


MEMORANDUM

November 14, 2019

TO: Planning, Housing, and Economic Development Committee

FROM: Linda McMillan, Senior Legislative Analyst 

SUBJECT: Department of Housing and Community Affairs (DHCA) Common Ownership Program and Commission on Common Ownership Communities

PURPOSE: Briefing and Discussion

Expected for this session:

Mark Fine, Chair, Commission on Common Ownership
Frank Demarais, Deputy Director, DHCA
Tim Goetzinger, Chief, DHCA Division of Finance and Administration

At this session, the Committee will have an opportunity to receive an update on the activities in DHCA's Common Ownership Communities (COC) Program and the activities of the Commission on Common Ownership Communities (CCOC).

As described in the Frequently Asked Questions on the DHCA website and attached at ©16:

"Condominium associations ("condos"), most homeowner associations ("HOA"), and cooperative housing corporations ("co-ops") are common ownership communities under Montgomery County law. What they all have in common is that they are regulated by State law, and they have binding rules that all members must obey. A person becomes a member simply by buying a condominium unit or lot or share in the building or land in the association.

All common ownership communities in Maryland are self-governing democracies. That is, the members elect the board of directors, and the boards make ordinary operating

decisions and adopt and enforce the rules. However, only the members can vote to amend the covenant and bylaws, and in some cases the members can repeal rules adopted by their boards.”

The Annual Report of the CCOC (©1-15) notes that in FY19:

- Over one-third of Montgomery County residents live in communities governed by homeowner associations and condominium associations.
- Montgomery County had (in FY19) 1,083 registered common ownership communities.
- These communities had a total of 139,506 residential units.
- These units housed over 400,000 residents.
- There are four geographic areas with more than 10,000 units in common ownership communities (full list by area ©5-6):
 - Silver Spring: 253 COCs and 27,492 units
 - Germantown: 126 COCs and 23,605 units
 - Rockville: 139 COCs and 19,251 units
 - Gaithersburg: 91 COCs and 12,718 units

It should be noted that 17 communities and about 1,000 units were added to the County’s inventory of COCs through continue active monitoring of compliance. Previously, discrepancies in information on the number of COCs in the County was one of the areas that was identified for improvement.

The CCOC Annual Report describes the COC Program as follows:

The Common Ownership Program ensures fair and equitable relations between the governing bodies of homeowner association, condominiums associations and co-ops, and the individuals living within these common ownership communities, and encourages the maintenance and improvement housing. Activities include mediating and arbitrating disputes, providing information and technical assistance to all parties, and taking legal action as necessary, including referring unresolved complaints to the Montgomery County Commission on Common Ownership Communities.”

CCOC Activities FY19

The CCOC and certain County requirements for COCs are established Chapter 10B of the County Code (© 42-56). The CCOC has 15 voting members. A description of the membership requirements and members as of the report is included at © 3-4. In addition to the CCOC members, DHCA supports the COC program with two investigators and an Office Services Coordinator as well as through its licensing unit and, in certain cases, through both the housing and community development sections which have assisted in repairs and maintenance in certain communities that are naturally affordable to moderate income households.

- In FY19, 70 cases were filed with the CCOC.
- Most cases involve architectural and maintenance issue.

- There was an increase in the percent of cases that were about governance issues (elections, meetings, fees).
- Of disputes closed in FY19, 25 cases were solved through a ruling from the CCOC and 24 were settled with formal mediation (full dispute resolution on © 7).
- The CCOC continues to clean-up and modernize its data and 88 cases were closed-out through the “Database Closeout Initiative.”

Website

The CCOC and DHCA have made significant improvements to the CCOC website.

<https://www.montgomerycountymd.gov/DHCA/housing/commonownership/index.html>

The website now contains a significant amount of useful information for residents that have questions about COC and the CCOC (see © 16-26 for examples of frequently asked questions) and information on the appropriate operation of a COC and requirements for the board. This includes a Manual and Resource Guide that includes detailed information on different topics, such as requirement for Board, Annual, and Special Meetings, and Financial Procedures for Community Associations. The following is a link to the Guide and the Table of Contents is included at © 29.

https://www.montgomerycountymd.gov/DHCA/Resources/Files/housing/commonownership/publications/manual_resource_guide.pdf

Training

County laws requires COC board members to complete training within 90 days of appointment and to report to the CCOC when training is complete. The CCOC reports (© 9):

- In FY19, 295 board members took the training online and an additional 582 took the training in-person.
- In FY18, 725 board members took the training online and 450 took the training in person.
- DHCA and the CCOC are working to integrate the registration and training system to ensure compliance.
- DHCA has not issued any citations to date for a board member not being in compliance.

Budget

The following table shows a summary of budget history for the COC Program. The COC and CCOC moved from Consumer Protection to DHCA in 2016 starting in FY17, the Council determined that all revenues from COC fees should be used in the COC program (no portion should return to the General Fund reserve). As a restricted account, a multi-year fiscal plan is required. A version of this plan, from November 2018 is attached as © 36. While not fully up to

date, this fiscal plan shows there is sufficient room under the current revenue structure for the next few years.

COC Budget and Actual

	FY18	FY19	FY19	FY20
	Actual	Budget	Actual	Budget
Revenues:				
COC Fee Revenue	713,045	715,000	713,096	715,000
User fees	-	-	-	
Beginning Balance	320,862	625,442	625,442	606,107
Total	1,033,907	1,340,442	1,338,538	1,321,107
Expenses				
Personnel	319,173	431,162	281,516	466,060
Operating COC Program	28,788	210,000	187,669	210,000
Operating CCOC	5,000	5,000	-	5,000
Other Charges (licensing)				
Program Expenses	352,961	646,162	469,185	681,060
Indirect	55,504	88,173	57,570	95,309
TOTAL	408,465	734,335	526,755	776,369
<i>Ending Fund Balance</i>	<i>625,442</i>	<i>606,107</i>	<i>811,783</i>	<i>544,738</i>
Staff:				
Investigator III				
Investigator II				
Office Service Coordinator				
.55 FTE of administrative staff is charged to the COC Program				

Distressed Communities

The Office of Legislative Oversight Report recommends that the Council receive updates on the DHCA Task Force on Distressed Communities. The FY19 CCOC Annual Report includes the following (© 10-12):

The CCOC developed a “Tiger Team” proposal to study:

1. How State and County court systems create and/or contribute to distress for communities;
2. How the bankruptcy system creates and/or contributes to distressed communities;
3. How complexities and inequities of the financial system add to distress of unit owners and communities;
4. How regulation and lack of administrative support add to distress;
5. The needs of COCs that are commonly ignored in setting utility rates and granting rebates; and

6. What changes can be instituted to prevent internal decline of communities and preventive roles of public policy and education.

The report notes that work was completed by the University of Maryland’s National Center for Smart Growth and the Task Force partnered with CountyStat to create a Community Distress Index. This Index would help in developing approaches to preventing COCs from becoming distressed; restore COCs that are distressed; and “unwind” COCs that cannot be saved. Some of the data that should assist in this effort are” sales price increase or decrease per square foot; percent of rental units within a condo association; percent of units transfers including foreclosures; percent of units underwater; and percent of units with households participating in certain school nutrition programs.

DHCA and the CCOC can provide the Committee with an update and how the work on this effort is continuing in FY20.

FY20 Town Halls

The FY19 CCOC Report includes a section on FY20 Initiatives (© 3-14). It includes hosting at least two Town Halls and working with Landlord-Tenant as a part of its education mission. DHCA and CCOC can update the Committee on its plans for these efforts and how it will report back to the Council and Executive on what it learned from this outreach to the community.

Attached to this memo	©
FY19 CCOC Annual Report	© 1-15
FAQs – Living in a COC (DHCA website)	© 16-20
FAQs – CCOC (DHCA website)	© 21-24
Community Governance Fundamentals (DHCA website overview and link)	© 25
Filing a Compliant (DHCA website)	© 26
COC Manual & Resource Guide (Title page and Table of Contents)	© 27-29
July 2019 Monthly Report to the CCOC	© 30-41
Montgomery County Code, Chapter 10B, Common Ownership Communities	© 42-56



COMMISSION ON COMMON OWNERSHIP COMMUNITIES ANNUAL REPORT

Fiscal Year 2019



SEPTEMBER 2019

COMMISSION ON COMMON OWNERSHIP COMMUNITIES
1401 Rockville Pike, 4th Floor; Rockville, Maryland 20852

Contents

Purpose.....	1
Program Description	1
Common Ownership Communities in Montgomery County.....	1
Commission on Common Ownership Communities Members.....	1
Historic Trends	3
List of Registered COCs.....	3
MC311 Service Requests (SRs)	4
FY19 Cases by Case Type	5
FY19 Monthly Trends	5
FY19 Accomplishments	6
COC Website.....	6
Director Training	7
COC Manual & Resource Guide.....	7
Case Management System (CMS) and Program Upgrades	7
Progress in Distressed Communities Work.....	8
Tiger Team / Distressed Communities Project.....	8
Teaming up with University of Maryland's National Center for Smart Growth.....	8
Creating the Community Distress Index.....	9
FY20 Initiatives	11
New Training Modules	11
New Training Programs and Town Hall Meetings.....	11
COC Guide to Decisions and Orders.....	11
IT Upgrades	11
Consolidating Committees	12
Attachment 1 – Case List Report.....	13

Purpose

This document serves as the required annual report for the Commission on Common Ownership Communities ("CCOC" or the "Commission") and the Common Ownership Communities ("COC") Program. Per Chapter 10B-3(j), the Commission must submit an annual report to the County Executive and the County Council summarizing its activities, needs, and recommendations, and the extent to which the goals of this Chapter are being met.

Program Description

The Common Ownership Community Program ensures fair and equitable relations between the governing bodies of homeowner associations, condominium associations and co-ops, and the individuals living within these common ownership communities, and encourages the maintenance and improvement of housing. Activities include mediating and arbitrating disputes; providing information and technical assistance to all parties; and taking legal action as necessary, including referring unresolved complaints to the Montgomery County Commission on Common Ownership Communities.

Common Ownership Communities in Montgomery County

Over one-third of Montgomery County residents live in communities governed by homeowner associations or condominium associations. The Commission on Common Ownership Communities operates as an alternative dispute resolution mechanism designed to hear and resolve disputes between homeowner and condominium associations and their owners and residents. The Commission has been in operation since 1991 and served as a model for other similar agencies that have been established in Prince George's and Charles counties. DHCA serves as staff to the Commission and responds to all inquiries and filed disputes. The Program's expenses are funded entirely from the annual registration fees all associations must pay, which are currently \$5 per unit. The CCOC consists primarily of 15 volunteer commissioners, which are appointed by the County Executive and confirmed by the County Council. Additionally, the Commission relies on volunteer local attorneys, which chair hearing panels and write decisions. In FY19, Montgomery County had 1083 registered common ownership communities. These communities comprise a total of 139,506 residential units, housing over 400,000 county residents. This is up from FY18, in which there were 1066 registered common ownership communities with 138,548 residential units. Most of the 17 new communities identified (nearly 1,000 units) were existing properties discovered through active compliance monitoring.

Commission on Common Ownership Communities Members

Section 10B-3(a) of the County Code provides the following guidance regarding the composition of the Commission on Common Ownership Communities:

The County Executive must appoint, subject to confirmation by the Council, a Commission on Common Ownership Communities. The Commission consists of 15 voting members.

(1) **Eight members** should be selected from unit or **lot owners or residents** of self-managed and professionally managed condominiums, self-managed and professionally managed cooperative housing corporations, and self-managed and professionally managed homeowners' associations, and may include members or former members of governing boards.

(2) **Seven members** should be selected from persons who are members of **professions** associated with common ownership communities (such as persons involved in housing development and real estate sales and attorneys who represent community associations, developers, housing management or tenants), including at least one person who is a professional community association manager.

The following chart provides the current composition of the CCOC. Two commissioner slots are currently vacant and are being recruited.

No.	Residents	No.	Professionals
1	Mark Fine, Chairman	9	David Gardner, Esq. (Chair - Budget & Legislation)
2	Mike Burrows, Vice Chair (Co-Chair - Policies & System Enhancement Committee)	10	Staci Gelfound, AMS, PCAM (Ex-Officio Chair)
3	Marietta Ethier, Esq. (Co-Chair - Policies & System Enhancement Committee)	11	Leonard Malamud, Esq.
4	Philip Giza	12	Donald J. Perper, CMCA, PCAM
5	Peter Myo Khin	13	Galia Steinbach (Education, Outreach, & Training)
6	John D. Smith, Jr.	14	Gordon Young, Jr.
7	Kathy Viney	15	Vacant – actively recruiting
8	Vacant – actively recruiting		

As demonstrated throughout this report, case volume for the program is increasing. To compensate for this added volume, the CCOC embarked on a successful advertising / outreach campaign resulting in increasing the number of panel chairs volunteers from three to eight. Additionally, the Program has added two new mediators (three total). Below is a list of the of current panel chairs and mediators.

No.	Commission Panel Chairs	No.	Mediators
1	Hon. Bruce Birchman, Esq.	1	Michael Lang
2	Rachel Browder, Esq.	2	Sarah Stanton, Esq.
3	Brian Fellner, Esq.	3	Jeff Hamburger, Esq.
4	Charles Fleischer, Esq.		
5	Rene Sandler, Esq.		
6	Sarah Stanton, Esq.		
7	Dinah Stevens, Esq.		
8	Shuaa Tajammul, Esq.		

Historic Trends

The chart below highlights historic trends in five-year increments as well as FY19. Over the past eleven years, 125 new common ownership communities (or 17,000 new units) have come online.

Activity	FY08	FY13	FY18	FY19
Number of Communities	958	1,034	1,066	1,083
Number of Units	122,142	127,320	138,548	139,506
Revenue Received	n/a	401,861	713,045	713,096
Requests for Info / Service Requests	883	916	596*	775*
Cases filed	85	82	103	70
Cases closed	84	61	56	174**

*reflects MC311 services requests only

**of the 174 cases closed, 86 were closed in the traditional sense and another 88 cases were closed through the database closeout initiative.

List of Registered COCs

Common Ownership Communities (COC) are required to provide the Department of Housing and Community Affairs (DHCA) with its elected leadership and managing agents every year (Montgomery County Code Sec. 10B 7(a)(1)). This list is updated in real time and is available at <https://apps.montgomerycountymd.gov/DHCA-Licensing/COC/List>. Below is a list of communities by city.

City	Communities	Units
ASHTON	9	536
BELTSVILLE	1	89
BETHESDA	82	8,500
BOYDS	11	1,542
BROOKEVILLE	11	885
BURTONSVILLE	25	3,658
CABIN JOHN	4	205
CHEVY CHASE	22	3,148
CLARKSBURG	39	5,751
DAMASCUS	23	1,684
DARNESTOWN	9	942
DERWOOD	8	438
GAITHERSBURG	91	12,718
GERMANTOWN	126	23,605
KENSINGTON	16	714
LAUREL	2	49
LAYTONSVILLE	12	464
MONTGOMERY VILLAGE	16	7,840
NORTH BETHESDA	9	1,482
NORTH POTOMAC	28	3,724
OLNEY	42	7,972
POOLESVILLE	1	17
POTOMAC	70	5,625

ROCKVILLE	139	19,251
SANDY SPRING	6	167
SILVER SPRING	253	27,492
SPENCERVILLE	2	40
TAKOMA PARK	20	644
WHEATON	6	324
Grand Total	1,083	139,506

MC311 Service Requests (SRs)

The MC311 Customer Service Center is Montgomery County's source for non-emergency government information and services. Annually, DHCA responds to 25,000 – 35,000 SRs with the Housing Code Enforcement, Landlord Tenant Affairs and Licensing and Registration programs each receiving approximately 10,000 SRs. Below is a summary of the SRs processed by COC Program staff in FY19. DHCA maintains a typical department-wide SR success rate (SRs fulfilled within the service length agreement (SLA)) of 85%, which compares favorably to other county departments with a large volume of SRs. In FY18, the COC Program SR success rate was 76.17% on 594 SRs. A focus was added to improve upon this performance and in FY19, the COC Program SR success rate climbed to 99.10% on 775 SRs.

