

Prince George's County Council Agenda Item Summary

Meeting Date: 11/17/2015
Reference No.: CB-058-2015
Draft No.: 3
Proposer(s): Davis, Glaros, Turner, Taveras
Sponsor(s): Davis, Glaros, Turner, Taveras, Lehman, Franklin, Patterson
Item Title: An Act concerning the Common Ownership Communities Program for the purpose of amending the Common Ownership Communities Program to assist governing bodies, owners, and residents of homeowners' associations, residential condominiums, and cooperative housing corporations with education, training, and dispute resolution and/or administrative hearing procedures in matters relating to these communities; and generally regarding Common Ownership Communities.

Drafter: Kathleen H. Canning, Legislative Officer
Resource Personnel: Nellvenia W. Johnson, Chief of Staff

LEGISLATIVE HISTORY:

Date Presented:	7/21/2015	Executive Action:	12/10/2015 US
Committee Referral:	7/21/2015 - THE	Effective Date:	1/25/2016

Committee Action: 10/15/2015 - FAV(A)

Date Introduced: 10/20/2015
Public Hearing: 11/17/2015 - 10:00 AM

Council Action (1) 11/17/2015 - ENACTED
Council Votes: DLD:A, MRF:A, DG:A, AH:A, ML:A, OP:A, DT:A, KT:A, TT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

13-314, 13-316, 13-319, 13-320, 13-321, 13-322, 13-323, 13-324, 13-325, 13-326, 13-327, 13-328

COMMITTEE REPORTS:

TRANSPORTATION, HOUSING AND THE ENVIRONMENT COMMITTEE

Date 10/15/2015

REVISED

Committee Vote: Favorable with Amendments, 5-0 (In favor: Council Members Lehman, Turner, Glaros, Franklin and Taveras)

The Legislative Officer provided a summary of the bill and referral comments that were received. CB-58-201 5 AN ACT CONCERNING THE COMMON OWNERSHIP COMMUNITIES PROGRAM for the purpose of amending the Common Ownership Communities Program to assist governing bodies, owners, and residents of homeowners' associations, residential condominiums, and cooperative housing corporations with education, training, and dispute resolution and/or administrative hearing procedures in matters relating to these communities; and generally regarding Common Ownership Communities.

John Gwynn, with the Prince Georges County Office of Law, Musa Eubanks and Dereck Davis with the Prince Georges County Office of Consumer Relations, and April Womack, Chair of the Alternative Dispute Resolution Subcommittee for the Common Ownership Task Force answered Committee questions and provided additional information to the Committee.

The Office of Law determined that CB-58-2015 (DR-3), as voted out of committee, was not in proper legislative form due to the lack of authority to enforce the language on Page 5, Lines 21 through 25, which reads:

“(6) When a dispute is filed with the Office, a community association may not take any action to enforce or implement the association’s decision until the process under this Section is completed.

(7) A community association member may not file an action in any Prince George’s County Court until he/she has first attempted conflict resolution as outlined in this section.”

The Office of Audits and Investigation indicated there should not be any negative fiscal impact on the County as a result of enactment CB-58-2015.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This bill enhances the County’s current Common Ownership Communities Program. This bill provides for education, training, and dispute resolution and/or administrative hearing procedures in matters relating to these communities.

10/20/2015: CB-58-2015 (DR-2) was amended on the floor as follows:

1. On page 5, in line 12, strike “mediation” and insert “alternative dispute resolution”.
2. On page 5, in line 13, strike “mediator” and insert “alternative dispute resolution specialist”.
3. On page 5, in line 14, strike “mediation” and insert “the alternative dispute resolution procedure”; and after “dispute” insert “and render a written decision within 60 days”.
4. On page 5, in line 15, after “party” strike “must” and insert “may”; and after “Office” strike “sixty (60)” and insert “thirty (30)”.

CB-58-2015 (DR-3) was introduced.

CODE INDEX TOPICS:

INCLUSION FILES:
