors is missing. The Commission has sent DHCA staff a letter suggesting improvements. We are hopeful that DHCA is working to resolve the issues we have raised. However, we believe DHCA would agree that it is essential that these shortcomings be addressed simultaneously with the discussion on funding and staffing.

Finally, the Commission has a pressing need which cannot be ignored and must be factored into the discussion of staffing and funding. At the beginning of 2015 the County enacted a bill that requires the training of an estimated five thousand directors who serve on the boards of over one thousand associations across the County. A provision of the new law requires that the compliance be monitored and enforced. This means that a system will have to be devised to track not only the 5,000 active directors, but the thousands more who have taken the test at some time, but who are not currently sitting as directors. At present, the CCOC has no IT infrastructure or staff that to carry out this important function.

RECOMMENDATION #4

That the County develop a reliable data base listing all pertinent information about COCs in the county and that a system be instituted as soon as possible for collection and enforcement of delinquent fees. Additionally, the Commission will provide the Executive and the Council with a plan for addressing its immediate and long-term staffing, IT and funding needs as soon as reasonably possible. This will give the Commission an opportunity to engage Executive and the Council in a meaningful and comprehensive dialog on how best to support the CCOC on a sustainable basis.

Conclusion

The citizens of Montgomery County who live in common ownership communities are grateful for the central role played by the County Executive in the establishment of the CCOC. His was an inspired vision that has brought rising home values, jobs and an enviable lifestyle to a sizeable portion of the region.

As the Homeowners' Association Task Force that gave rise to the CCOC noted in its landmark 1989 study:

"Members of common ownership communities are in effect citizens of quasi-governments, which provide services in lieu of government services, levy taxes (assessments), and otherwise have significant impact on the lives of residents and their most significant financial investment – their homes. Accordingly, all residents of such communities deserve the protection of democratic governance. To the extent that owners are satisfied with living in common ownership communities, and problems are minimized, potential purchasers will be more likely to buy into such communities, their values will increase, and the County property tax base will expand."³

³ *Final report of the Homeowners Association Task Force, established by the Montgomery County Council in 1989 to study the problems and make recommendations regarding homeowners' associations, condominiums and cooperatives.*

HEARING PANEL CHAIR ATTORNEYS
Montgomery County
Commission on Common Ownership Communities

6403 Marywood Road, Bethesda, MD 20817
dinahstevens@erols.com

November 1, 2015

The Honorable George Leventhal
President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

Dear President Leventhal:

We, current and former volunteer Panel Chairs of the Commission on Common Ownership Communities (CCOC), are writing to convey our strong support for the mission of the CCOC. We respectfully request that the Council give urgent consideration to providing the Commission with the **funding, staff and IT modernization** it critically needs to carry out its mandate and ensure its continued viability.

For the Commission to thrive, it must be nurtured by a County leadership that believes in its mission and takes bold steps to place it on a path to sustainability. In our view, this should begin by providing a **new County home for the CCOC** – one in which it can exercise full control over its budget and administration. Options for the Council and Executive to consider include: making the Commission an independent county agency, bringing it under the authority of the Council (as currently is the case for six agencies), or creating a new county agency that brings together under one roof many of the agencies that currently perform quasi-judicial functions.

As the County considers its options, we strongly urge that the **authorities** now vested in the CCOC **not be diminished**. If anything, they should be enhanced to ensure that Chapter 10B keeps pace with the expanding needs of common ownership communities (COC's). To be at its most effective, the Commission must provide a full panoply of services across the entire continuum of conflict to include, robust educational programming, community outreach, mediation services, investigations and quasi-judicial hearings as needed.

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The signatories to this letter all are volunteer attorneys. Each year we give hundreds of hours of our time and expertise to support the Commission's work. We do so because we believe deeply in the mission of the CCOC and the essential role it plays in our judicial hierarchy. It is not now, nor should it be, duplicative of the courts. It is a unique institution and one that counties across Maryland and the nation have sought to emulate.