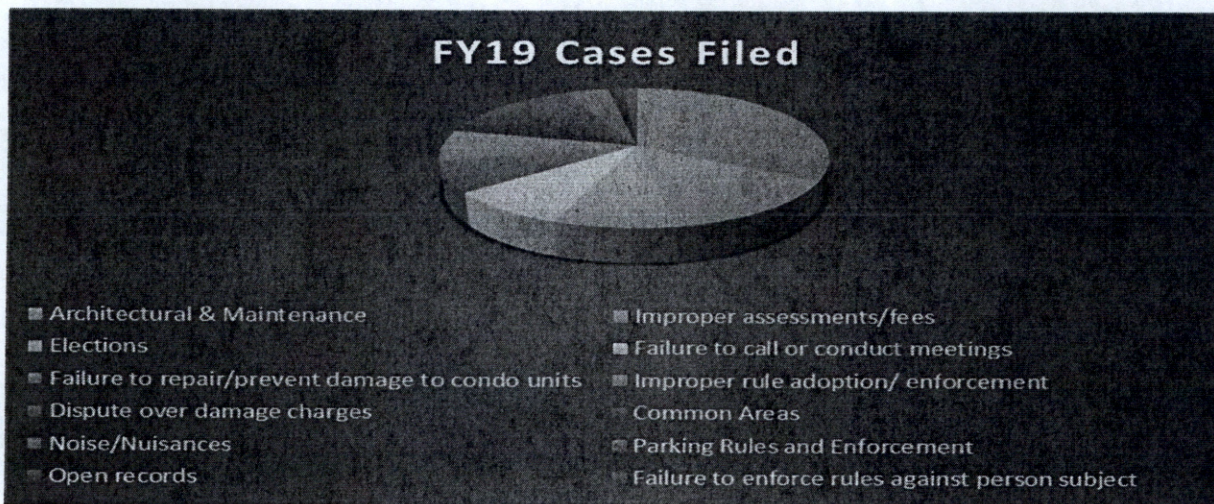
SLA	Topic	# of SRs	# of SRs meeting SLA	Avg +/- Days	% of SRs meeting SLA
1	Bill 50-15: Common Ownership Community (COC) and Commission on Common Ownership Communities (CCOC) Transfer to Department of Housing & Community Affairs (DHCA) and increasing COC Registration Fees	1	1	0	100.00%
3	Request to Speak to a Commission on Common Ownership Communities (CCOC) Staff Member	762	755	-1.84	99.08%
1	CCOC Community Association Manual and Resource Guide	1	1	0	100.00%
1	CCOC Online Training Program for Board Members	1	1	0	100.00%
1	Condominium or Homeowners Association Complaints	10	10	0	100.00%
	Total	775	768		99.10%

FY19 Cases by Case Type

In FY19, 70 cases were filed. Although the bulk of cases involved architectural and maintenance issues, nearly 40 percent of all cases involved association governance issues (elections, meetings, fees, rules). This is up from 25 percent in FY18, and in response to this, several new trainings have been developed or are in development and will go live in the early part of FY20. Case details are provided in Attachment 1.

Case Type	Cases Filed
Architectural & Maintenance	23
Improper assessments/fees	10
Elections	6
Failure to call or conduct meetings	6
Failure to repair/prevent damage to condo units	5
Improper rule adoption/ enforcement	5
Dispute over damage charges	4
Common Areas	3
Noise/Nuisances	3
Parking Rules and Enforcement	3
Open records	1
Failure to enforce rules against person subject	1
Grand Total	70

Case Type	Cases Filed
Completed	37
In Process	13
Commission	5
Default	5
Hearing	4
Mediation	3
Awaiting Decisions and Orders	2
New Case	1
Grand Total	70



FY19 Monthly Trends

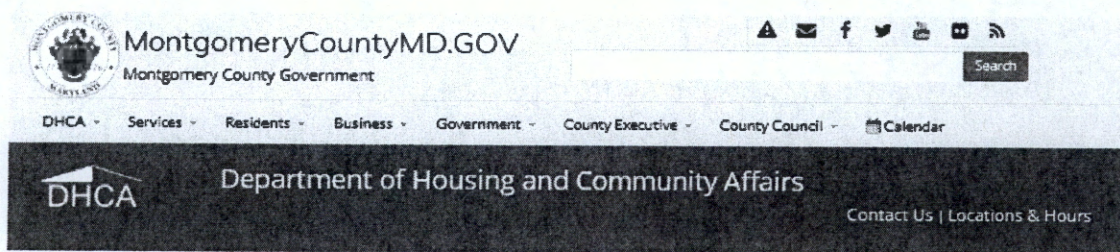
COC Case Inflow / Outflow	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Total
Disputes filed:	6	7	4	6	4	8	5	4	15	3	1	7	70
Disputes adjudicated at Public Hearing:													0
Decisions issued:	5	4	2	3	89	4	3	2	1		5	1	119
Formal mediation sessions:													0
Disputes closed:	12	5	13	8	99	7	8	7	6	1	5	3	174
Settled by the parties:	1	1	5	2	2				1			2	14
Settled in formal mediation:	3		3	2	1	3	4	2	5	1			24
Settled after CCOC took jurisdiction:			3		2	1							6
Resolved by CCOC ruling:	6	2		1	3	3	2	2			5	1	25
Withdrawn:	1	2	2		2		2	3					12
No jurisdiction	1			3	1								5
Database Closeout Initiative					88								88

FY19 Accomplishments

COC Website

The new COC website is live. Thanks to CCOC Commissioner Kathy Viney and DHCA-IT staffer Jacob Esterque for their work in updating and refreshing the look and feel of the website. The site can be accessed at the following web address: <https://montgomerycountymd.gov/DHCA/housing/commonownership/index.html>

Features continue to be added to the website. For instance, board members can now register training classes via the website, as well as see where classes are being held.



Office of Common Ownership Communities

The Office of Common Ownership Communities (CCOC) is committed to providing owners, tenants, residents, boards of directors, and management companies of self-governing residential communities with information, assistance, and impartial dispute resolution programs that:

- Improve the quality of life in the community.
- Strengthen the self-governing community structure, and
- Enhance the value of residential property in community associations.

The CCOC provides these services to the public with integrity, transparency, and a commitment to the highest ethical standards.

 <p>Board Member Training</p> <p>Online training program for board members of common ownership communities. Provided by the CCOC</p> <p>More Information</p>	 <p>Common Ownership Communities</p> <p>What you should know about living in a condominium, cooperative, or homeowners' association.</p> <p>More Information</p>	 <p>Registration of COCs</p> <p>All condominium, cooperative, and homeowners' associations must register with the County annually.</p> <p>More Information</p>	 <p>The Commission</p> <p>Educates residents on good governance and resolves disputes between residents and their associations.</p> <p>More Information</p>
 <p>Community Information</p> <p>Understanding "best practices" and proper procedure promotes good behavior, and reduces the number of disputes, between residents and boards of directors.</p> <p>More Information</p>	 <p>Law Library</p> <p>Use these links to view the laws and policies that govern COCs.</p> <p>More Information</p>	 <p>Filing a Complaint</p> <p>Filing a complaint begins a legal process that can be complicated, time-consuming, and costly; understand the process before completing and filing the form.</p> <p>More Information</p>	 <p>COC News and Upcoming Events</p> <ul style="list-style-type: none"> • DHCA Calendar • DHCA Announcements <p>More Information</p>

Director Training

The CCOC launched an online training program, "Community Governance Fundamentals", available at https://montgomerycountymd.gov/DHCA/housing/commonownership/community_governance_fundamentals.html for common ownership community board members. The training is also offered periodically in-person at classrooms / learning centers. The CCOC developed this training to meet requirements of Bill 45-14, which took effect January 1, 2016.

Bill 45-14 was designed to promote more knowledgeable and responsible management of common ownership communities. Members of the board of directors of all common ownership communities in Montgomery County (except those within the city of Gaithersburg) are required within 90 days to successfully complete the training program. By the end of each year, common ownership communities are required to report to the CCOC when board members have completed the online training program.

The training program addresses ethics, roles and responsibilities of board members and homeowners, community governing documents, financial management, meeting rules, and general administration. The training also is available to members of the public interested in learning about operating common ownership communities.

The online curriculum includes a brief quiz after each chapter as a review for the participant. For the in-person training, the instructor is required to affirm that the participant has been meaningfully present throughout the instruction period and has completed the quiz. Additionally, the in-person program now includes a workbook for each participant to be used as an additional resource. The online program has been updated to include the same updated materials as to mirror the in-person program to include a downloadable version of the workbook.

In FY19, 295 board members took the training online and an additional 582 took the training in-person at learning centers. In FY18, 775 board members took the training online and 450 took the training in-person or at learning centers. DHCA and the CCOC are working to integrate a system that synchs registration data with training data to enforce the training requirements in real-time and the COC staff is currently validating all information required by MCC 10-B for compliance. This will allow DHCA and the CCOC to perform more comprehensive and targeted outreach to board members who have not completed the training. Failure to comply is a Class A violation with an accompanying \$500 fine per day. DHCA has not issued any citations to date as board members that had been identified as not taking the training complied after subsequent notification.

COC Manual & Resource Guide

The CCOC is required to publish and maintain a resource guide to assist associations in governing their communities. The Guide was recently updated and expanded to include "the Business Judgment Rule". Additional topics include how to structure and hold annual, special and board meetings, budgeting and reserves, storm water management, association insurance, and more.

Case Management System (CMS) and Program Upgrades

DHCA and the CCOC have collaborated to streamline operations. Highlights of FY19 operational initiatives include:

- Online Complaint Submission System – DHCA is working to streamline the complaint submission process. The process will be fully online including submitting a complaint and paying the processing fee.
- Importing Archived Cases into the CMS – DHCA is working with DTS and DGS to scan case documents and to auto-populate the COC CMS to include all cases from the past 10 years. All relevant documents will be scanned into the CMS. To date, the following has been scanned and uploaded to the CMS:
 - 1,125 Governing Documents

- 114 legacy cases (397 files) scanned and uploaded to CMS
- 495 Decision & Orders
- 1,190 Case Disposition Forms created
- Conversion of all Decisions and Orders to Readable and Searchable PDFs – These will be posted online and will provide public access to decisions on thousands of cases.
- Establishing a Fully Digitized Program – Along with the abovementioned upgrades, in October, DHCA disseminated eReaders to program staff, commissioners and panel chairs. These eReaders are loaded with all applicable COC guides, training materials, laws and regulations. Monthly meeting packets and cases files will be downloaded to the eReaders. This furthers the County’s goal of promoting environmental and fiscal stewardship by reducing printing/production costs (cases are often hundreds of pages long), and it will ensure that all members will have everything needed in one place.
- Updating all literature available to the associations, both in hard copy and on the Website.
- Reducing filed complaints by proactive association education.
- Assisting the Licensing Department in validating association information related to board members, officers, number of units, statistics, etc. (as required by 10-B)

Progress in Distressed Communities Work

Tiger Team / Distressed Communities Project

Members of the CCOC developed a “Tiger Team” proposal aimed at examining and making recommendations on complex common ownership communities’ issues. A tiger team is a diversified group of experts brought together for a single project, need or event. They are usually assigned to investigate, solve, build, or recommend possible solutions to unique situations or problems. The proposal seeks to study:

1. How State and County court systems create and/or contribute to distress for communities,
2. How the bankruptcy system creates and/or contributes to distressed communities,
3. How complexities and inequities of the financial system adds to distress of unit owners and communities,
4. How regulations and lack of administrative support add to distress,
5. The needs of COCs that are commonly ignored in setting utility rates and granting rebates, and
6. What changes can be instituted to prevent internal decline of communities and preventive roles of public policy and education.

Teaming up with University of Maryland's National Center for Smart Growth

As the first step in implementing the Tiger Team initiative, DHCA partnered with the National Center for Smart Growth at the University of Maryland for the Center to provide technical assistance on a project titled “Collecting and Analyzing Data on Common Ownership Properties in Montgomery County.” Additionally, the National Center for Smart Growth performed a literature review of best practices and research about the challenges surrounding distressed common ownership properties. The goals of the data portion of the project are:

1. Pool and combine different sources of data,
2. Identify useful indicators of distress available in the data,
3. Produce summary statistics on non-spatial and spatial indicators, and
4. Assess current distress level for common ownership communities

Both reports were completed in February 2019.

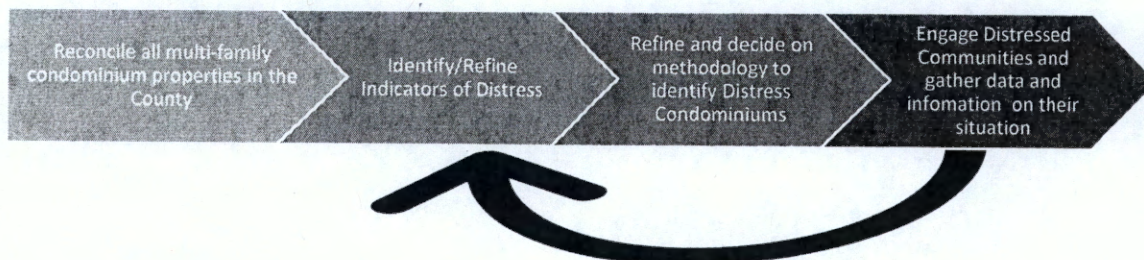
Creating the Community Distress Index

Purpose

The Distressed Communities Task Force partnered with the County's CountyStat Office to create a Community Distress Index (CDI). The purpose of the CDI is to identify levels of distress within condominium communities through a formulaic process. COCs are generally non-profit, non-tax paying entities that serve only the individual stakeholders of their discrete community. Therefore, government does not interact with these entities on a regular basis and does not have oversight/governance over these organizations. The lack of knowledge or even a comprehensive inventory of all COCs in the County makes it difficult to engage and identify communities that may be distressed. There is no single dataset to assist in developing effective and efficient approaches to: (i) prevent COCs from becoming distressed; (ii) restore COCs that are distressed; and (iii) "unwind" COCs that cannot be saved. The magnitude and root causes of these financial failures must be quantified so that options can be developed. Discrete sources of information exist (e.g., property sales time on the market, history of property values; meter-metering for utilities; suits to collect COC fees; bankruptcies; foreclosures; short sales; COC fees), but such information needs to be collected and analyzed.

Methodology

The following methodology has been proposed to test the assumptions of the Distressed Communities Task Force and begin to pilot outreach to communities of interest.



The CDI will analyze the best available data to isolate indicators of distress and enable the slotting of condos into categories that can be operationalized by the Distressed Communities Task Force and the Department of Housing and Community Affairs. With the obvious realities of not knowing the actual financial status of Condominium communities, the CDI will act as a steering mechanism to prioritize the outreach efforts of said stakeholders. The intention of these exercises will be to obtain information on both the financial and physical status of Condominiums in Montgomery County.

Crunching the Data and Next Steps

The following data sources were utilized to create a database that analyzes the key components related to distressed communities:

- State Department of Assessments & Taxation (SDAT)
- Montgomery County Finance System: Property Tax Delinquencies
- MD Foreclosure Registration System: Foreclosures
- MC Department of Housing and Community Affairs: Rental Rate
- MC Department of Housing and Community Affairs: Moderately Priced Dwelling Units
- Montgomery County planning data: Infill development
- Montgomery County Planning Data: HOA/CA Database

- Maryland Department of Human Services- Food and Nutrition Service (FNS): Supplemental Nutrition Assistance Data
- Washington Suburban Sanitary Commission (WSSC): Master Metered Properties

With this data, the Distressed Communities Team created a matrix that flags condos that fit certain criteria including (i) sales price (increase/decrease) per square foot, (ii) percent of rental units within a condo association, (iii) percent of unit transfers including foreclosures, (iv) percent of units underwater, and (v) percent of units with residents participating in certain school nutrition programs. The team identified 10-15 properties, and as a next step will go onsite to interview board members and administrative agents of these condos, and utilizing a “stress test” questionnaire, will determine the actual level of distress. This will allow the Team and DHCA to confirm the greatest contributors of distress, which will help to guide future discussions on how best to prevent and assist distressed communities. This work will continue into FY20 and beyond.

FY20 Initiatives

New Training Modules

As indicated previously, there was an increase in governance-related cases in FY19. In response to this, the Commission and DHCA have added several new training modules. Now, in addition to Director Training held several times a month, the CCOC offers training on “Introduction to Financial Statements” for Board members, “How to Prepare your Budget and Reserve Funding for the upcoming Year”, “How to Prepare for and Properly Run your Annual Election and Organizational Meeting” and “Running a Successful Board of Directors Meeting”.

In FY19, the CCOC and DHCA procured services that will provide three new training modules for communities, slated to be completed by calendar year end 2019. These include:

1. A training module and presentation on insurance, indemnification and risk management. The module will be taped and available online for use by COCs, managers and other interested parties and include general information, explanation of terms, description of types of insurance and links to any underlying laws or regulations.
2. The creation of a checklist used to evaluate a community’s degree of compliance with legal mandates, contractual provisions, policy requirements, etc. together with a training module to educate COCs, managers and other service providers on the use of the checklist.
3. A directory and training module regarding county, state and federal legal obligations that identifies required filings, reports, etc. and an explanation of how to obtain information from state and federal agencies.

New Training Programs and Town Hall Meetings

The Commission and DHCA will offer the following new training opportunities and/or training upgrades.

1. Cross training all Commissioners so that everyone will be involved in teaching the “Director” training program at least once every 3 months. This will benefit Commissioners in refreshing their knowledge.
2. Host at least two town halls, working with the Landlord – Tenant Program, to continue our education mission.
3. Translating the online training program into multiple languages.

COC Guide to Decisions and Orders

The Guide, last updated in August 2015, provides reference to how the Commission ruled on past cases based on complaints filed, as well as previous case law cited. It references everything from board actions to architectural violations.

This resource guide was updated in 2019 and includes current cases and decisions. In FY20, these Decisions and Orders will be placed online, and a custom search engine will allow Panel Chairs, Attorneys and the public may search all Decisions and Orders by key words.

IT Upgrades

The following IT projects are underway:

- Online search engine for Decisions and Orders.
- Integrating the in-person and online training programs and verifications into one database.
- Placing all “in-person” programs into the “online” platform for easier access to training.

- Adding functionality to the case management system include citation writing.
- Continuing to Integrate legacy case files into the CMS.

Consolidating Committees

In FY20, the CCOC consolidated the committees of the Commission from 6 into 3. Each Commissioner will serve on only one committee. As previously mentioned, the new committees include:

- Education, Outreach, & Training
- Policies & System Enhancement
- Budget & Legislation

Attachment 1 – Case List Report

STATUS	CASE TYPE	CASE NO.	CASE NAME
Awaiting Decisions and Orders	Common Areas	2019-014	Kimya Hogarth v. Wintergate at Longmead Condominium Association
Awaiting Decisions and Orders	Elections	2019-019	Diana Weinrich, et al. v. Tanterra HOA
Commission	Architectural & Maintenance	2019-020	Ahmad Moghaddam v. The Forum Condominium
Commission	Dispute over damage charges	2019-054	Ronald & Hae-Sun Krans v. Mutual 14
Commission	Failure to repair/prevent damage to condo units	2019-040	Maria Segura v. Glen Way Gardens Condominium
Commission	Improper rule adoption/ enforcement	2019-046	Altayework Behaneselassie & Billigne Senbet v Hill Top Condominium
Commission	Parking Rules and Enforcement	2019-028	George Theodory v. Kenwood Condominium
Completed	Architectural & Maintenance	2019-009	Yordan & Giovanna Silvera v Iverness Forest
Completed	Architectural & Maintenance	2019-011	Churchill East Village v Jose Hernandez
Completed	Architectural & Maintenance	2019-015	James J. Stevens, Jr. v. The Crest of Wickford Condominium
Completed	Architectural & Maintenance	2019-033	Fox Chapel North Homes Association, Inc. v. Edwin Baldomar
Completed	Architectural & Maintenance	2019-002	Sarah Austin v Villas at Willow Cove Condominium
Completed	Architectural & Maintenance	2019-008	Falls Ridge HOA v Daniel Tan
Completed	Architectural & Maintenance	2019-010	Churchill East Village v Kevin Low
Completed	Architectural & Maintenance	2019-016	Stephen Murphy v Willow Cove Townhouse Condominium
Completed	Architectural & Maintenance	2019-018	Autumn Breeze Condominium v. Hendrix Klondo & Alencia Jenkins
Completed	Architectural & Maintenance	2019-032	Krishnan & Nisha Rajam v. Seneca Park North HOA
Completed	Architectural & Maintenance	2019-034	Sara Tenenbaum & Nicholas Love v. New Mark Commons HOA
Completed	Architectural & Maintenance	2019-047	Longmead Crossing v. Phu Cam Vuong
Completed	Architectural & Maintenance	2019-048	Longmead Crossing v. Janice Griffin
Completed	Architectural & Maintenance	2019-052	Longmead Crossing v. Young Min Lee
Completed	Architectural & Maintenance	2019-060	Carol Lynn Dillihay v. King Farm Citizens Assembly
Completed	Common Areas	2019-022	Robert and Monica Patterson v. Vineyards Condominium
Completed	Dispute over damage charges	2019-004	Laura Hawley-Jarvis v Mutual 8 of Leisure World
Completed	Dispute over damage charges	2019-027	College Square Condominium, Inc. v. Setnam and Jit Gidda
Completed	Elections	2019-003	Emanuel Anagnostianos v Wintergate at Longmead
Completed	Elections	2019-012	Sheryl Katzman v Leisure World Community Corporation, et al.
Completed	Elections	2019-035	Dallas E. Valley, Jr. v. Tiers of Silver Spring
Completed	Failure to call or conduct meetings	2019-037	Justin Temple v Rock Creek Overlook Home Owners Association, Inc.
Completed	Failure to call or conduct meetings	2019-001	Erik Pierce v Mutual 8
Completed	Failure to call or conduct meetings	2019-013	Jane Utterback v. Wintergate at Longmead Condominium Association
Completed	Failure to repair/prevent damage to condo units	2019-039	Kennebec Gardens Condominium v Tobi Pannell
Completed	Improper assessments/fees	2019-006	Dennis & Doris Eisen v Mutual 308 The Greens at Leisure World II
Completed	Improper assessments/fees	2019-026	Peterson v. Sedgwick Homes Association, Inc.
Completed	Improper assessments/fees	2019-007	Euphemia Agwe v Seneca Park North HOA
Completed	Improper assessments/fees	2019-024	Dereje Gizaw v. Seneca Forest Community Association
Completed	Improper rule adoption/ enforcement	2019-017	Frank & Kim Luncheon v. Aurora Homeowners Association, Inc.
Completed	Improper rule adoption/ enforcement	2019-023	Carol Emel v. Leisure World - Mutual 15
Completed	Improper rule adoption/ enforcement	2019-031	Daniel Tsehaye v. Plyers Mill Crossing Homeowners Association
Completed	Improper rule adoption/ enforcement	2019-029	Sandra Talley v. New Mark Commons Association, Inc.
Completed	Noise/Nuisances	2019-030	Shirley & Joseph Mfree v. Village at Town Center Condominium Association, Inc.
Completed	Noise/Nuisances	2019-042	Plymouth Woods Condominium, Inc. v. Arthur Osgood, Sr.
Completed	Open records	2019-025	Maria-Eugenia Angarta-Trollard v. Bristol Square Condominiums
Completed	Parking Rules and Enforcement	2019-005	Marsea Gallagher v Hampshire Greens HOA
Default	Architectural & Maintenance	2019-049	Longmead Crossing v. Jose-Luis Mendoza
Default	Architectural & Maintenance	2019-051	Longmead Crossing v. Oyinwa Alex-Okoh
Default	Architectural & Maintenance	2019-055	Longmead Crossing v. Miguel Rodriguez
Default	Architectural & Maintenance	2019-050	Longmead Crossing v. Betelehem Tesfaye Dejen
Hearing	Failure to enforce rules against person subject	2019-041	George Strumpf v. The Forum Condominium
Hearing	Failure to repair/prevent damage to condo units	2019-057	Luz Torres v Top of the Park Condominium Association
Hearing	Failure to repair/prevent damage to condo units	2019-036	Zachary & Laura Mason v. Americana Centre Condominium, Inc.
Hearing	Improper assessments/fees	2019-038	Heather Kenney v. Council of Unit Owners of Cherington Condominium
Hearing	Noise/Nuisances	2019-044	North Creek Villas Condominium Association v. Edward Feinstein
In Process	Architectural & Maintenance	2019-053	Longmead Crossing v. Manuel & Maria Cruz
In Process	Architectural & Maintenance	2019-059	Shih Kwang Hsu v Normandy Hills Homeowner's Association
In Process	Common Areas	2019-070	Marcus Washington v The Silverton Condominium
In Process	Elections	2019-067	Edward Tuvin v Westlake Condominium "B", Inc.
In Process	Elections	2019-065	Susan Nerlinger v Homeland Village Community Association
In Process	Failure to call or conduct meetings	2019-062	Lynn Johnson v Rock Creek Commons II
In Process	Failure to repair/prevent damage to condo units	2019-063	Sandra Hall Snowden v. Olney Towne Condominiums
In Process	Improper assessments/fees	2019-045	Matthew Fioretti v. Greenfield Commons Condominium
In Process	Improper assessments/fees	2019-061	Francesca Giancristofaro Calvi v. Hartford Thayer Association
In Process	Improper assessments/fees	2019-064	Karina M Kaszteinik v Norbeck Crossing HOA, Inc.
In Process	Improper assessments/fees	2019-066	Aida & Ruth Roxas v Norbeck Crossing Homeowners, Association, Inc.
In Process	Improper assessments/fees	2019-068	Rina Basu v Norbeck Crossing Condominium I
In Process	Parking Rules and Enforcement	2019-021	Jeffrey and Nancy Edelstein v. Kenwood Condominium Council of Unit Owners
Mediation	Architectural & Maintenance	2019-056	Longmead Crossing v. Philip & Gloria Furtado
Mediation	Failure to call or conduct meetings	2019-043	Valdic Align LLC v. Maple Springs Medical Center Condominium Association
Mediation	Failure to call or conduct meetings	2019-058	Natascha Milesi Ferretti v Willow Cove Townhouse Condominium
New Case	Dispute over damage charges	2019-069	Weimei Li v Plymouth Woods Condominium Association, Inc.

Living in a Common Ownership Community Frequently Asked Questions

1. What is a "common ownership community"?
2. I'm thinking of buying a condominium or a house in a planned community governed by a homeowners' association (HOA). What do I need to know?
3. I bought a home in an HOA and now the HOA is telling me I have to remove a shed that was there when I bought the home. Can they do this?
4. What about buying into a cooperative?
5. What should I do if I want to sell a condominium, or a house in an HOA?
6. What are my association's powers? Can the board do what it is doing?
7. What are "governing documents" and how do I find them?
8. Can I go to the meetings of my association's board of directors?
9. The board just raised everyone's assessments by \$200 per month. Can they do this?
10. Do I have the right to inspect the records of my association?
11. What does my condominium's master insurance cover? Who fixes my unit if it is damaged?
12. A tree fell into my yard. Who is responsible for removing it and repairing the damage to my property?
13. Who is supposed to clear snow from the sidewalks and parking lots in my community? My documents say these are all common areas.
14. Can the association tow my car or truck?

What is a "common ownership community"?

Condominium associations ("condos"), most homeowner associations ("HOA"), and cooperative housing corporations ("co-ops") are common ownership communities under Montgomery County law. What they all have in common is that they are regulated by State law, and they have binding rules that all members must obey. A person becomes a member simply by buying a condominium unit or lot or a share in the building or land in the association.

All common ownership communities in Maryland are self-governing democracies. That is, the members elect the boards of directors, and the boards make the ordinary operating decisions and adopt and enforce the rules. However, only the members can vote to amend the covenants and bylaws, and in some cases the members can repeal rules adopted by their boards.

I'm thinking of buying a condominium or a house in a planned community governed by a homeowners' association (HOA). What do I need to know?

If you have an agent, you should ask your agent to tell you if you are buying a home in a common ownership community and how to get more information on what this will mean for you.

One of the most important things you need to do is demand the "resale package". Under Maryland law, the seller of a used condominium unit or house in a homeowners' association is required to give a prospective buyer a package of information about the rules and the financial status of the association. The resale package should also state if the association has any pending claims against that unit or house. The seller cannot enforce the contract until he provides a copy of the resale package to the buyer. The prospective buyer in a homeowners' association has up to 5 days to cancel the contract after receiving a copy of the resale package if he was not given the package at least 5 days before he signed the contract, and up to 7 days to cancel if buying into a condominium association.

A resale package can be lengthy. The cost will vary depending on the size of the document but can run \$150 or more. Many sellers do not know that they have to provide the resale package. Therefore, prospective buyers should insist upon receiving it.

There is one other very important thing you need to keep in mind. You are buying into a community that has legally-binding rules and regulations concerning what you can do with your property, what kind of vehicle you can park within the community, what landscaping you can add to your lot, and even what color paints you can use, etc.; and the community can enforce those rules against you even if you don't bother to read them. In a community association, you are not free to do everything you want. In many cases, you will need to get permission first. If you cannot live with those types of restrictions, then buying the home might not be advisable. If you do buy the home, you must be prepared to obey the rules. As a prospective buyer, it is your responsibility to know the rules.

I bought a home in an HOA and now the HOA is telling me I have to remove a shed that was there when I bought the home. Can they do this?

They probably can. Under most HOA and condominium rules, the owner of the lot or unit is the one responsible for complying with the rules. Even if you were not aware that the shed was a violation and you did not create the violation, you are still responsible for making sure that your lot complies with the rules.

Associations are supposed to state in the resale package if there are any outstanding violations in the unit or on the lot. If you know of such violations you can make the seller fix them before settlement. However, if the resale package you received contains a statement from the HOA that there were no violations on the lot at the time it was up for sale, then it's possible that the HOA could be found to have waived the violation by not informing you of it when it should have. This is why you should demand the resale package before you go to settlement.

What about buying into a cooperative?

The law regulating cooperatives does not require that sellers of used units give buyers a resale package. You can still ask the seller to give you a copy of the rules to read, and a copy of the most recent budget and audits. You should also ask if any major expenses are under consideration. Get that information in writing.

What should I do if I want to sell a condominium, or a house in an HOA?

Be sure to talk to your agent, if you have one, to make sure the agent knows your home is covered by community association rules and will give the appropriate information to prospective buyers.

Before you put your home up for sale, or at least as soon as you have a contract for the sale of your home, ask your association to give you a resale package, which you can then copy and give to prospective buyers. There will be a fee for this. The law requires the association to give you the package within 20 days after it gets a written request for it. If you don't want to delay the sale of your home while you're waiting to get the package, you must ask for it as soon as you can. If you don't provide a resale package, and your buyer discovers after settlement that you failed to tell him of important facts such as violation notices on the property or major assessment increases, you face a potential lawsuit for failure to disclose material facts and for damages.

What are my association's powers? Can the board do what it is doing?

The State and County laws regulating common ownership communities are, for the most part, very general and do not go into much detail about what an association can or cannot do. The laws generally leave the details of association governance to the declaration of covenants and the bylaws. Most questions about the powers and duties

of an association and its board of directors can be answered by carefully reading those important documents.

What are "governing documents" and how do I find them?

"Governing documents" are the legal papers creating your association and spelling out how it operates. They usually consist of the incorporation papers, the Declaration of Covenants (which creates the governing structure of the association and the covenants that run with the land, and identifies all the lots or units in the association), the bylaws (which create most of the details of how the association will be run), and the various rules and regulations that the Board or members adopt, including the details of the architectural change approval system. Usually, you should get a copy of these at settlement from your seller (unless you already received a resale package before settling).

Condominiums file their covenants and bylaws in the land records of the Circuit Court. HOAs usually only file their covenants in the land records, and they are required to file their bylaws and all their rules and regulations in the Homeowner Association Depository, which is located in the Civil Files Room of the Montgomery County Circuit Court.

Can I go to the meetings of my association's board of directors?

Yes. By law, most meetings of condominium association and HOA boards of directors must be open for all association members to attend. (There is no comparable law for cooperatives, but you should check to see what the cooperative's own rules say.) The rule requiring open meetings applies to the board and its committees. In addition, members have the right to comment on any matter related to the meeting agenda within a designated period of time that the board must reserve during the meeting. However, they do not have the right to speak while the board is discussing agenda items during the business portion of its meeting unless the board allows them to.

The board or its committee can close a meeting for these reasons only: 1) discussion of personnel and employment matters; 2) protection of personal privacy in matters not related to the association's business; 3) discussions with its attorney; 4) discussions of pending or potential litigation; 5) investigations of possible criminal misconduct; 6) when another law requires confidentiality of the information; and 7) the discussion of individual member assessment accounts. HOAs can also close their meetings to discuss contracts that are still in the negotiation stage. If a board closes a meeting, its minutes of the meeting must state specifically why the meeting was closed and the vote of the directors to close it.

The board just raised everyone's assessments by \$200 per month. Can they do this?

As a general rule, any limits on the power of the board to raise the annual assessments or to adopt special assessments are found in the covenants or bylaws. You have to read your governing documents to find out how assessments are set and what the limits are. The law does not set "assessment controls." Some documents limit increases to 10% or 15% per year, others tie the maximum increase to the annual cost-of-living index.

