

COMMISSION ON COMMON OWNERSHIP COMMUNITIES

Minutes of the Monthly Meeting October 5, 2016 (Approved)

The monthly meeting of the Commission on Common Ownership Communities was called to order at 7 pm by Chairperson Rand H. Fishbein.

Present: Commissioners Burrows, Fine, Fishbein, Gardner, Gelfound, Majerle, Oxendine, Radcliff, Winegar, Viney, Zajic. (11)

Absent: Commissioners Branda, Coyle, Ethier, Fonoroff (4).

Also attending: DHCA Director Clarence Snuggs, DHCA Housing Division Chief Jay Greene, CCOC Staff Peter Drymalski; Walter Wilson, Associate County Attorney; Mr. Larry Dorney; Mr. John Tszkerdanos; R. Jerome Anderson.

1. MINUTES. The minutes of the September, 2016, meeting were approved as drafted with the amendment that Commission Gelfound was not present at that meeting.

2. COMMUNITY FORUM:

Mr. Dorney stated that he wished success to the CCOC in its new home with the Department of Housing and Community Affairs. (DHCA.)

Mr. Snuggs welcomed the CCOC back to DHCA, and expressed his thanks to all the commissioners he worked with on the transition of the CCOC from the Office of Consumer Protection to DHCA.

Mr. Snuggs stated that DHCA's primary missions were the production of, and preservation of, good housing in the County. He was especially interested in assisting "working class" housing, particularly in condominiums, and referred to a recent article in the Washington Post detailing the severe problems, particularly structural building defects, afflicting several condominium associations in the County. There were multiple issues that had to be addressed in these associations, including poor management, low incomes of the members, and the members' lack of equity in their units.

Among other needs, Mr. Snuggs stated he was interested in finding ways to help associations improve their collections.

Ms. Winegar raised the issue of misdirected tax bills for payment of the County's Water Quality Protection Charge (WQPC), stating that several of her associations were fined by the County for not paying their WQPC bills on time, when those associations

had never received the bills. It appears that the bills were sent by the County to the developers of those communities, not to the association managers. Ms. Winegar suggested that the County needed to use correct contact information, which DHCA already was collecting, and to cancel its fines. Mr. Snuggs offered to assist on this problem and asked for a memorandum from the CCOC on the issue.

Mr. Snuggs introduced Jalal (Jay) Greene, the chief of the DHCA Housing Division. The CCOC is now part of the Housing Division. Mr. Greene notified the CCOC that the division had completed its drafts of the job descriptions for the new positions authorized for the CCOC by the County Council and stated that he had asked the Office of Personnel to fast track its review and publication of the job announcements.

3. NEW CASES PRESENTED FOR REVIEW:

The Commission voted unanimously to accept jurisdiction of Case ##22-16 (Westfarm HOA v. Debelayi) and 50-16 (Mill Creek Towne Ease HOA v. Afshar) (Mr. Majerle recused himself from consideration of #50-16). #22-16 will be set for a hearing; in #50-16 the Commission issued an order of default.

The Commission voted to reject jurisdiction of #63-16, Shirkey v. Grosvenor Park IV Condominium (Viney and Fine opposed, Gardner abstaining). The Commission voted to reject jurisdiction of #66-16 (Blumberg v. Churchill View Condo) (Mr. Fine opposed). Finally, the Commission voted unanimously to reject jurisdiction of #68-16, Bell v. Clarksburg Village CA.

Mr. Fine reported that he had met personally with the parties to #30-16, Greencastle Lakes CA v Kim, and had successfully mediated a settlement of the dispute.

4. REQUESTS TO THE COMMISSION:

The Commission voted unanimously to approve the applications of Tom Schild, Esq., and Winta Mengisteab, Esq., to be trainers for live versions of the CCOC mandatory training classes.

5. DECISIONS AND ORDERS ISSUED; OTHER LITIGATION:

Mr. Drymalski reviewed the decision in *Fegeding v. Walnut Grove* Condominium, ## 09-15 and 41-15, which dealt with the circumstances under which the Commission will review compliance with a settlement or mediation agreement.

6. COUNTY ATTORNEY'S REPORT:

Mr. Wilson reported he had completed his review of the CCOC rulings in #10-16, Usui v. Americana Finnmark.

7. STAFF REPORTS:

The staff circulated a copy of its statistical reports for August and September, 2016.

8. COMMITTEE REPORTS:

Ms. Winegar stated that she completed an updated and condensed version of the PowerPoint slides and asked that it be posted online at the CCOC website.

Ms. Winegar moved to delete the current requirement that all students in the live training classes take and pass tests to show they understood the materials. Instead, the class instructors must certify that the students properly completed the class. The Commission voted unanimously to accept the change.

Mr. Fine reported that the Legislative Committee will meet on October 18 at 3pm and the Process & Procedures Committee will meet at 4:30pm on October 13.

Mr. Zajic moved that the Commission adopt the Ad Hoc Committee on Commissioner Training proposals for required training of commissioners, beginning with the 2017 class. He asked the Commission to consider this curriculum and to vote upon his motion at the next meeting. The motion to adopt was postponed to the November meeting.

9. OLD BUSINESS:

None.

10. NEW BUSINESS:

None.

11. NEXT MEETING: The next meeting will be Wednesday, November 2, and the following meeting will be Wednesday, December 7.