Throughout its history, the Commission has helped to restore harmony and good governance to hundreds of communities across Montgomery County through innovative training initiatives and, when needed, the intervention of attorneys. Often, it is thoughtful legal review that has proven decisive in parsing issues, clarifying the law, explaining the roles and responsibilities of communal living and, ultimately, in resolving disputes that have defied mediation.

With the number of common ownership communities in Montgomery County now estimated at over one thousand, and growing, the need for a vigorous, well-funded CCOC is essential. This is because COCs are, in effect, mini-governments with diverse constituencies. With time, their issues are becoming only more complex. The documents that govern such communities often are not well written and frequently are out of step with the current conditions. The typical home buyer has little understanding of the concepts of common ownership, and has even less interest in mastering them. They have walked into another level of government with taxing and regulatory authority that may, or may not, be well administered. Board members seldom are familiar with their rights and responsibilities. Then there are personality and neighborhood frictions.

The alternative dispute resolution services of the CCOC provide property owners and their associations with a relatively inexpensive forum in which to air their disagreements. The volunteer personnel providing these services have expertise in this specialized field. For an increasing number of citizens, this is a far preferable venue for resolving their issue than the often costly and intimidating setting of a court. If not for the CCOC, many of these cases never would be adequately resolved. Instead, legal errors, interpretive misunderstandings and anger would fester, leaving communities poisoned by discontent, their management in disarray and property values on the decline. Additionally, many of the disputes would end up being brought to the Council, adding greatly to the workloads of you and your offices.

The Commission offers the parties to a dispute the chance to vent their grievances in a controlled environment. Here, they have the opportunity to establish facts and focus their concerns. The Commission's alternative dispute resolution service brings to bear the insight and expertise of lawyers, the experience of property management professionals and average residents – each of whom is familiar with the law and practices of common ownership communities. The volunteers who comprise the CCOC are committed to the best resolution of the issues before them. This is only possible in

a limited jurisdiction forum. By nearly every measure, this proven model has provided significant benefits for the County and the 340,000 residents served by the CCOC.

Thank you for your time and attention to our request. We respectfully ask that you give every consideration to the needs of the CCOC for **enhanced staff, funds, IT modernization** and a **new County home** where it can thrive. The citizens of our county deserve a well-resourced and healthy Commission on Common Ownership Communities.

Sincerely,

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November 1, 2015

The Honorable Nancy Floreen
Vice-President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

Dear Vice-President Floreen:

We, current and former volunteer Panel Chairs of the Commission on Common Ownership Communities (CCOC), are writing to convey our strong support for the mission of the CCOC. We respectfully request that the Council give urgent consideration to providing the Commission with the **funding, staff and IT modernization** it critically needs to carry out its mandate and ensure its continued viability.

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As the County considers its options, we strongly urge that the **authorities** now vested in the CCOC **not be diminished**. If anything, they should be enhanced to ensure that Chapter 10B keeps pace with the expanding needs of common ownership communities (COC's). To be at its most effective, the Commission must provide a full panoply of services across the entire continuum of conflict to include, robust educational programming, community outreach, mediation services, investigations and quasi-judicial hearings as needed.

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HEARING PANEL CHAIR ATTORNEYS
Montgomery County
Commission on Common Ownership Communities

6403 Marywood Road, Bethesda, MD 20817
dinahstevens@erols.com

November 1, 2015

The Honorable Marc Elrich
Councilmember
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

Dear Councilmember Elrich:

We, current and former volunteer Panel Chairs of the Commission on Common Ownership Communities (CCOC), are writing to convey our strong support for the mission of the CCOC. We respectfully request that the Council give urgent consideration to providing the Commission with the **funding, staff and IT modernization** it critically needs to carry out its mandate and ensure its continued viability.

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6403 Marywood Road, Bethesda, MD 20817
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November 1, 2015

The Honorable Isiah Leggett
Montgomery County Executive
Executive Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Dear Executive Leggett:

We, current and former volunteer Panel Chairs of the Commission on Common Ownership Communities (CCOC), are writing to convey our strong support for the mission of the CCOC. We respectfully request that you give urgent consideration to providing the Commission with the **funding, staff and IT modernization** it critically needs to carry out its mandate and ensure its continued viability.

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