Neither the Maryland Homeowners Association Act nor the Cooperative Housing Act covers this topic. Section 11-109.2 of the Condominium Act says that a board cannot exceed the assessment level of its previously adopted budget by more than 15% without approval from a majority of the unit owners. However, if the reason for the increase is to pay to repair a condition that is a health or safety threat, or that could cause damage to the condominium, then the board can go above the 15% ceiling on assessment increases by whatever amount necessary to pay for the repairs without obtaining the approval of the unit owners. Most condominium bylaws will have a section on this topic.

If you want to learn more about this topic, read your community's governing documents, and then ask to inspect all the documents that show the reason for the increase and the steps taken by the board to adopt it. (You have the right to inspect your association's documents. See #10 below.) After you do this, if you still have reason to think the

board raised the assessments in violation of the governing documents, you can file a complaint about that with the CCOC.

Do I have the right to inspect the records of my association?

Yes. Members have the right to inspect, on request, most of the records of their community association. Therefore, you can demand to see the association's bank accounts, checks, invoices, audit reports, rules, and many other records.

There are exceptions to these "open records" provisions under state law. These exceptions include: 1) personnel records (but records of salaries, wages, bonuses and other compensation must be available for inspection); 2) an individual's personal financial records; 3) an individual's medical records; 4) records concerning contracts in the negotiation stage (but not contracts approved by the board); 5) the written advice of the association's attorney; and 6) minutes of closed meetings. These records can be withheld by the association. The association has the right to charge a "reasonable" fee to make the records available for inspection or to copy them.

What does my condominium's master insurance cover? Who fixes my unit if it is damaged?

Section 11-114 of the Maryland Condominium Act covers the condo's duty to have master insurance and it also specifies the extent of the condo's duty to make repairs inside the private units. Generally, the condominium must maintain the common elements, and the unit owners must maintain the units they own. However, if any unit is damaged and the damage comes from the common elements, the condominium must repair the unit at its own cost. If the damage comes from a private unit, the condominium must still repair the damage but it can charge the first \$5000 of any master insurance deductible to the owner of the unit that caused the damage. If there is any damage greater than that \$5000, the condominium must pay to fix it at its own cost.

For example, if your neighbor's hot water heater leaks into your unit, the condominium must repair your unit and it can bill up to \$5000 to your neighbor, even if the neighbor is not negligent. If your hot water heater leaks, and damages both your unit and another unit, the condominium must repair both units but it can charge you up to \$5000 for the costs of those repairs even if you're not negligent. If your unit is damaged by a water leak from a roof owned by the condo, the condominium must make all repairs at its own cost (up to the amount of the deductible, at which point the master insurance must contribute).

The duty of the condominium association and the master insurance to repair does not include liability for the unit owner's personal property, or for any improvements installed by the unit owners, such as new wall-to-wall carpeting, or an upgraded hardwood floor. Every unit owner should have his own homeowner's insurance to protect his own property, to cover his liability for the first \$5000 of any repairs he might be responsible for, and to cover any other items not covered by the master insurance. This extra coverage is often referred to as an "HO6 policy."

A tree fell into my yard. Who is responsible for removing it and repairing the damage to my property?

You are, unless the tree was obviously sick or dead before it fell and the owner of the tree knew it and didn't do anything about it. As a general rule, the owner of a tree is not responsible for the damage that tree causes as long as the owner is not negligent. Negligence means the owner knows that the tree had a problem - for example, it was entirely dead, or obviously dying, and failed to do anything about it before the damage occurred. This is why every homeowner needs his own homeowner's insurance.

There is an exception for condominium owners whose units are damaged when a tree falls against their building. They will probably be covered at least partially by the condominium's duty to repair under the master insurance law (see above).

Who is supposed to clear snow from the sidewalks and parking lots in my community? My documents say these are all common areas.

Montgomery County law (Section 49-17 of the County Code) requires all homeowners to remove snow from the sidewalks in front of their homes, even if the sidewalk is owned by an association. This law overrides the association's rules. However, if you live in a multi-unit building with just one entrance, then the association must clear the sidewalk in front of the building.

The association must clear the roads and parking lots that it owns. The law says it should do so within 24 hours after the snow ends. If the association does not do so, you can contact the Office of Housing Code Enforcement at 311 to file a complaint.

Can the association tow my car or truck?

Yes, if the rules allow it to do so and the association also complies with Chapter 30C ("Motor Vehicle Towing and Immobilization on Private Property") of the Montgomery County Code. Many associations have rules that ban commercial vehicles, un-drivable vehicles, trailers, campers, boats, and sometimes, pickup trucks. The governing documents should state what vehicles are prohibited, and there should be special rules for parking and towing. In addition, some association's rules allow them to revoke parking passes and reserved parking if the member is behind in paying the assessments. The rules may allow the association to tow the offending vehicle at the owner's cost. The association cannot tow in violation of its own rules. County law also allows associations to tow vehicles from the common areas if the vehicle is parked in violation of warning signs, or if the association posts a violation notice on the vehicle and the violation is not corrected within 48 hours.

Frequently Asked Questions from DHCA Website 9/2019

What associations come under the CCOC's authority?

Only cooperative housing associations, condominium associations, and homeowner associations (known collectively as common ownership communities or "COC"s) come under the CCOC's jurisdiction. These organizations are regulated by State law, and have legally-binding rules applying to all members. In particular, a homeowner association or common ownership community as defined by State law, is one that has its basic covenants filed in the land records *and* whose covenants give it the right to charge mandatory fees or assessments against every member lot. One becomes a member simply by buying a unit or a lot that is part of the association.

Do "civic associations" come under the CCOC's authority?

No. Civic associations or neighborhood associations are usually purely voluntary organizations. If they have covenants filed in the land records those covenants do *not* give them the right to charge mandatory fees or assessments against the member lots. There is no State law that specifically regulates civic associations.

What power does the CCOC have?

The Commission acts as an administrative agency with many of the powers of a court. When hearing a dispute, the decisions of the Commission's hearing panels have the force of law. They are legally binding on the parties and are not mere recommendations. If a party does not obey an order of a hearing panel, the party is in violation of County law, and the Commission's staff can initiate a lawsuit in court to enforce the order and to obtain fines of \$500 per day as a penalty. Commission decisions can be appealed to the Circuit Court, which will not hold a new trial but will review the record that was before the hearing panel to determine if the panel correctly applied the law and had sufficient facts to support its decision.

The Commission is also authorized to advise the County, State and Federal governments on legislative issues affecting common interest communities, and to help educate members of these communities in good governance and best practices.

How can I get on the CCOC?

Commissioners are usually appointed to a 3-year term and may serve a maximum of 2 full terms. Terms expire in January of each year. Therefore, in the third or fourth quarter of the year the County Executive publicly advertises for applications to fill the upcoming vacancies. The Commission interviews the applicants and makes recommendations to the County Executive, who then makes his own recommendations to the County Council for approval. Applicants must either live in a common ownership community, or work for such communities on a professional basis as managers, attorneys, developers, or realtors. If you are interested you should either watch for the annual announcements by the County Executive, or notify any Commissioner or the Commission staff of your interest so you can be contacted when vacancies arise.

I have: no heat/no hot water/no air conditioning/a water leak/pest infestation/other emergency! Can the CCOC help me?

If you are currently suffering from an emergency like those listed above which is caused by your neighbor or your association, your best course of action is to either contact your Board of Directors, your community manager, or to file a complaint with the Office of Housing Code Enforcement by calling 311. Housing code inspectors have the ability to visit properties on short notice, and if they can confirm the existence of a housing code violation, they can issue legal notices to require that they be fixed promptly. There is no charge for this service.

The CCOC does not have such powers. The CCOC cannot issue orders to correct a code violation without notice and a hearing. The CCOC process is aimed at problems that are important but are not emergencies immediately affecting health or safety.

Can the CCOC prevent my association from adopting a rule that I think is wrong?

No. If the association is following the proper legal procedures for adopting rules, the CCOC will not get involved in any disagreement over the wisdom or validity of those rules. However, after a rule or decision is adopted, a member then can file a complaint with the CCOC if the member thinks the rule was not properly adopted or violates some law or governing document of the association. If you disagree with a proposed rule or how the board is going about adopting it, you should notify the Board of Directors in writing of your concerns and speak out at any open meeting at which the proposed rule is on the agenda for discussion.

Can I complain to the CCOC about my association's community manager or employees?

No. The law says that the only people who can be parties to a CCOC complaint are members, residents, and the association's governing body. Therefore, community managers and employees cannot be parties. Management companies, their employees, and the employees of your association work at the sole direction of the association's board of directors. If you think they are acting improperly, you should bring your complaints to the attention of the board. If a manager's or employee's actions violate the law or the association's own documents and the board refuses to do anything about them, you might be able to file a complaint with the CCOC against the board for violating its rules or the law.

Can I complain to the CCOC about my neighbor who is breaking the rules?

No. All CCOC complaints must involve an official action of the governing body. Purely private disputes between residents are therefore not within the CCOC's jurisdiction. If you have a dispute



with your neighbor and you believe the neighbor is in violation of a rule of your association, you should first discuss it with the neighbor because he or she might not realize that they are creating a problem. If that does not get results, you should then file your complaint with your association's board of directors and ask the board to enforce the rules. (Be sure you specify what rules are being violated.) If the board does not exercise its judgment in good faith in response to your complaint, you can then file a complaint with the CCOC about the board's failure to act.

Do I (or my association) need to have a lawyer in a Commission case?

No. The Commission does not require members or associations to be represented by lawyers. Members can represent themselves, and associations can be represented by their officers or directors but not by their managers or employees. Either party can be represented by a Maryland-licensed attorney if he or she so wishes. The Commission's rules of procedure are fairly simple and Commission hearings are conducted similar to trials in small claims court. Although attorney representation is not required, many people can benefit by obtaining legal advice or by being represented by a lawyer.

Can several people join in filing a single complaint?

No. The CCOC accepts complaints filed only in the names of the owners of a single unit or lot who pay their own filing fee. If other members want to file similar disputes, each member must file his own complaint and pay his own filing fee. However, if several people do file separate complaints involving the same issues and arising from the same set of facts, the Commission might decide to consolidate the cases and deal with them all at the same hearing.

Is there anything I need to do *before* filing a complaint with the CCOC?

Yes. Chapter 10B of the County Code requires a party to "exhaust its remedies" before filing a complaint with the CCOC. For members, this means that they must follow whatever procedures the association has for that particular problem if there are any.

For example, the architectural committee denies an application for a shed. If the rules allow for an appeal to the board of directors, the member must appeal to the board and await their decision before coming to the CCOC. If the association has no relevant rule, then at the very least the member must give written notice of the problem to the board and allow them a reasonable amount of time (at least 2 weeks) to respond.

Associations must also follow their own rules before filing CCOC complaints against members. This usually means giving the member a written notice of any alleged violation and of the member's right to ask for a hearing with the board. After the opportunity for a fair hearing, the board must then make a formal decision on the alleged violation before filing with the CCOC to enforce its decision.

If a person files a CCOC complaint without exhausting association remedies the staff will reject the complaint.



I received a "notice of violation" from my association. Can I appeal that to the CCOC? What should I do?

A "notice of violation" is usually not a final decision of your association and cannot be appealed to the CCOC. If you get such a notice, you usually have either a grace period during which you can either remove the violation without penalty or ask for a hearing with the board of directors to defend yourself. As a member of your association, you should exercise those rights. If the board refuses to give you a hearing, or if the board gives you a hearing but rules against you, you can then file a complaint with the CCOC.

I received a "final notice" from my association that I am in violation of the rules and that I can appeal that decision to the CCOC. What does this mean?

County law states that if your association has made a final decision finding that you have broken a rule and must pay a fine or take some other action, or rejecting your architectural application, you can dispute that decision by filing a complaint against the association. The association must inform you of this right. The CCOC complaint form can be found on this website.



"Community Governance Fundamentals" Training Programs

The Montgomery County Commission on Common Ownership Communities ("CCOC") provides a training program, "Community Governance Fundamentals", for common ownership community board members and residents. The CCOC developed this training to meet the requirements of Bill 45-14, which was passed by the County Council on February 3, 2015. The measure was signed into law by the County Executive on February 11, 2015 and took effect January 1, 2016.

The law is designed to promote knowledgeable and responsible management of common ownership communities. Such self-governing residential communities include condominiums, cooperatives and homeowners' associations. There are more than 1,100 common ownership communities in Montgomery County, comprised of more than 139,000 common ownership units. More than 30% of Montgomery County residents live in common ownership communities. The training program addresses ethics, roles and responsibilities of board members and homeowners, governing documents, financial management, meeting rules, and general administration. The training is also available to members of the public interested in learning about common ownership community operations.

- A member of the governing body of a common ownership community must successfully complete the training program within 90 days after being elected or appointed (on or after January 1, 2016) to the governing body for the first time.
- The training is offered online or in a group or classroom setting, and is administered by the CCOC or an organization approved by the CCOC. Only the CCOC or a CCOC-approved organization can provide the required certification.
- The curriculum, which takes approximately 3 hours, includes brief videos and quizzes to enhance understanding. Students do not receive a grade.
- The governing body is required to retain a copy of the "certificate of completion" for inspection by the members of the association for the duration of the governing body member's service.
- The governing body is required to register, and pay a registration fee, annually with the Department of Housing and Community Affairs' Licensing & Registration unit. The registration form reports membership data, including the name and address of each member of the board **and the date each member completed the training.**

Community Governance Fundamentals

- Online Training **NEW TRAINING COMING SOON**
- [Training Verification](#)
- [Classroom Training Latest Announcement \(8/16/2019\)](#)

Should you wish to schedule a classroom presentation for your association, at your community's facility or at the Commission's Rockville offices, or to join another scheduled training group, please contact our staff by e-mail at CCOC@MontgomeryCountyMD.gov

Filing a Complaint

Filing a complaint begins a legal process that can be complicated, time consuming, and costly. Understand the process by reading the information provided here, and read the instructions for completing the complaint form before you file.

[Before You File a Complaint](#)

[The Complaint Process](#)

[Brief Educational Videos: "COC: The Complaint Process"](#)

[The Automatic Stay](#)

[Failure to Reply to a Complaint](#)

[About Mediation](#)

[Brief Educational Videos: COC: The Mediation Process"](#)

[How to Prepare for Your Hearing – Booklet](#)

[Brief Educational Videos: "COC: Preparing for a Hearing"](#)

[Failure to Comply With a Decision and Order](#)

[Complaint Form and Instructions](#)

[Staff's Guide to the Procedures and Decisions of the CCOC](#)

[Policy on Witness Seating](#)

[Policy on Referrals to OZAH](#)

COMMON OWNERSHIP COMMUNITY MANUAL & RESOURCE GUIDE



**Prepared by:
Montgomery County
Commission on Common Ownership
Communities**

**Department of Housing & Community Affairs
1401 Rockville Pike, 4th Floor
Rockville, Maryland 20852**

2019

Copyright 2019, Montgomery County Commission on Common Ownership Communities. This Manual provides general information only and is not intended to give accounting, legal, or investment advice. Please contact a licensed professional advisor before relying on any information contained herein.



MEMBERS OF THE COMMISSION AND PANEL CHAIRS
January 2019

COMMISSIONERS

Mark Fine, Chairman
Mike Burrows, Vice Chair & Chair - Information & Tech. Committee
Ilana Branda, Chair – Legislative Committee
Marietta Ethier, Esq., Chair – Process/Procedure Committee
Kathy Viney, Chair – Education Committee
Rand Fishbein, Ph.D., Commissioner, Ex-Officio Chair
David Gardner, Esq., Commissioner
Staci Gelfound, AMS, PCAM, Commissioner, Ex-Officio Chair
Leonard Malamud, Esq., Commissioner
Peter Myo Khin, Commissioner
Andrew Oxendine, Commissioner
Donald J. Perper, CMCA, PCAM, Commissioner
Galia Steinbach, Commissioner
Dallas Valley, Commissioner
Aimee Winegar, CMCA, LSM, PCAM, Commissioner, Ex-Officio Vice Chair

COMMISSION PANEL CHAIRS

Hon. Bruce Birchman, Esq.
Rachel Browder, Esq.
Brian Fellner, Esq.
Charles Fleischer, Esq.
Sarah Stanton, Esq.
Dinah Stevens, Esq.
Partap Verma, Esq.

Mediators

Michael Lang
Sarah Stanton
Partap Verma

Timothy Goetzinger, Acting Director,
Montgomery County,
Department of Housing and Community Affairs



Table of Contents

Commissioners and Volunteer Panel Chairs	3
Chapter 1-Association Organization: Governing Standards and Documents	5
Chapter 2-Building a Strong Community: The Owner Perspective and the Manager Perspective	19
Chapter 3-Board, Annual, and Special Meetings	26
Chapter 4-Employee Hiring and Firing: Rules to Remember	53
Chapter 5-Stormwater Management	56
Chapter 6-Replacement Reserves	61
Chapter 7-Financial Procedures for Community Associations	69
Chapter 8-Assessments and Their Collection	74
Chapter 9-Operations and Finance	80
Chapter 10-Transition to Owner Control: Steps in the Transition from Developer to the Association	96
Chapter 11-Insurance	103
Chapter 12-CCOC and Dispute Mediation	123
Chapter 13-How to Complain <i>Effectively</i>	125
Chapter 14-Business Judgment Rule	136



2019

Department of Housing and Community Affairs

COC PROGRAM MONTHLY REPORT
TIM GOETZINGER, ACTING DIRECTOR



HOUSING AND COMMUNITY AFFAIRS | 1401 Rockville Pike, 4th Floor; Rockville, MD 20852

Contents

Program Description	1
List of Registered COCs.....	1
Financial Reports	3
Revenue	3
Expenditures	4
Public Services Program (PSP) Budget	5
MC311 Service Request Details	6
Month to Date	6
Fiscal Year to Date.....	6
COC Website.....	7
Activity Status Reports.....	8
Monthly and Annual Case Summaries	8
Monthly Trends.....	8
FY19 Cases by Case Type, Status and Case List.....	9

Program Description

The Common Ownership Community Program ensures fair and equitable relations between the governing bodies of homeowner associations, condominium associations, and cooperatives, and the individuals living within these common ownership communities, and encourages the maintenance and improvement of housing. Activities include mediating and arbitrating disputes; providing information and technical assistance to all parties; and taking legal action as necessary, including referring unresolved complaints to the Montgomery County Commission on Common Ownership Communities.

List of Registered COCs

Common Ownership Communities (COC) are required to provide the Department of Housing and Community Affairs (DHCA) with its elected leadership and managing agents every year (Montgomery County Code Sec. 10B 7(a)(1)). Every attempt is made to ensure the accuracy and reliability of the COC information on this website. However, this information is provided as a convenience "as is" without any guarantee of the accuracy, content, completeness or reliability of the information contained. It is the responsibility of the COC to ensure the accuracy of the information and official representatives may make updates by going to the [DHCA COC Registration website](https://apps.montgomerycountymd.gov/DHCA-Licensing/COC/List) or contacting DHCA at 240-777-0311.

This list is updated in real time and is available at <https://apps.montgomerycountymd.gov/DHCA-Licensing/COC/List>

City	Communities	Units
ASHTON	9	536
BELTSVILLE	1	89
BETHESDA	82	8,500
BOYDS	11	1,542
BROOKEVILLE	11	885
BURTONSVILLE	25	3,658
CABIN JOHN	4	205
CHEVY CHASE	22	3,148
CLARKSBURG	39	5,751
DAMASCUS	23	1,684
DARNESTOWN	9	942
DERWOOD	8	438
GAITHERSBURG	91	12,718
GERMANTOWN	126	23,605
KENSINGTON	16	714
LAUREL	2	49
LAYTONSVILLE	12	464
MONTGOMERY VILLAGE	16	7,840

NORTH BETHESDA	9	1,482
NORTH POTOMAC	28	3,724
OLNEY	42	7,972
Poolesville	1	17
POTOMAC	70	5,625
ROCKVILLE	139	19,251
SANDY SPRING	6	167
SILVER SPRING	253	27,492
SPENCERVILLE	2	40
TAKOMA PARK	20	644
WHEATON	6	324
Grand Total	1,083	139,506

For historical context in the June 2018 COC report, DHCA reported 1,065 registered communities comprising 138,521 units. Most of the 18 new communities identified (nearly 1,000 units) were existing properties discovered through active compliance monitoring.

Financial Reports

Revenue

Account Name	Latest Budget	YTD Actual Amt	Variance	%Received
Grand Total	-685,125.00	-713,096.40	27,971.40	104.08
Office of Common Ownership Community Registration Fees	-680,125.00	-697,506.25	17,381.25	102.56
Common Ownership Community - User Fees	-5,000.00	-15,590.15	10,590.15	311.80

This collection is similar to what was received in FY18, \$713,045.



Expenditures

Account	Latest Budget	YTD Actual Amt	YTD Encumb Amt	YTD Total Exp	Remaining Balance	Rem%
EXP01 - Personnel Costs Total	439,877	281,516	-	281,516	158,361	36
50010 - Full Time Salaries	339,662	194,003	-	194,003	145,659	43
50016 - Personal Leave Days	-	2,287	-	2,287	(2,287)	(100)
50110 - Annual Leave Pay	-	4,558	-	4,558	(4,558)	(100)
50112 - Sick Leave Pay	-	6,705	-	6,705	(6,705)	(100)
50116 - Compensatory Leave Pay	-	6,325	-	6,325	(6,325)	(100)
50120 - Administrative Leave Pay	-	1,684	-	1,684	(1,684)	(100)
50124 - Lump Sum Leave Pay (Annual/Compensatory/Paid	-	250	-	250	(250)	(100)
50324 - Overtime	-	763	-	763	(763)	(100)
5A001 - Salaries and Wages Total	339,662	216,576	-	216,576	123,086	36
51002 - Social Security- FICA	20,354	16,116	-	16,116	4,238	21
51004 - Social Security- FICA Medicaid	4,925	-	-	-	4,925	100
5A002 - Social Security Total	25,279	16,116	-	16,116	9,163	36
52002 - Group Insurance	51,207	30,749	-	30,749	20,458	40
5A003 - Group Insurance Total	51,207	30,749	-	30,749	20,458	40
53016 - RSP (Retirement Savings Plan)	9,640	1,270	-	1,270	8,370	87
53018 - ERS (Employee Retirement Plan)	6,741	6,666	-	6,666	75	1
53020 - GRIP (Guaranteed Retirement Income Plan)	7,348	10,138	-	10,138	(2,790)	(38)
5A004 - Retirement Total	23,729	18,075	-	18,075	5,654	24
EXP02 - Operating Expenses Total	215,000	147,038	40,631	187,669	27,331	13
60018 - Professional Computer	30,000	20,000	-	20,000	10,000	33
60026 - Professional Educational/Training	80,000	-	-	-	80,000	100
60062 - Management Consulting	35,000	-	-	-	35,000	100
60106 - Financial Advisor Services	35,000	-	-	-	35,000	100
60168 - Temporary Office Clerical	-	65,640	32,736	98,376	(98,376)	(100)
60426 - Preparation Of Transcripts/Recorders	-	2,131	-	2,131	(2,131)	(100)
60530 - Other Professional Services	-	25,083	6,666	31,749	(31,749)	(100)
6A001 - Contract and Services Total	180,000	112,854	39,402	152,256	27,744	15
61926 - Building Or Space Rentals/Leases	-	520	-	520	(520)	(100)
6A003 - Rental Leases Total	-	520	-	520	(520)	(100)
62010 - General Office Supplies	1,500	3,273	331	3,603	(2,103)	(140)
62016 - Computer Supplies	1,000	-	-	-	1,000	100
62018 - Computer Equipment - Non Capitalized	2,500	-	-	-	2,500	100
62020 - Computer Software	-	264	898	1,162	(1,162)	(100)
62022 - Paper & Supplies For Copiers	150	-	-	-	150	100
6A004 - Office Supplies/Equipment-Not Capitalized Total	5,150	3,537	1,229	4,765	385	7
62322 - Ammo/Other	-	95	-	95	(95)	(100)
6A007 - Public Safety Supplies/Equipment Total	-	95	-	95	(95)	(100)
63020 - Office Machines/Copier Leases	-	2,117	-	2,117	(2,117)	(100)
63022 - Other Central Duplicating Services - Printing	1,500	3,972	-	3,972	(2,472)	(165)
6A013 - Printing - Central Duplicating Services Total	1,500	6,088	-	6,088	(4,588)	(306)
63200 - Central Duplicating - Postage - Bulk	2,500	4,625	-	4,625	(2,125)	(85)
6A015 - Mail - Central Duplicating Services Total	2,500	4,625	-	4,625	(2,125)	(85)
63604 - Cellular Phone Line Charges	-	457	-	457	(457)	(100)
6A018 - Phones/Telecommunication Services Total	-	457	-	457	(457)	(100)
64010 - Metropolitan Area Travel	250	-	-	-	250	100
6A021 - Travel Total	250	-	-	-	250	100
64120 - Other Education	500	-	-	-	500	100
6A022 - Training and Education Total	500	-	-	-	500	100
64208 - Other Dues	400	-	-	-	400	100
6A023 - Memberships and Dues Total	400	-	-	-	400	100
64300 - Advertising - Jobs	-	1,920	-	1,920	(1,920)	(100)
64308 - Advertising Legal Compliance	-	55	-	55	(55)	(100)
6A024 - Advertising Total	-	1,975	-	1,975	(1,975)	(100)
64402 - Professional Meetings Hosted	-	100	-	100	(100)	(100)
64408 - Meetings: Meals/Snacks/Refreshments	-	957	-	957	(957)	(100)
64410 - Meeting Room Rentals	-	14,530	-	14,530	(14,530)	(100)
64412 - Other Special County Functions	-	925	-	925	(925)	(100)
6A025 - Special County Functions Total	-	16,512	-	16,512	(16,512)	(100)
64502 - Boards- Meals/Snacks/Refreshments	-	40	-	40	(40)	(100)
64506 - Other Board/Commission/Committee Expenditures	-	248	-	248	(248)	(100)
6A026 - Boards/Committees/Commissions Total	-	288	-	288	(288)	(100)
69038 - Transcripts	14,000	85	-	85	13,915	99
69999 - Other Miscellaneous Operating Expenses	10,700	-	-	-	10,700	100
6A099 - Miscellaneous Operating Expenses Total	24,700	85	-	85	24,615	100
Grand Total	654,877	428,554	40,631	469,185	185,693	28

35



	FY15	FY16	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26
Beginning Fund Balance	Actual	Actual	Actual	Actual	Budget	Request	Projection	Projection	Projection	Projection	Projection	Projection
Revenue	415,722	421,282	705,688	713,045	625,442	606,107	555,463	493,250	418,733	331,144	229,679	113,499
Total	415,722	421,282	705,688	1,033,907	1,340,442	1,331,832	1,292,074	1,240,910	1,177,608	1,101,402	1,011,491	907,039
Personal Costs	259,673	299,707	271,155	319,173	431,162	466,060	484,702	504,090	524,254	545,224	567,033	589,715
Operating Costs	17,003	48,384	66,517	33,788	215,000	215,000	215,000	215,000	215,000	215,000	215,000	215,000
Indirect Costs	45,157	52,119	47,154	55,504	88,173	95,309	99,122	103,087	107,210	111,498	115,938	120,597
Total	321,833	400,210	384,826	408,465	734,335	776,369	798,824	822,177	846,464	871,723	897,992	925,311
Ending Fund Balance	93,890	21,072	320,862	625,442	606,107	555,463	493,250	418,733	331,144	229,679	113,499	(18,273)

Assumptions
 Revenue increases @ 1.5%
 Increase from 3.6 to 4.15FTEs Beginning FY19
 PC increases @ 4.0%; OE stays at \$185K
 Indirect cost rate = 17.39% of personnel costs through FY18; 20.45% thereafter
 For FY19, the County's proposed indirect cost rate has been calculated based on fund types: 23.62 percent for the General Fund "General County Rate" and 20.45 percent for Non-Tax Supported Special Funds and Other Tax Supported Special Funds "County Grant Rate".

Public Services Program (PSP) Budget

Effective FY17, all COC Program revenues are used exclusively for COC Program expenditures. All revenues remain within the program. To ensure a proper accounting of year-over-year resources, DHCA prepares a PSP Budget with the Office of Management and Budget. A PSP budget is a 6-year budget that projects certain expenditures and revenues based on certain assumptions. The purpose of the projection is to present a clear illustration of the program's long-term financial viability.

The PSP budget is presented here. Per the budget, the program will continue to be viable for the long run. Although in year six there is a projected deficit, the underlying assumption is full expenditure in each fiscal year. The reality is that in outyears there will be either less expenditures or more revenue that will cover the deficit in FY26. If there is not, DHCA would consider adjusting COC fees to cover the deficit.

Note that budget figures are based on the "original budget" (County Council approved budget). Budget figures may be adjusted after Q1 during a PO liquidation and carryover process or after Q2 and Q3 estimates. DHCA provides budget to expenditure data on the "latest budget" which may result in slight discrepancies when comparing the annual expenditure budget to the PSP budget.



MC311 Service Request Details

MC311 Customer Service Center is Montgomery County's source for non-emergency government information and services. You can reach MC311 by calling 311 in the County or 240-777-0311, 711 for MD Relay TTY, from anywhere, Monday - Friday 7 a.m. – 7 p.m. Use the links on this page, or follow us on twitter [@311MC311](https://twitter.com/311MC311).

Annually, DHCA responds to 25,000 – 35,000 services requests with the Housing Code Enforcement, Landlord Tenant Affairs and Licensing and Registration receiving approximately 10,000 requests annually.

Below is a summary of the service requests processed by Common Ownership Communities for the current month and fiscal year to date (July – Present).

Month to Date

SLA	Topic	# of SRs	# of SRs meeting SLA	Avg +- Days	% of SRs meeting SLA
3	Request to Speak to a Commission on Common Ownership Communities (CCOC) Staff Member	62	62	-1.95	100.00%
Total		62	62		100.00%

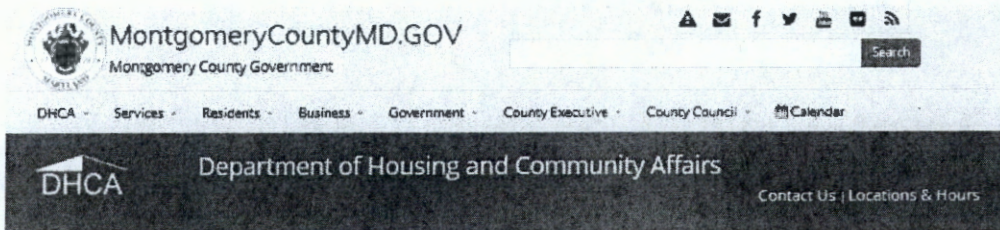
Fiscal Year to Date

SLA	Topic	# of SRs	# of SRs meeting SLA	Avg +- Days	% of SRs meeting SLA
1	Bill 50-15: Common Ownership Community (COC) and Commission on Common Ownership Communities (CCOC) Transfer to Department of Housing & Community Affairs (DHCA) and increasing COC Registration Fees	1	1	0	100.00%
3	Request to Speak to a Commission on Common Ownership Communities (CCOC) Staff Member	762	755	-1.84	99.08%
1	CCOC Community Association Manual and Resource Guide	1	1	0	100.00%
1	CCOC Online Training Program for Board Members	1	1	0	100.00%
1	Condominium or Homeowners Association Complaints	10	10	0	100.00%
Total		775	768		99.10%

This compares favorably to last year (FY18), when 596 service requests were received of which 454 (or 76.17%) were successfully completed within the applicable time limit (aka service length agreement, or SLA).

COC Website

The new COC website is now live. Thanks to Kathy Viney and Jacob Esterque for their work in updating and refreshing the look and feel of the website. The site can be accessed at the following web address: <https://montgomerycountymd.gov/DHCA/housing/commonownership/index.html>



Office of Common Ownership Communities

The Office of Common Ownership Communities (OCOC) is committed to providing owners, tenants, residents, boards of directors, and management companies of self-governing residential communities with information, assistance, and impartial dispute resolution programs that:

- Improve the quality of life in the community;
- Strengthen the self-governing community structure; and
- Enhance the value of residential property in community associations.

The OCOC provides these services to the public with integrity, transparency, and a commitment to the highest ethical standards.

 <h4>Board Member Training</h4> <p>Online training program for board members of common ownership communities. Provided by the COCC.</p> <p>More Information</p>	 <h4>Common Ownership Communities</h4> <p>What you should know about living in a condominium, cooperative, or homeowners' association.</p> <p>More Information</p>	 <h4>Registration of COCs</h4> <p>All condominium, cooperative, and homeowners' associations must register with the County annually.</p> <p>More Information</p>	 <h4>The Commission</h4> <p>Educates residents on good governance and resolves disputes between residents and their associations.</p> <p>More Information</p>
 <h4>Community Information</h4> <p>Understanding "best practices" and proper procedure promotes good behavior, and reduces the number of disputes between residents and boards of directors.</p> <p>More Information</p>	 <h4>Law Library</h4> <p>Use these links to view the laws and policies that govern COCs.</p> <p>More Information</p>	 <h4>Filing a Complaint</h4> <p>Filing a complaint begins a legal process that can be complicated, time-consuming, and costly; understand the process before completing and filing the form.</p> <p>More Information</p>	 <h4>COC News and Upcoming Events</h4> <ul style="list-style-type: none">• DHCA Calendar• DHCA Announcements <p>More Information</p>

Activity Status Reports

The following reports demonstrate the volume of cases filed within a given timeframe and details the case status from filing through disposition. Note that most of these reports include details for a specific date range; however, "cases pending" include details that are aggregated (include all open cases in the COC Case Management System).

In FY18 through June 30, there were 103 cases filed and 26 closed. This compares to 70 filed in FY19 with 86 closed (and another 88 cases were closed through the database closeout initiative).

Monthly and Annual Case Summaries

Activity Summary Report

From 07/01/2018 to 06/30/2019.

Activity Summary Report

From 06/01/2019 to 06/30/2019.

Category	Item	Value	Item	Value
By Date Range	Disputes filed:	70	Disputes filed:	7
	Disputes adjudicated at Public Hearing:	0	Disputes adjudicated at Public Hearing:	0
	Decisions issued:	119	Decisions issued:	1
	Formal mediation sessions:	0	Formal mediation sessions:	0
	Cases pending:	44	Cases pending:	44
Aggregate to Date	New cases	2	New cases	2
	Cases in process	17	Cases in process	17
	Cases in mediation stages	3	Cases in mediation stages	3
	Cases in default stages	9	Cases in default stages	9
	Cases to Commission	5	Cases to Commission	5
	Cases in hearing	8	Cases in hearing	8
	Cases appealed	0	Cases appealed	0
By Date Range	Disputes closed:	174	Disputes closed:	3
	Settled by the parties:	14	Settled by the parties:	2
	Settled in formal mediation:	24	Settled in formal mediation:	0
	Settled after CCOC took jurisdiction:	6	Settled after CCOC took jurisdiction:	0
	Resolved by CCOC ruling:	25	Resolved by CCOC ruling:	1
	Withdrawn:	12	Withdrawn:	0
	No jurisdiction	5	No jurisdiction	0

Monthly Trends

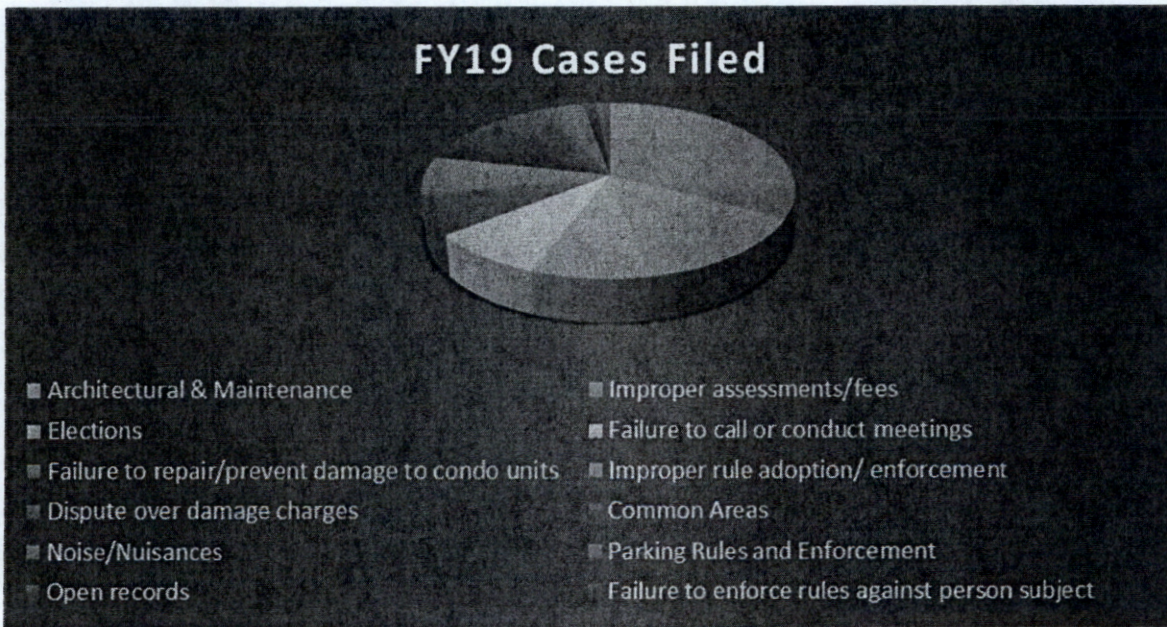
COC Case Inflow / Outflow	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Total
Disputes filed:	6	7	4	6	4	8	5	4	15	3	1	7	70
Disputes adjudicated at Public Hearing:													0
Decisions issued:	5	4	2	3	89	4	3	2	1		5	1	119
Formal mediation sessions:													0
Disputes closed:	12	5	13	8	99	7	8	7	6	1	5	3	174
Settled by the parties:	1	1	5	2	2				1			2	14
Settled in formal mediation:	3		3	2	1	3	4	2	5	1			24
Settled after CCOC took jurisdiction:			3		2	1							6
Resolved by CCOC ruling:	6	2		1	3	3	2	2			5	1	25
Withdrawn:	1	2	2		2		2	3					12
No jurisdiction	1			3	1								5
Database Closeout Initiative					88								88

FY19 Cases by Case Type, Status and Case List

Like last fiscal year, the bulk of current year cases involve architectural and maintenance issues; however, governance issues continue to be the second most frequent issue (elections, meetings, fees, rules).

Case Type	Cases Filed
Architectural & Maintenance	23
Improper assessments/fees	10
Elections	6
Failure to call or conduct meetings	6
Failure to repair/prevent damage to condo units	5
Improper rule adoption/ enforcement	5
Dispute over damage charges	4
Common Areas	3
Noise/Nuisances	3
Parking Rules and Enforcement	3
Open records	1
Failure to enforce rules against person subject	1
Grand Total	70

Case Type	Cases Filed
Completed	37
In Process	13
Commission	5
Default	5
Hearing	4
Mediation	3
Awaiting Decisions and Orders	2
New Case	1
Grand Total	70



STATUS	CASE TYPE	CASE NO.	CASE NAME
Awaiting Decisions and Orders	Common Areas	2019-014	Kimya Hogarth v. Wintergate at Longmead Condominium Association
Awaiting Decisions and Orders	Elections	2019-019	Diana Weinrich, et al. v. Tanterra HOA
Commission	Architectural & Maintenance	2019-020	Ahmad Moghaddam v. The Forum Condominium
Commission	Dispute over damage charges	2019-054	Ronald & Hae-Sun Krams v. Mutual 14
Commission	Failure to repair/prevent damage to condo units	2019-040	Maria Segura v. Glen Waye Gardens Condominium
Commission	Improper rule adoption/ enforcement	2019-046	Altayework Berhaneselassie & Billigine Senbet v Hill Top Condominium
Commission	Parking Rules and Enforcement	2019-028	George Theodory v. Kenwood Condominium
Completed	Architectural & Maintenance	2019-009	Yordan & Giovanna Silvera v Iverness Forest
Completed	Architectural & Maintenance	2019-011	Churchill East Village v Jose Hernandez
Completed	Architectural & Maintenance	2019-015	James J. Stevens, Jr. v. The Crest of Wickford Condominium
Completed	Architectural & Maintenance	2019-033	Fox Chapel North Homes Association, Inc. v. Edwin Baldomar
Completed	Architectural & Maintenance	2019-002	Sarah Austin v Villas at Willow Cove Condominium
Completed	Architectural & Maintenance	2019-008	Falls Ridge HOA v Daniel Tan
Completed	Architectural & Maintenance	2019-010	Churchill East Village v Kevin Low
Completed	Architectural & Maintenance	2019-016	Stephen Murphy v Willow Cove Townhouse Condominium
Completed	Architectural & Maintenance	2019-018	Autumn Breeze Condominium v. Hendrix Kiondo & Alencia Jenkins
Completed	Architectural & Maintenance	2019-032	Krishnan & Nisha Rajam v. Seneca Park North HOA
Completed	Architectural & Maintenance	2019-034	Sara Tenenbaum & Nicholas Love v. New Mark Commons HOA
Completed	Architectural & Maintenance	2019-047	Longmead Crossing v. Phu Cam Vuong
Completed	Architectural & Maintenance	2019-048	Longmead Crossing v. Janice Griffin
Completed	Architectural & Maintenance	2019-052	Longmead Crossing v. Young Min Lee
Completed	Architectural & Maintenance	2019-060	Carol Lynn Dillihay v. King Farm Citizens Assembly
Completed	Common Areas	2019-022	Robert and Monica Patterson v. Vineyards Condominium
Completed	Dispute over damage charges	2019-004	Laura Hawley-Jarvis v Mutual 8 of Leisure World
Completed	Dispute over damage charges	2019-027	College Square Condominium, Inc. v. Satnam and Jit Gidda
Completed	Elections	2019-003	Emanuel Anagnostianos v Wintergate at Longmead
Completed	Elections	2019-012	Sheryl Katzman v Leisure World Community Corporation, et al.
Completed	Elections	2019-035	Dallas E. Valley, Jr. v. Tiers of Silver Spring
Completed	Failure to call or conduct meetings	2019-037	Justin Temple v Rock Creek Overlook Home Owners Association, Inc.
Completed	Failure to call or conduct meetings	2019-001	Erik Pierce v Mutual 8
Completed	Failure to call or conduct meetings	2019-013	Jane Utterback v. Wintergate at Longmead Condominium Association
Completed	Failure to repair/prevent damage to condo units	2019-039	Kennebec Gardens Condominium v Tobi Pannell
Completed	Improper assessments/fees	2019-006	Dennis & Doris Eisen v Mutual 308 The Greens at Leisure World II
Completed	Improper assessments/fees	2019-026	Peterson v. Sedgwick Homes Association, Inc.
Completed	Improper assessments/fees	2019-007	Euphemia Agwe v Seneca Park North HOA
Completed	Improper assessments/fees	2019-024	Dereje Gizaw v. Seneca Forest Community Association
Completed	Improper rule adoption/ enforcement	2019-017	Frank & Kim Luncheon v. Aurora Homeowners Association, Inc.
Completed	Improper rule adoption/ enforcement	2019-023	Carol Emel v. Leisure World - Mutual 15
Completed	Improper rule adoption/ enforcement	2019-031	Daniel Tsehaye v. Pliers Mill Crossing Homeowners Association
Completed	Improper rule adoption/ enforcement	2019-029	Sandra Talley v. New Mark Commons Association, Inc.
Completed	Noise/Nuisances	2019-030	Shirley & Joseph Miree v. Village at Town Center Condominium Association, Inc.
Completed	Noise/Nuisances	2019-042	Plymouth Woods Condominium, Inc. v. Arthur Osgood, Sr.
Completed	Open records	2019-025	Maria-Eugenia Angarita-Troillard v. Bristol Square Condominiums
Completed	Parking Rules and Enforcement	2019-005	Marsea Gallagher v Hampshire Greens HOA
Default	Architectural & Maintenance	2019-049	Longmead Crossing v. Jose-Luis Mendoza
Default	Architectural & Maintenance	2019-051	Longmead Crossing v. Oyinwa Alex-Okoh
Default	Architectural & Maintenance	2019-055	Longmead Crossing v. Miguel Rodriguez
Default	Architectural & Maintenance	2019-050	Longmead Crossing v. Betelehem Tesfaye Dejen
Default	Failure to enforce rules against person subject	2019-041	George Strumpf v. The Forum Condominium
Hearing	Failure to repair/prevent damage to condo units	2019-057	Luz Torres v Top of the Park Condominium Association
Hearing	Failure to repair/prevent damage to condo units	2019-036	Zachary & Laura Mason v. Americana Centre Condominium, Inc.
Hearing	Improper assessments/fees	2019-038	Heather Kenney v. Council of Unit Owners of Cherington Condominium
Hearing	Noise/Nuisances	2019-044	North Creek Villas Condominium Association v. Edward Feinstein
In Process	Architectural & Maintenance	2019-053	Longmead Crossing v. Manuel & Maria Cruz
In Process	Architectural & Maintenance	2019-059	Shih Kwang Hsu v Normandy Hills Homeowner's Association
In Process	Common Areas	2019-070	Marcus Washington v The Silvertown Condominium
In Process	Elections	2019-067	Edward Tuvin v Westlake Condominium "B", Inc.
In Process	Elections	2019-065	Susan Nerlinger v Homeland Village Community Association
In Process	Failure to call or conduct meetings	2019-062	Lynn Johnson v Rock Creek Commons II
In Process	Failure to repair/prevent damage to condo units	2019-063	Sandra Hall Snowden v. Olney Towne Condominiums
In Process	Improper assessments/fees	2019-045	Matthew Fioretti v. Greenfield Commons Condominium
In Process	Improper assessments/fees	2019-061	Francesca Giancristofaro Calvi v. Hartford Thayer Association
In Process	Improper assessments/fees	2019-064	Karina M Kasztelnik v Norbeck Crossing HOA, Inc.
In Process	Improper assessments/fees	2019-066	Aida & Ruth Roxas v Norbeck Crossing Homeowners, Association, Inc.
In Process	Improper assessments/fees	2019-068	Rina Basu v Norbeck Crossing Condominium I
In Process	Parking Rules and Enforcement	2019-021	Jeffrey and Nancy Edelstein v. Kenwood Condominium Council of Unit Owners
Mediation	Architectural & Maintenance	2019-056	Longmead Crossing v. Philip & Gloria Furtado
Mediation	Failure to call or conduct meetings	2019-043	Validic Align LLC v. Maple Springs Medical Center Condominium Association
Mediation	Failure to call or conduct meetings	2019-058	Natascha Milesi Ferretti v Willow Cove Townhouse Condominium
New Case	Dispute over damage charges	2019-069	Weiwei Li v Plymouth Woods Condominium Association, Inc.

[Print](#)

Montgomery County Code

Chapter 10B Common Ownership Communities. [Note]**Article 1. Commission on Common Ownership Communities.**

§ 10B-1. Findings; purpose.

§ 10B-2. Definitions.

§ 10B-3. Commission on Common Ownership Communities.

§ 10B-4. Administrative support.

§ 10B-5. Duties of the Department of Housing and Community Affairs.

§ 10B-6. Duties of the Commission on Common Ownership Communities.

§ 10B-7. Registration; fees.

§ 10B-7A. Notification requirements.

Article 2. Dispute Resolution.

§ 10B-8. Defined terms.

§ 10B-9. Filing disputes; exhaustion of association remedies.

§ 10B-9A. Request for relief from stay.

§ 10B-10. Production of evidence.

§ 10B-11. Mediation; dismissal before hearing.

§ 10B-12. Hearing Panel.

§ 10B-13. Administrative hearing.

§ 10B-14. Settlement of disputes; assistance to parties.

§ 10B-15. Regulations.

Article 3. Open Conduct.

§ 10B-16. Reserved.

§ 10B-17. Voting procedures; training.

§ 10B-18. Budget.

§ 10B-19. Enforcement.

Article 1. Commission on Common Ownership Communities.

Sec. 10B-1. Findings; purpose.

The Council finds that there is often unequal bargaining power between governing bodies, owners, and residents of homeowners' associations, residential condominiums, and cooperative housing projects. Owners and residents in these common ownership communities are in effect citizens of quasi-governments, which provide services in lieu of government services, levy assessments, and otherwise have a significant impact on the lives and property of owners and residents.

Owners and residents in common ownership communities require the protection of democratic governance. In furtherance of this goal, the Council finds a need to regulate elections, budget adoption, enforcement procedures, and resolution of disputes with adequate due process protections. The Council also finds that the creation of a Commission on Common Ownership Communities will through regulation and education promote an equitable balance between the powers of governing bodies, owners, and residents.

The County Council finds that a Commission on Common Ownership Communities is necessary to advise the County Council, the County Executive, and offices of County government as necessary on ways to:

- (a) ensure proper establishment and operation of homeowners' associations, condominium associations, and cooperative housing corporations;
- (b) promote education, public awareness and association membership understanding of the rights and obligations of living in a common ownership community;
- (c) reduce the number and divisiveness of disputes, and encourage informal resolution of disputes;
- (d) maintain property values and quality of life in these communities;
- (e) assist and oversee in the development of coordinated community and government policies, programs, and services which support these communities; and
- (f) prevent potential public financial liability for repair or replacement of common ownership community facilities. (1990 L.M.C., ch. 33, § 1; 1994 L.M.C., ch. 9, § 1; 1996 L.M.C., ch. 13, § 1.)

