



February 2025



The results are in!!

Punxsutawney Phil seen his shadow on February 2nd, 2025 and has predicted six more weeks of winter.

We are excited to announce our CCOC commissioners in their new appointed roles and look forward to the contributions they will make. Congratulations!!



Chair - Susan Nerlinger

Vice Chair - Marvin Holmes

Secretary - Maureen Freeman

Monthly CCOC Commission Meeting Recap!

The Commission on Common Ownership Communities Monthly Meeting was held on Wednesday, February 5th at 7:00p.m.

The cases that were presented to the commission are as follows:

- Case 2025-016, Richard Ley v. Dumont Oaks Community Association (**Commission voted to accept Jurisdiction**)

- Case 2025-020, Freddie Pedreira v Farmingdale Condominium **(Commission voted to deny Jurisdiction)**
- Case 2025-022, Dan Lieberman v Whitehall Condominium Association **(Commission voted to deny Jurisdiction)**
- Case 2025-023, Dan Lieberman v Whitehall Condominium Association **(Commission voted to accept Jurisdiction)**

The commission meets the first Wednesday of each month. Join us at the next Commission meeting which is scheduled for **Wednesday March 5th at 7pm**. All meetings are virtual via zoom and will require for you to register prior to the meeting. Register at https://us02web.zoom.us/webinar/register/WN_IeLSgIUfQyqmljlCnVJVLQ

Please note that the agenda and minutes of every CCOC meeting is posted on our website and can be found at <https://montgomerycountymd.gov/DHCA/housing/commonownership/minutes.html>



LEGISLATIVE UPDATES!

[HB0294/SB0071](#): **STATUS: IN THE SENATE, Task Force on Common Ownership Communities; Establishing the Task Force on Common Ownership Communities to study the education and training needs of

common ownership community boards and new and prospective owners of homes and dwelling units in common ownership communities.

[HB0449](#): Condominiums - Property Insurance Deductibles - Unit Owner Responsibility; STATUS: IN THE HOUSE - n the House - Third Reading Passed (105-28); Increasing, from \$10,000 to \$25,000, the maximum amount of the council of unit owners' property insurance deductible for which a unit owner is responsible if the cause of damage to or destruction of any portion of the condominium originates from the unit owner's unit.

[HB0557](#): Residential Owners in Common Ownership Communities - Bill of Rights; STATUS: IN THE HOUSE - Hearing 2/11 at 1:00p.m.; Establishing a bill of rights for unit owners of a condominium, members of a cooperative housing corporation, and lot owners of a homeowners association.

[HB0558](#): Common Ownership Communities - Local Commissions; STATUS: IN THE HOUSE - Hearing 2/11 at 1:00p.m.; Establishing requirements for a local commission on common ownership communities established by the local government of a county.

[HB0673](#): Condominiums and Homeowners Associations - Governing Documents - Electric Vehicle Recharging Equipment; STATUS: IN THE HOUSE - In the House - Hearing 2/11 at 1:00 p.m; Prohibiting provisions of the governing documents of a condominium or homeowners association from unreasonably restricting the governing body from installing or authorizing the installation of electric vehicle recharging equipment.

[HB0755](#): Common Ownership Communities - Recreational Common Areas - Sensitive Information as Condition for Access; STATUS: IN THE

HOUSE - In the House - Third Reading Passed (131-2); Prohibiting a cooperative housing corporation, condominium association, or homeowners association from requiring certain sensitive information of certain individuals as a condition for access to a recreational common area.

Lights, Camera, (Corporate Transparency Act) Action!!!



By: Billy Buttrey, CCOC Staff Investigator

When I wrote the first Corporate Transparency Act (CTA) Newsletter article, I never believed it would be similar to some of the greatest Trilogies in history. Okay, there are no similarities, except for the number three, with this being my third article. Oh, and the back-and-forth action, with the various (legal) battles within the different levels of the courts, both sides having the thrill of the victory and the agony of defeat.

