

ONLINE COMPLAINT FORM INSTRUCTIONS

Thank you for contacting the Commission on Common Ownership Communities. To file a complaint, please print and complete the attached complaint form and return it to the address below. You should keep a copy for your personal records.

You must include the filing fee of \$50.00 with your complaint. You must also include a copy of the Association's governing documents.

It is very important that you also print and read Chapter 10B of the County Code and Regulation 10B.06 of the Code of Montgomery County Regulations (COMCOR). These are available online through the "Services" section of the website of the Office of the County Attorney which you can reach through www.montgomerycountymd.gov or by clicking on this link:

<http://www.montgomerycountymd.gov/govtmpl.asp?url=/content/countyatty/index.asp>

These legal procedures govern your rights and duties if the dispute is set for a public hearing and you should know them. (You can also call or email us to ask us to mail you a copy of them.)

Either party may request mediation at any time, and the Commission strongly encourages this option. If either party rejects mediation, or if a complaint is not resolved through mediation, it will be presented to the Commission to consider jurisdiction of the complaint. If the Commission accepts jurisdiction, it will select a date for a public hearing and appoint a hearing panel of 3 members. Parties in the case may be represented by an attorney or may represent themselves. (For associations, this means by an officer or authorized member of the board of directors.) Please state in your complaint if you are willing to attempt mediation of the dispute.

We cannot accept complaints involving homes or units located within the City of Gaithersburg or the town or village limits of certain other municipalities.

We do not accept "class action" complaints. Each person must file his own complaint and pay the filing fee, unless they are co-owners or co-residents of a lot or unit.

We do not accept complaints against managers. All complaints filed by members or residents must be against the association.

Avoid using staples, dividers, and tabs, because they make it difficult to copy the complaint and its attachments.

You must file a complete copy the association's governing documents with this complaint. Failure to do so will delay the handling of your complaint. Please do not send original documents.

The Commission adopted a Policy Statement on Exhaustion of Remedies (posted online at the CCOC website). Under this policy, Associations must follow any written procedures they have for resolving the complaint before filing with the Commission. *If the Association has no written complaint procedures,* it must first do the following before filing the CCOC complaint: a) give the member/resident written notice of the violation; b) notify the member of his or her right to a hearing with the board (and hold a hearing if one is requested); c) give the member a written copy of the board's decision on the

dispute and notice of the member's right to appeal the decision to the CCOC. The CCOC complaint must be signed by the board president or vice-president. Members or residents must follow any procedure the Association has for resolving complaints and allow the Association up to 60 days to resolve the complaint or deny it. *If the Association has no written complaint procedures*, the member must first give the *board* (not just the manager) written notice of the problem and a reasonable time to resolve it before filing a complaint with the CCOC. The complaining party must attach a copy of the documents showing it has followed these guidelines when it files the complaint.

Pursuant to Executive Regulation 10B.07.01, there is a filing fee of \$50.00 for each dispute filed with this office. The fee is payable by the party filing the dispute, and must accompany the complaint form. Checks should be made payable to "Montgomery County, Maryland." (If the dispute goes to a hearing and is decided in favor of the party filing the complaint, the hearing panel can order the losing party to refund the filing fee to the complaining party.)

Once the complaint is filed, all communications between either party and the staff will be shared with the other party. The staff will not accept any "confidential" or "private" communications from a party. To avoid the risk of misunderstandings the staff prefers all communications to be in writing or by email.

RETURN THE COMPLAINT FORM, ATTACHMENTS AND GOVERNING DOCUMENTS TO:

**Commission on Common Ownership Communities
100 Maryland Avenue, Room 330
Rockville, Maryland 20850
(240-777-3636)**

**COMMISSION ON COMMON OWNERSHIP COMMUNITIES
COMPLAINT FORM**

CASE NO. _____
(Office use only)

COMPLAINING PARTY (The Party Filing the Complaint)

Complaining Party's Name: _____

Address : _____

Home Phone: _____

Office Phone: _____

Email: _____

Fax: _____

Complaining party's status: (Check one)

___ a unit owner in a condominium

_____ (name of condominium)

___ a lot owner in a homeowner association

_____ (name of HOA)

___ a member of a cooperative housing corporation

_____ (name of cooperative)

___ a governing body

_____ (name of community)

___ an occupant of a dwelling unit in a common ownership community

_____ (name of community)

RESPONDING PARTY (The party against whom the complaint is being filed):

Responding Party's Name: _____

Address: _____

Home Phone: _____

Office Phone: _____

Email: _____

THIS COMPLAINT INVOLVES: (Check as appropriate)

The authority of a governing body, under any law or association document, to:

- require any person to take any action, or not to take any action, involving a unit or a common element
- require any person to pay a fee, fine, or assessment
- spend association funds
- alter or add to a common area or element

The failure of a governing body, when required by law or an association document, to:

- properly conduct an election
- give adequate notice of a meeting or other action
- properly conduct a meeting
- maintain or audit books and records
- allow inspection of books and records
- properly adopt a budget or rule
- maintain or repair the common element if that results in damage to person or property
- exercise its discretion in good faith concerning the enforcement of any rule against any person who is subject to that rule.

DETAILS OF THE COMPLAINT:

Name the condition(s) or event(s) that you believe to be a violation of law or of governing documents. List names, dates, times, places, events and reasons leading to this formal complaint, and state which sections of the law or governing document were violated. Use additional sheets of paper if necessary. *Attach copies of all documents relevant to the complaint.*

DESIRED ACTIONS:

State what actions will resolve your complaint (what you want the other party to do).

_____ Complainant requests the return of the \$50.00 filing fee if the Commission resolves this dispute in Complainant’s favor after a public hearing.

I do ___ do not ___ agree to attempt the mediation of this dispute.

PROPER USE OF ASSOCIATION PROCEDURES:

If the complaining party is an Association:

Do your community’s governing documents provide a procedure or remedy for resolving a dispute of the kind raised in this complaint and have you followed that procedure? *(If yes, attach a copy of the procedure and of the documents used.)*

_____ _____
yes no

If your Association has no written procedures for the resolution of this type of dispute, has the Association done the following: a) given the other party written notice of the alleged violation and of the right to a hearing with the board of directors; b) held a hearing with the board of directors if one was requested; and c) given written notice of the board's decision on the dispute together with notice of the party's right to appeal the decision to the CCOC? *(If yes, attach a copy of the notices and other correspondence.)*

_____ _____
yes no

If the complaining party is a member or resident:

Does your Association have a written procedure for resolving your dispute, and if so, have you used those procedures and given the Association at least 60 days to resolve your dispute or reject it? *(If yes, attach a copy of the correspondence and of the procedures involved.)*

_____ _____
yes no

If your Association has no written procedures for resolving this type of dispute, have you given written notice of your dispute to the board of directors and a reasonable time to resolve it? *(If yes, attach a copy of the notices and correspondence involved.)*

_____ _____
yes no

Dates on which you notified the Association of your dispute: _____

I hereby certify that the statements in this form and in any attached documents are true and complete to the best of my knowledge, information and belief.

Signature

Date

Print Name

State position on Board of Directors (if applicable)

Note: If the Complainant is an association, this **must** be signed by the president or vice-president of the board of directors.

*Note: All Complainants **must** attach a complete set of the community's governing documents, and a check for \$50.00 made out to "Montgomery County, MD".*

Once this complaint is filed, all communications between either party and the staff will be shared with the other party.