Sec. 10B-2. Definitions.

In this Chapter, the following words have the following meanings:

Commission means the Commission on Common Ownership Communities.

Common ownership community includes:

- (1) a development subject to a declaration enforced by a homeowners' association, as those terms are used in state law;
- (2) a residential condominium, as that term is used in state law; and
- (3) a cooperative housing project, as that term is used in state law.

Department means the Department of Housing and Community Affairs.

Director means the Director of the Department of Housing and Community Affairs or the Director's designee. (1990 L.M.C., ch. 33, § 1; 1994 L.M.C., ch. 9, § 1; 1996 L.M.C., ch. 13, § 1; 2005 L.M.C., ch. 26, § 1; 2016 L.M.C., ch. 10, § 1.)

Editor's note—2005 L.M.C., ch. 26, §§ 2 and 3, state:

Sec. 2. Regulations. A regulation which implements a function transferred to the Office of Consumer Protection by this Act continues in effect until otherwise amended or repealed, but any reference to any predecessor department or office must be treated as referring to the Office of Consumer Protection.

Sec. 3. Transition. This act does not invalidate or affect any action taken by the Department of Housing and Community Affairs before this Act took effect. Any responsibility or right granted by law, regulation, contract, or other document, and which is associated with a function transferred by this Act from the Department of Housing and Community Affairs, is transferred to the Office of Consumer Protection.

Sec. 10B-3. Commission on Common Ownership Communities.

(a) The County Executive must appoint, subject to confirmation by the Council, a Commission on Common Ownership Communities. The Commission consists of 15 voting members.

(1) Eight members should be selected from unit or lot owners or residents of self-managed and professionally managed condominiums, self-managed and professionally managed cooperative housing corporations, and self-managed and professionally managed homeowners' associations, and may include members or former members of governing boards.

(2) Seven members should be selected from persons who are members of professions associated with common ownership communities (such as persons involved in housing development and real estate sales and attorneys who represent community associations, developers, housing management or tenants), including at least one person who is a professional community association manager.

(b) Designees of the County Council (if the Council selects a designee), Planning Board, Department of Environmental Protection, Department of Permitting Services, Department of Transportation, and Department of Housing and Community Affairs are ex-officio nonvoting members of the Commission.

(c) Each voting member serves a 3-year term. Of the members first appointed, one-third must be appointed for 1-year terms, one-third must be appointed for 2-year terms, and one-third must be appointed for 3-year terms. A member must not serve more than 2 consecutive full terms. A member appointed to fill a vacancy serves the rest of the unexpired term. Members continue in office until their successors are appointed and qualified.

(d) Prior to participation in any Commission matter, each voting member must complete:

(1) training required of common ownership community board members under Section 10B-17(h); and

(2) training in the State and local laws on matters within the jurisdiction of the Commission provided or otherwise approved by the County Attorney.

(e) The County Executive, with the consent of the Council, may remove a voting member of the Commission for neglect of or inability to perform the duties of the office, misconduct in office, or serious violation of law. Before the Executive removes a member, the Executive must give the member notice of the reason for removal and a fair opportunity to reply.

(f) Section 2-148(b) applies only to voting members of the Commission.

(g) The Commission must elect one voting member as chair and another as vice chair, to serve at the pleasure of the Commission, and may elect other officers as it determines.

(h) Voting members of the Commission receive no compensation for their services.

(i) The Commission meets at the call of the chair as often as required to perform its duties, but at least once each month. A majority of the voting members are a quorum for the transaction of business, and a majority of the voting members present at any meeting may take any official action.

(j) The Office must provide the Commission with staff, offices and supplies as are appropriated for it.

(k) The Commission must submit an annual report by September 1 to the County Executive and the County Council summarizing its activities, needs, and recommendations, and the extent to which the goals of this Chapter are being met. (1990 L.M.C., ch. 33, § 1; FY 1991 L.M.C., ch. 9, § 1; 1995 L.M.C., ch. 17, § 1; 1996 L.M.C., ch. 4, § 1; 1996 L.M.C., ch. 13, § 1; 1996 L.M.C., ch. 20, § 1; 1998 L.M.C., ch. 12, § 1; 2001 L.M.C., ch. 14, § 1; 2002 L.M.C., ch. 16, § 2; 2005 L.M.C., ch. 24, § 1; 2005 L.M.C., ch. 26, § 1; 2008 L.M.C., ch. 5, § 1; 2010 L.M.C., ch. 10, § 1; 2016 L.M.C., ch. 10, § 1.)

Editor's note—2016 L.M.C., ch. 10, § 3, states: Current members of the Commission must complete the training required under Section 10B-3(d) within 90 days after this Act takes effect.

2008 L.M.C., ch. 5, § 3, states: Sec. 3. Any regulation in effect when this Act takes effect that implements a function transferred to another Department or Office under Section 1 of this Act continues in effect, but any reference in any regulation to the Department from which the function was transferred must be treated as referring to the Department to which the function is transferred. The transfer of a function under this Act does not affect any right of a party to any legal proceeding begun before this Act took effect.

2005 L.M.C., ch. 26, §§ 2 and 3, state:

Sec. 2. Regulations. A regulation which implements a function transferred to the Office of Consumer Protection by this Act continues in effect until otherwise amended or repealed, but any reference to any predecessor department or office must be treated as referring to the Office of Consumer Protection.

Sec. 3. Transition. This act does not invalidate or affect any action taken by the Department of Housing and Community Affairs before this Act took effect. Any responsibility or right granted by law, regulation, contract, or other document, and which is associated with a function transferred by this Act from the Department of Housing and Community Affairs, is transferred to the Office of Consumer Protection.

Sec. 10B-4. Administrative support.

In selecting staff to carry out the Department's responsibilities under this Chapter, the Director must consider the recommendations of the Commission. (1990 L.M.C., ch. 33, § 1; 1995 L.M.C., ch. 17, § 1; 1996 L.M.C., ch. 13, § 1; 2005 L.M.C., ch. 26, § 1; 2016 L.M.C., ch. 10, § 1.)

Editor's note—Section 2 of 1995 L.M.C., ch. 17, reads as follows: "Sec. 2. Any regulation in effect on September 28, 1995, which refers to the Office of Common Ownership Communities, the Commission on Common Ownership Communities, the Office of Landlord-Tenant Affairs, or the Commission on Landlord-Tenant Affairs continues in effect, but any reference in any such regulation to the Department of Housing and Community Development or its Director must be treated as a reference to the Office of Consumer Affairs or its Director unless the context clearly indicates a contrary intent."

Sec. 10B-5. Duties of the Department of Housing and Community Affairs.

The Department, in consultation with the Commission, must:

- (a) research, assemble, analyze and disseminate pertinent data and educational materials about activities and programs which assist common ownership communities; plan and conduct educational and other programs, meetings and conferences to promote the operation of common ownership communities;
- (b) maintain a master roster of homeowners' associations, condominiums, and cooperatives, their leadership, and their professional management companies if applicable;
- (c) develop and maintain an information and referral system for all services in the County related directly to common ownership communities, and recommend other services when needed;

- (d) maintain a collection of common ownership community association documents for use as a model and for reference;
- (e) provide technical assistance to association governing bodies on matters such as transition, elections, rules adoption and enforcement, selection of association managers, storm water management and other services;
- (f) develop and maintain a manual for the mutual benefit of common ownership communities and government agencies;
- (g) develop and maintain an operations manual which will serve as a guide on operations to common ownership community leadership;
- (h) advise common ownership communities and professional association managers of changes in the laws and regulations that affect their communities or operations;
- (i) operate a dispute resolution process to furnish mediation and administrative hearings; and
- (j) assist the Commission in carrying out its duties and in implementing Commission decisions under Article 2. (1990 L.M.C., ch. 33, § 1; 1994 L.M.C., ch. 9, § 1; 1996 L.M.C., ch. 13, § 1; 2005 L.M.C., ch. 26, § 1; 2010 L.M.C., ch. 49, § 1; 2016 L.M.C., ch. 10, § 1.)

Editor's note—2005 L.M.C., ch. 26, §§ 2 and 3, state:

Sec. 2. Regulations. A regulation which implements a function transferred to the Office of Consumer Protection by this Act continues in effect until otherwise amended or repealed, but any reference to any predecessor department or office must be treated as referring to the Office of Consumer Protection.

Sec. 3. Transition. This act does not invalidate or affect any action taken by the Department of Housing and Community Affairs before this Act took effect. Any responsibility or right granted by law, regulation, contract, or other document, and which is associated with a function transferred by this Act from the Department of Housing and Community Affairs, is transferred to the Office of Consumer Protection.

Sec. 10B-6. Duties of the Commission on Common Ownership Communities.

The Commission must:

- (a) adopt rules and procedures as necessary to carry out the purposes of this Chapter;
- (b) keep a record of its activities and minutes of all meetings, which must be kept on file and open to the public at reasonable business hours upon request;
- (c) cooperate with the County Executive and all government agencies concerned with matters within the jurisdiction of the Commission;
- (d) examine by means of public or private meetings, conferences, and public hearings, conditions in common ownership communities which may result in unmet community, resident, or public needs;
- (e) advise the citizens of the County, the County Council, and the County Executive, and County, state, and federal agencies on matters involving common ownership communities, and recommend such programs, procedures, or legislation as it finds necessary;
- (f) provide training on the responsibilities of a board member for members of the governing body of a common ownership community by:
 - (1) developing an educational curriculum for new members; and

(2) approving an alternative educational curriculum for new members administered by other organizations. (1990 L.M.C., ch. 33, § 1; 2015 L.M.C., ch. 2, § 1.)

Editor's note—2015 L.M.C., ch. 2, § 2, states: Each member of the governing body of a common ownership community who was appointed or elected before this law takes effect must successfully complete the training requirements contained in Section 1 within 90 days after being elected for a new term of office that begins after this law takes effect.

2015 L.M.C., ch. 2, § 3 states: The amendments made in Section 1 of this Act take effect on January 1, 2016.

Sec. 10B-7. Registration; fees.

(a) (1) Each common ownership community must register with the Commission annually, and identify its elected leadership and managing agents, on a form provided by the Commission.

(2) Failure to register, or making a false statement on a registration form, is a class A violation and also makes the community ineligible to file a dispute under Article 2.

(3) The governing body of a homeowners' association, the council of unit owners of a condominium, and the board of directors of a cooperative housing corporation are responsible for compliance with this subsection, including the payment of any registration fee.

(b) The County Executive by regulation adopted under method (2) may establish reasonable fees in amounts sufficient to fund the provision of dispute resolution and technical assistance by the Commission and the Department. These fees may include:

(1) a per unit annual charge to common ownership communities to renew registration;

(2) fees for service, that seek to recover the actual cost of the service, for technical assistance and dispute resolution; and

(3) a per unit charge to developers when documents are recorded. (1990 L.M.C., ch. 33, § 1; 1996 L.M.C., ch. 13, § 1.)

Editor's note-In Dumont Oaks Community Ass'n., et al. v. Montgomery County, 333 Md. 202, 634 A.2d 459 (1993), the Court of Appeals held that the County could validly impose under § 10B-7 a per-unit fee. Section 10B-7 does not impose a discriminatory burden on common ownership communities in violation of State law.

Sec. 10B-7A. Notification requirements.

The governing body of a community association must, at least annually, distribute information in a form reasonably calculated to notify all owners about the availability of dispute resolution, education, and other services to owners and residents of common ownership communities through the Department and the Commission. The governing body may satisfy this requirement by including with any annual notice or other mailing to all members of the community association any written materials developed by the Department to describe the Commission's services. (2010 L.M.C., ch. 10, § 1; 2016 L.M.C., ch. 10, § 1.)

Article 2. Dispute Resolution.

Sec. 10B-8. Defined terms.

In this Article and Article 3, the following terms have the following meanings:

(1) *Association document* means:

(A) the master deeds, declaration, incorporation documents, bylaws, and rules of any common ownership community;

(B) any written private agreement between any parties concerning the operation of the community or maintenance or control of common or limited common property; and

(C) any similar document concerning the operation or governance of a common ownership community. Association document does not include a lease covered by Chapter 29 unless the lease provides that it may be enforced under this Chapter.

(2) *Common element* includes:

(A) in a condominium or cooperative, all portions of the common ownership community other than the units; or

(B) in a homeowners' association, any real estate in a homeowners' association community that is owned or leased by the association, other than a unit; and

(C) in all common ownership communities, any other interest in real estate for the benefit of owners which is subject to the declaration.

(3) *Community association* means the legal entity, incorporated or unincorporated, that is responsible for the governance or common property of a common ownership community.

(4) *Dispute* means any disagreement between 2 or more parties that involves:

(A) the authority of a governing body, under any law or association document, to:

(i) require any person to take any action, or not to take any action, involving a unit or common element;

(ii) require any person to pay a fee, fine, or assessment;

(iii) spend association funds; or

(iv) alter or add to a common element; or

(B) the failure of a governing body, when required by law or an association document, to:

(i) properly conduct an election;

(ii) give adequate notice of a meeting or other action;

(iii) properly conduct a meeting;

(iv) properly adopt a budget or rules;

(v) maintain or audit books and records;

(vi) allow inspection of books and records;

(vii) maintain or repair a common element if the failure results in significant personal injury or property damage; or

(viii) exercise its judgment in good faith concerning the enforcement of the association documents against any person that is subject to those documents.

(5) *Dispute* does not include any disagreement that only involves:

- (A) title to any unit or any common element;
- (B) the percentage interest or vote allocable to a unit;
- (C) the interpretation or enforcement of any warranty;
- (D) the collection of an assessment validly levied against a party; or

(E) the exercise of a governing body's judgment or discretion in taking or deciding not to take any legally authorized action.

(6) *Governing body of a community association* means the council of unit owners, board of directors, or any other body authorized by an association document to adopt binding rules or regulations.

(7) *Owner* includes:

- (A) a unit owner in a condominium;
- (B) a lot owner in a homeowners' association, and
- (C) a member of a cooperative housing corporation.

(8) *Party* includes:

- (A) an owner;
- (B) a governing body; and
- (C) an occupant of a dwelling unit in a common ownership community.

(9) *Unit or lot* includes:

- (A) any physical portion of a common ownership community with distinct property boundaries that:
 - (i) provides complete, independent living facilities for one or more individuals,
 - (ii) contains permanent provisions for living, sleeping, eating, cooking, and sanitation, and
 - (iii) is designated for exclusive ownership, control, or occupancy by those individuals; and
- (B) all legally enforceable rights and interests incidental to individual ownership of real property in a common ownership community. (1990 L.M.C., ch. 33, § 1; 2010 L.M.C., ch. 10, § 1.)

Sec. 10B-9. Filing disputes; exhaustion of association remedies.

- (a) The Commission may hear any dispute between or among parties.
- (b) A party must not file a dispute with the Commission until the party makes a good faith attempt to exhaust all procedures or remedies provided in the association documents.
- (c) However, a party may file a dispute with the Commission 60 days after any procedure or remedy provided in the association documents has been initiated before the association.
- (d) After a community association finds that a dispute exists, the association must notify the other parties of their rights to file the dispute with the Commission. The association must not take any action to enforce or implement its decision for 14 days after it notifies the other parties of their rights.
- (e) Except as provided in Section 10B-9A, when a dispute is filed with the Commission, a community association must not take any action to enforce or implement the association's decision, other than filing a

civil action under subsection (f), until the process under this Article is completed.

(f) Any party may file a civil action arising out of an association document or a law regulating the association's powers and procedures at any time. The court may stay all proceedings for at least 90 days after the court is notified that a dispute has been properly filed under this Article so that a hearing under Section 10B-13 may be completed. Whether or not a stay is issued, the court may hear the action *de novo* only if a hearing panel assigned to the dispute has not issued a decision under Section 10B-13(e). (1990 L.M.C., ch. 33, § 1; 2010 L.M.C., ch. 10, § 1.)

Editor's note—Section 10B-9 is quoted in *Campbell v. Lake Hallowell Homeowners Association*, 831 A.2d 465 (2003).

Sec. 10B-9A. Request for relief from stay.

(a) At any time after a dispute is filed under Section 10B-9, a community association may submit a request to lift the automatic stay required under Section 10B-9(e) to a hearing panel appointed under Section 10B-12, or if no hearing panel has been appointed, a special standing panel authorized to consider requests for relief from stays.