Since Episode II ([January 2025 Newsletter](#)), the U.S. Supreme Court, and the U.S. Federal District Court for the Eastern District of Texas have rendered separate decisions in this legal battle. The most recent case, *Smith v. U.S. Department of the Treasury*, lifted the last remaining preliminary injunction on February 18, 2025. This decision means that the beneficial ownership information (BOI) reporting requirements are back in effect.

FinCEN and COC Requirements

If you read Episode I ([September 2024 Newsletter](#)), you will remember that the U.S. Treasury Department's [Financial Crime Enforcement Network](#) (FinCEN) considered the majority of Common Ownership Communities (COCs) as reporting companies, requiring them to report its beneficial owners under the CTA. This is what the courts have been battling over - this is where Episodes III and I collide (ok, no more trilogy references).

On February 18, 2025, FinCEN issued a [notice](#) extending the BOI reporting deadline for the majority of reporting companies for 30 calendars from February 19, 2025. The deadline date is now March 21, 2025. This notice also announces that FinCEN is committed to reducing regulatory burdens on businesses, so it will review and assess its options to revise its reporting rule, including reducing the burden for lower-risk entities.

As stated previously, it is your COCs responsibility to abide by all the required laws. Please work with your community managers, CTA advisors, and legal counsel regarding your next steps to determine if your COC is a reporting company and BOI reporting requirements.

Hopefully, this trilogy does not turn into a saga. May the CCOC Newsletter be with you.

Evans v. Kravets: A Case Summary



On December 16, 2024, the Appellate Court of Maryland, in [*Evans v. Kravets*](#), No. 1859-2023 (Md. Ct. Spec. App. Dec. 16, 2024), held that if a board officer or director acts within the scope of his duties, any civil action instituted as a result of the alleged tortious conduct of said officer or director must be solely against the governing body, not the individual.

In 2020, the appellant purchased a home in the Shipley Homestead Community in Anne Arundel County. The community is governed by the Shipley Homestead Homeowners Association (the “HOA”). In January 2022, the appellant was elected to serve as Treasurer of the HOA’s Board of Directors (the “Board”). Three years later, in April 2023, the appellant was removed from the Board. Thereafter, she filed a complaint, which was amended, in which she alleged that the appellee, in his capacity as a Director on the Board, engaged in various tortious behaviors around the time of the appellant’s removal from the Board. In addition, the appellant included five separate causes of action – negligence, defamation, false light, private nuisance, and assault.

In June 2023, the appellee filed a motion to dismiss the First Amended Complaint because the appellant failed to state a claim for which relief could be granted. Subsequently, the appellant filed a Second Amended Complaint, in which seven new defendants and several new causes of action were added. Shortly thereafter, the appellee filed a motion to dismiss the Second Amended Complaint. In the motion to dismiss, the appellee argued that the appellant’s claims were barred by §§ 5-406 and 5-422 of the Courts and Judicial Proceedings Article (“CJP”) of the Maryland Code and § 14-118 of the Real Property Article (“RP”) of the Maryland Code. Under CJP § 5-406, if a homeowners association

maintains the requisite insurance coverage, an officer or director cannot be held personally liable in any legal action unless the officer or director acts with malice or gross negligence. Md. Code, Cts. & Jud. Proc. §5-406(b). Under CJP § 5-422 and RP § 14-118, if a person sustains an injury as a result of a tortious act of an officer or director of a homeowners association while that officer or director is acting within the scope of his or her duties, the person may recover only in an action brought against the homeowners association. Md. Code, Cts. & Jud. Proc. §5-422(b). Should such an action be instituted against an officer or directors, the homeowners association shall be substituted as the party defendant. Md. Code, Cts. & Jud. Proc. §5-422(d)(3).

Ultimately, after a hearing on the appellee's motion to dismiss, the circuit court dismissed the Second Amended Complaint without prejudice. On appeal, the appellant argued that the circuit court erred in dismissing the Second Amended Complaint. However, the Appellate Court of Maryland upheld the circuit court's decision as the plain language of the statutes required the appellant to name the HOA as the sole party defendant in her complaint.

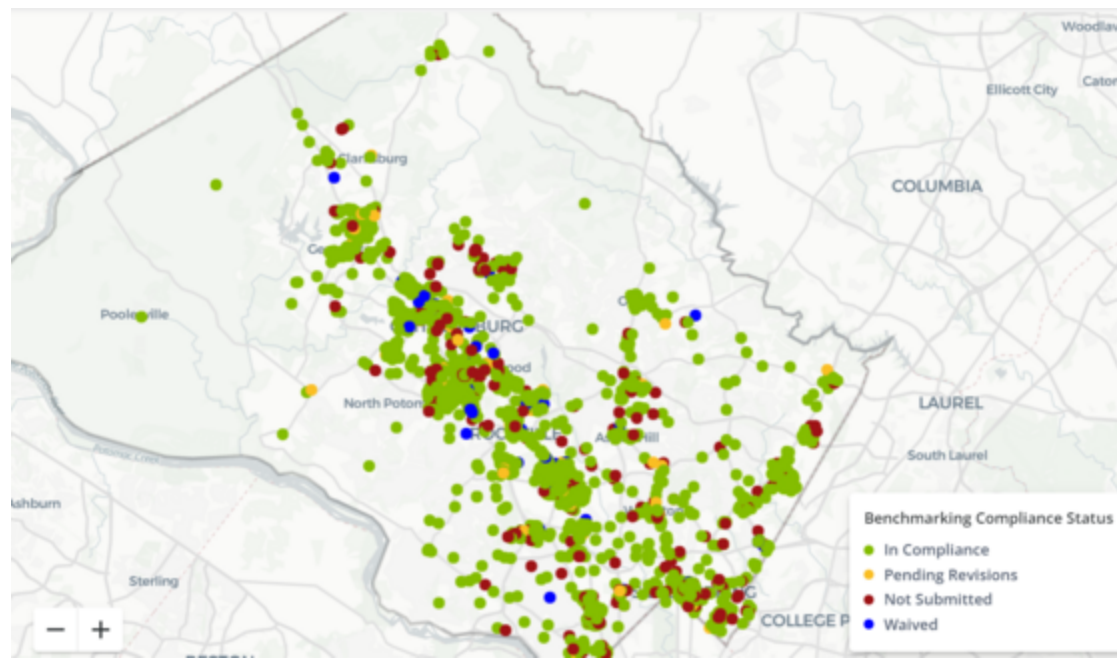
Benchmarked Your Property and Thinking, How do I Comply with BEPS?

By: Sheena Oliver

Beginning in June, 2023 multifamily buildings were required to begin benchmarking and reporting their property's energy usage to the County starting with buildings 250,000 gross square feet and larger on June 1, 2023 followed by multifamily buildings 25,000 up to 250,000 gross square

feet on June 3, 2024. This annual tracking and reporting is the first step in compliance with Building Energy Performance Standards (BEPS) which requires many building owners to assess and implement energy improvement measures to reduce site energy use intensity and meet long term standards by the mid-2030s. To find out more about County BEPS, please visit the [Montgomery County BEPS](#) website.

With an outstanding compliance rate of 90% to date, the majority of properties that are subject to the County benchmarking and BEPS law have started benchmarking and may be wondering what comes next in their journey to compliance with BEPS. What do the numbers mean? What am I required to do? How do I compare to other properties like mine? Many of these questions can be answered in three simple ways.



1. Check out our new tools, the [Montgomery County Building Energy Performance Map](#), an interactive and user-friendly tool to

investigate compliance status, view energy performance data for each covered building and compare building's latest energy performance to proposed building energy performance standards. You can also check out the [Performance Requirement Look-Up Tool](#) for a more in-depth view into historically reported benchmarking for each building including the building's BEPS baseline (or projected baseline if only partway through the baseline period) and interim and final BEPS standards for each building based on proposed regulation.