(b) The special panel must consist of three voting members of the Commission designated by the chair, and must include at least one representative of each membership category.

(c) An association that requests relief from a stay must serve a copy of its request on any other party named in the dispute by certified mail or personal service. A certificate of service must accompany any request submitted under this Section. A party served with a copy of the request must file its opposition, if any, within 10 days after receiving service.

(d) If a request for relief from a stay which states facts sufficient to show a need for immediate action is not granted or denied within 20 days after the request was filed, the request must be treated as granted.

(e) Except as provided in subsection (d), a request for relief from stay may only be granted if the assigned panel finds that:

(1) enforcing the stay would result in undue harm to the community association; and

(2) lifting the stay will not result in undue harm to the rights or interests of any opposing party. (2010 L.M.C., ch. 10, § 1; 2016 L.M.C., ch. 10, § 1.)

Sec. 10B-10. Production of evidence.

(a) The Commission may:

(1) compel the attendance at a hearing of witnesses and parties, administer oaths, take the testimony of any person under oath and, in connection with any dispute, require the production of any relevant evidence; and

(2) issue summonses to compel the attendance of witnesses and parties and the production of documents, records and other evidence in any matter to which this Article applies.

(b) If any person does not comply with any summons issued under this Article to compel the attendance of persons or the production of documents, records or other evidence in any matter to which this Article applies, the County Attorney, on behalf of the Commission, may enforce the summons in a court with jurisdiction. Failure to comply with a Commission summons is also a class A violation.

(c) Any court with jurisdiction may, on request of the Commission, in accordance with state law and the Maryland Rules of Procedure:

- (1) require compliance with a summons;
- (2) require the attendance of a named person before the Commission at a specified time and place;
- (3) require the production of records, documents, or other evidence;
- (4) require the transfer of custody of records, documents, or other evidence to the court; or
- (5) prohibit the destruction of any records, documents, or other evidence until a lawful investigation by the Commission is ended.

(d) A court may punish any disobedience of any order entered under this Section as a contempt of court. (1990 L.M.C., ch. 33, § 1; 1994 L.M.C., ch. 9, § 1.)

Sec. 10B-11. Mediation; dismissal before hearing.

(a) The Director may investigate facts and assemble documents relevant to a dispute filed with the Commission, and may summarize the issues in the dispute. The Director may notify a party if, in the Director's opinion, a dispute was not properly filed with the Commission, and may inform each party of the possible sanctions under Section 10B-13(d).

(b) If the Director, after reviewing a dispute, finds that, assuming all facts alleged by the party that filed the dispute are true, there are no reasonable grounds to conclude that a violation of applicable law or any association document has occurred, the Director may so inform the Commission. The Commission must dismiss a dispute if it finds that there are no reasonable grounds to conclude that a violation of applicable law or any association document has occurred, or it may order the Director to investigate further. The Commission may reconsider the dismissal of a dispute under this subsection if any party, in a motion to reconsider filed within 30 days after the dispute is dismissed, shows that:

- (1) the Commission erroneously interpreted or applied applicable law or an association document; or
- (2) material issues of fact that are necessary to a fair resolution of the dispute remain unresolved.

(c) If the Director, after reviewing a dispute and any investigation, finds reasonable grounds to conclude that a violation of applicable law or an association document has occurred, the Director must attempt to resolve the matter through informal negotiation including, in the Director's discretion, mediation. Each party named in the dispute or its representative must attend any mediation conference scheduled by the Director under this Section unless excused by the Director. If the party that files the dispute refuses or fails to participate in the mediation, the Director must dismiss the dispute. If the party that is the subject of the dispute refuses or fails to participate in the mediation, the Director must refer the dispute to the Commission for resolution. The party that is the subject of the dispute may not appear at the hearing, and the hearing panel may award relief to any party that the facts on the record warrant.

(d) Unless otherwise agreed to by the parties in writing, a mediation conference is informal and nothing said or done during a mediation conference is admissible in any subsequent hearing under this article.

(e) The Commission must promptly schedule a hearing under Section 10B-13 if either: (1) mediation has not occurred within 90 days after the Director found reasonable grounds to believe a violation occurred; or (2) the Director decides at any time that mediation would be fruitless. The Director may extend the mediation deadline by mutual consent of the parties. (1990 L.M.C., ch. 33, § 1; 1994 L.M.C., ch. 9, § 1; 1996 L.M.C., ch. 13, § 1; 2005 L.M.C., ch. 26, § 1; 2016 L.M.C., ch. 10, § 1.)

Editor's note—2016 L.M.C., ch. 10, § 2, states: Sections 10B-11(c), (d), and (e), as amended by this Act, which require attempted informal resolution of disputes, including mediation, apply to all disputes filed with the Commission after this Act takes effect as provided in Charter Section 112.

2005 L.M.C., ch. 26, §§ 2 and 3, state:

Sec. 2. Regulations. A regulation which implements a function transferred to the Office of Consumer Protection by this Act continues in effect until otherwise amended or repealed, but any reference to any predecessor department or office must be treated as referring to the Office of Consumer Protection.

Sec. 3. Transition. This act does not invalidate or affect any action taken by the Department of Housing and Community Affairs before this Act took effect. Any responsibility or right granted by law, regulation, contract, or other document, and which is associated with a function transferred by this Act from the Department of Housing and Community Affairs, is transferred to the Office of Consumer Protection.

Sec. 10B-12. Hearing Panel.

(a) If a hearing is scheduled, the chair of the Commission must convene a 3-member panel to hear the dispute.

(b) The chair must choose two members of the panel from the voting members of the Commission. The persons selected must represent the two different membership groups of the Commission. The two Commission members must designate the third member from a list of volunteer arbitrators trained or experienced in common ownership community issues maintained by the Commission. The third member must chair the panel. If a suitable arbitrator is not available, the chair of the Commission must designate the third panelist from among the voting members of the Commission, and must designate the chair of the panel.

(c) Each panelist must not have any interest in the dispute to be heard.

(d) Each volunteer arbitrator must not represent any parties in disputes before other hearing panels convened under this Chapter.

(e) If the Commission chair decides that a hearing should be held by a hearing examiner instead of a hearing panel, the chair, with the approval of the Commission, may designate the Office of Zoning and Administrative Hearings to conduct the hearing.

(f) If the parties to a dispute agree that the hearing should be held and the dispute decided by a hearing examiner instead of a hearing panel, the chair must designate the Office of Zoning and Administrative Hearings or another hearing examiner to conduct the hearing and issue a decision. (1990 L.M.C., ch. 33, § 1; 1994 L.M.C., ch. 9, § 1; 2010 L.M.C., ch. 10, § 1; 2016 L.M.C., ch. 10, § 1.)

Sec. 10B-13. Administrative hearing.

(a) A hearing panel appointed under Section 10B-12 must hold a hearing on each dispute that is not resolved by mediation under Section 10B-11 unless the Commission finds that:

(1) the dispute is essentially identical to another dispute between the same parties on which a hearing has already been held under this Section; or

(2) the dispute is clearly not within the jurisdiction of the Commission.

(b) Sections 2A-1 through 2A-11 apply to a hearing held under this Section. However, the parties need not be given more than 15 days' notice before the hearing is held, if the Commission finds that an expedited hearing is necessary. At any hearing, a party or a witness may be advised by counsel.

(c) If any party, after proper notice, does not appear at the scheduled hearing, the hearing panel may order any relief to another party that the facts on record warrant.

(d) The hearing panel may award costs, including reasonable attorney's fees, to any party if the other party:

- (1) filed or maintained a frivolous dispute, or filed or maintained a dispute in bad faith;
- (2) refused to participate in mediation of a dispute; or
- (3) substantially delayed or hindered the dispute resolution process without good cause.

The hearing panel may also require the losing party in a dispute to pay all or part of the filing fee.

(e) The hearing panel must apply State and County laws and all relevant caselaw to the facts of the dispute, and may order the payment of damages and any other relief that the law and the facts warrant. The decision of the hearing panel is binding on the parties, subject to judicial review under Section 2A-11.

(f) If the hearing has been held under Section 10B-12(d) by the Office of Zoning and Administrative Hearings, the hearing examiner must forward a recommended decision and order to a Commission panel. The Commission panel may adopt, reverse, modify, or remand the recommended decision before issuing its final order as provided in this Section.

(g) An appeal of a decision under this Section must be consolidated with any case filed under Section 10B-9(f) that arises out of the same facts.

(h) The court hearing an appeal must sustain the decision of the hearing panel unless the decision is:

- (1) inconsistent with applicable law;
- (2) not supported by substantial evidence on the record; or
- (3) arbitrary and capricious, considering all facts before the hearing panel.

(i) The Commission, acting through the Department and the County Attorney, may enforce a decision of the hearing panel by taking any appropriate legal action.

(j) In addition to any other penalty allowed by law, any person who does not comply with a final Commission order issued under this Chapter has committed a class A civil violation. Each day that a person does not comply with a Commission order is a separate offense. (1990 L.M.C., ch. 33, § 1; 1994 L.M.C., ch. 9, § 1; 1996 L.M.C., ch. 13, § 1; 2005 L.M.C., ch. 26, § 1; 2013 L.M.C., ch. 29, § 1; 2016 L.M.C., ch. 10, § 1.)

Editor's note—2013 L.M.C., ch. 29, § 2, states, in part: The Amendments to Section 10B-13 contained in Section 1 of this Act apply to any dispute filed with the Commission after the date this Act takes effect.

2005 L.M.C., ch. 26, §§ 2 and 3, state:

Sec. 2. Regulations. A regulation which implements a function transferred to the Office of Consumer Protection by this Act continues in effect until otherwise amended or repealed, but any reference to any predecessor department or office must be treated as referring to the Office of Consumer Protection.

Sec. 3. Transition. This act does not invalidate or affect any action taken by the Department of Housing and Community Affairs before this Act took effect. Any responsibility or right granted by law, regulation, contract, or other document, and which is associated with a function transferred by this Act from the Department of Housing and Community Affairs, is transferred to the Office of Consumer Protection.

Sec. 10B-14. Settlement of disputes; assistance to parties.

(a) Settlement of a dispute by mediation agreed to by the parties is binding, has the force and effect of a contract, and may be enforced accordingly.

(b) The Director may inform any party who has settled a dispute by mediation, or any party who prevails in a hearing held under Section 10B-13, about how the agreement or decision can be enforced. (1990

L.M.C., ch. 33, § 1; 1996 L.M.C., ch. 13, § 1; 2005 L.M.C., ch. 26, § 1; 2016 L.M.C., ch. 10, § 1.)

Editor's note—2005 L.M.C., ch. 26, §§ 2 and 3, state:

Sec. 2. Regulations. A regulation which implements a function transferred to the Office of Consumer Protection by this Act continues in effect until otherwise amended or repealed, but any reference to any predecessor department or office must be treated as referring to the Office of Consumer Protection.

Sec. 3. Transition. This act does not invalidate or affect any action taken by the Department of Housing and Community Affairs before this Act took effect. Any responsibility or right granted by law, regulation, contract, or other document, and which is associated with a function transferred by this Act from the Department of Housing and Community Affairs, is transferred to the Office of Consumer Protection.

Sec. 10B-15. Regulations.

The County Executive must promulgate, under method (2), regulations for the dispute resolution process. (1990 L.M.C., ch. 33, § 1.)

Article 3. Open Conduct.

Sec. 10B-16. Reserved.

Editor's note—Section 10B-16, relating to open meetings, derived from 1990 L.M.C., ch. 33, § 1, was repealed by 1994 L.M.C., ch. 9, § 1.

Sec. 10B-17. Voting procedures; training.

(a) *Election dates and procedures.* Not less than 10 nor more than 90 days before an election for the governing body of an association, the governing body must notify all members of the association of election procedures and the date of the election. An initial election for the governing body must be held not later than 60 days after the date that 50 percent of the units have been conveyed by the developer to the initial purchasers.

(b) *Election materials.* All election materials prepared with funds of the association:

- (1) must list candidates in alphabetical order; and
- (2) must not suggest a preference among candidates.

(c) *Absentee ballots.* Any unsigned absentee ballot, to be valid, must be:

(1) received in a signed, sealed envelope, bearing the identification of the dwelling unit and proportional voting percent, if any, on the outside; and

(2) opened only at a meeting at which all candidates or their delegates have a reasonable opportunity to attend.

(d) *Proxy or power of attorney.* Any proxy or power of attorney valid under state law may be used at any association meeting. However, a proxy and any power of attorney created for the purpose of a governing body's election must be appointed only to meet a quorum or to vote on matters other than an election for a governing body unless the proxy or power of attorney contains a directed vote on the election. If a proxy or

power of attorney form must be approved before it is cast, the approving authority must not unreasonably withhold its consent. A general power of attorney valid under state law may be used for any purpose at an association meeting that is consistent with the provisions of the general power of attorney, including for an election of the governing body.

(e) *Cumulative voting prohibited.* In an election for a governing body, for each unit that a members owns the member must not cast more than one vote for each candidate.

(f) *Counting votes.* Until the time for voting closes, an association must not open or count election ballots.

(g) *Terms of office.* Unless the association documents provide for other terms of office:

(1) a member elected to the governing body of an association is elected for a term of two 2 years; and

(2) the individual terms of the entire governing body are staggered, so that as close to one-third as possible are elected each year.

(h) A member of the governing body of a common ownership community must successfully complete the educational curriculum developed by the Commission or a similar educational curriculum administered by another organization that is approved by the Commission within 90 days after being elected or appointed to the governing body for the first time. The governing body must:

(1) certify that each member has successfully completed this training to the Commission;

(2) retain a copy of the certificate of completion for inspection by the members of the association for the duration of the governing body member's service; and

(3) report to the Commission no later than December 31 of each year membership data required by the Commission, including

(A) the name and address of each member of the board;

(B) the date each member completed the required training;

(C) the number of vacancies on the board; and

(D) the length of time each vacancy existed.

(i) A failure to satisfy the training requirement in subsection (h) does not:

(1) remove the member from the governing body; or

(2) invalidate a vote made by the member.

(j) The Commission may exercise its authority under Section 10B-19(a) to ensure compliance with the training required by Subsection (h).

(k) A hearing panel or a hearing examiner may consider a board member's failure to complete the training required by Subsection (h), if relevant, in deciding a dispute under Section 10B-13. (1990 L.M.C., ch. 33, § 1; 2010 L.M.C., ch. 10, § 1; 2015 L.M.C., ch. 2, § 1.)

Editor's note—2015 L.M.C., ch. 2, § 2, states: Each member of the governing body of a common ownership community who was appointed or elected before this law takes effect must successfully complete the training requirements contained in Section 1 within 90 days after being elected for a new term of office that begins after this law takes effect.

2015 L.M.C., ch. 2, § 3 states: The amendments made in Section 1 of this Act take effect on January 1, 2016.

Sec. 10B-18. Budget.

Unless the association documents provide otherwise:

- (a) the governing body must provide members of the association with the proposed budget of the association at least 30 days before the governing body votes on the budget; and
- (b) the governing body must provide members of the association with any proposed amendment to the budget at least 30 days before the governing body votes on the amendment, if the amendment will result in an increase or decrease of more than 15 percent of the approved budget. This requirement does not apply to expenditures made to respond to an imminent threat to health or safety or of serious property damage. (1990 L.M.C., ch. 33, § 1.)

Sec. 10B-19. Enforcement.

- (a) The Department may enforce this Article by legal action.
- (b) In addition to any action by the Department and any other action authorized by law, including the filing of a dispute under Article 2, any person may file an action:
 - (1) for injunctive relief to enforce this Article or correct any violation of it; and
 - (2) to recover damages for a loss sustained as a result of a violation of this Article. (1990 L.M.C., ch. 33, § 1; 2016 L.M.C., ch. 10, § 1.)

Notes

[Note] ***Editor's note**—2010 L.M.C., ch. 10, § 2, states: Transition. Until otherwise amended or superseded, a regulation issued under Chapter 10B before this Act takes effect [July 12, 2010] remains in effect to the extent that the regulation is consistent with Chapter 10B, as amended by this Act. This Act does not affect the term of any member of the Commission on Common Ownership Communities serving when this Act takes effect.

Chapter 10B discussed and interpreted in Dumont Oaks Community Assn. v. Montgomery County, 333 Md. 202, 634 A.2d 459 (1993)—Chapter held within the authority of the County to enact.

See County Attorney Opinion dated 12/19/91 explaining that homeowners associations located in municipalities that have not adopted Chapter 10B must apply to the Commission on Common Ownership Communities for approval of an alternate dispute resolution process before participating in the Roadway Maintenance Reimbursement Program.