2. Connect with [Montgomery County Green Bank](#) via their [Technical Assistance Program Application](#) where you can get assistance with completing energy audits and locating contractors to help your property along the path toward compliance by the interim and final standard dates.
 3. Finally, reach out to the team at DEP at Energy@MontgomeryCountyMD.gov if you have questions or feedback about these new tools or to request a site visit from our on-staff engineer who will complete a brief assessment of your property free of charge.
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LANDSCAPING WITH BATTERIES Workshop & Tool Demos



AGZA
AMERICAN GREEN ZONE ALLIANCE

JARDINERÍA CON BATERÍAS

Taller y Demostraciones para profesionales de paisajismo ¡En Español!

March 12th

Montgomery College,
Germantown, MD



Workshop: 8:30-2:30

Free for professionals--Breakfast & lunch
provided

REGISTRATION REQUIRED.

*Gratis para profesionales--Desayuno y almuerzo
proporcionados*

-SE REQUIERE REGISTRO.

FIELD DAY: Equipment Demos and Vendor Discounts: 10-2:30

No registration required for Field
Day demos/discounts



COC Common Area Assistance Loan Fund

Did you miss the Common Area Assistance Loan Fund live webinar? Here is the copy of the [slide deck presentation](#).

DHCA is pleased to announce the launch of a new COC Common Area Assistance Loan Fund for homeowner and condominium associations experiencing financial hardship in their efforts to address immediate health or safety repairs, as documented by professional assessments or government citations. Some examples of eligible common area rehabilitation projects may include failing water supply lines, elevators, fire suppression systems, underground and surface stormwater drainage, facades, balconies, sidewalks, pathways, and parking lots. Visit our website at [common-area-assistance-loan](#) to learn more about the program.

Applications are now being accepted. If you have questions, please call the Montgomery County customer service center at 240-777-0311.

Annual Registration Information

The Licensing & Registration Unit requires completion of the following:

- The completion of the [CCOC Registration Form](#).
- The completion and current copy of the governing documents.
- A list of the rental units in the community.

- A payment of the annual registration fee which is calculated based upon the number of units in the common ownership community.

It is the responsibility of each common ownership community to ensure compliance with this requirement.

Please feel free to contact the Licensing & Registration Department at ccocregistration@montgomerycountymd.gov with questions and/or concerns you may have.

UPCOMING BOARD TRAINING DATES!

Saturday March 8th, 2025

Sunday March 23rd, 2025



****Class must have a minimum of six registrants to move forward. We will notify all registrants if the class is canceled. ****

Should you wish to schedule a classroom presentation for your association, at your community's facility, please contact our staff by e-mail at CCOC@MontgomeryCountyMD.gov



The leadership of each common ownership community must register annually as a requirement as stated in Chapter 10B of the Montgomery County Code.

Mandatory Board Training



In July 2023, [amendments to the county code](#) continue to require all Board of Directors for common ownership communities to successfully complete the Commission's Board Training program, also known as Community Governance Fundamentals. The new provision requires Board members to recertify every *three (3) years*. Therefore, if you have not completed the training after July 3, 2020, you are required to fulfill this requirement. Information on the free training program and [schedule](#) may be found on the website or [click here](#).

COC Links and Shortcuts

[Office of Common Ownership Communities | DHCA \(montgomerycountymd.gov\)](#)- General information and resources for common ownership communities and homeowners.

[Common > "Community Governance Fundamentals" Training Program | DHCA \(montgomerycountymd.gov\)](#)- Mandatory training on Community

Governance Fundamentals.

[Common > Registration of Common Ownership Communities | DHCA \(montgomerycountymd.gov\)](#) – Mandatory annual registration of common ownership communities.

[Calendar | DHCA \(montgomerycountymd.gov\)](#) – Calendar of Events.

[Common > Community Information | DHCA \(montgomerycountymd.gov\)](#) – FAQ's

Office of Common Ownership Communities

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