

# Prince George's County Council

## Agenda Item Summary

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**Meeting Date:** 7/12/2011  
**Reference No.:** CB-012-2011  
**Draft No.:** 3  
**Proposer(s):** Johnson  
**Sponsor(s):** Johnson, Turner, Lehman, Olson  
**Item Title:** An Act 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.

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**Drafter:** Colette R. Gresham, Legislative Officer  
**Resource Personnel:** Nellvenia W. Johnson, Chief of Staff/Legislative Aide District 6

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### LEGISLATIVE HISTORY:

**Date Presented:** 4/19/2011  
**Committee Referral:** 4/19/2011 - THE  
**Executive Action:** 7/7/2011 V  
**Effective Date:**

**Committee Action:** 5/12/2011 - FAV(A)

**Date Introduced:** 5/17/2011  
**Public Hearing:** 6/14/2011 - 1:30 PM

**Council Action (1)** 6/14/2011 - ENACTED  
**Council Votes:** WC:A, MRF:A, AH:A, LJ:A, ML:A, EO:A, OP:A, IT:A, KT:A  
**Pass/Fail:** P  
**Council Action (2)** 7/12/2011 - V.O.FAILED  
**Council Votes:** WC:N, MRF:N, AH:N, LJ:A, ML:N, EO:N, OP:N, IT:AB, KT:N  
**Pass/Fail:** F  
**Remarks:**

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### AFFECTED CODE SECTIONS:

13-314, 13-316, 13-319

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### COMMITTEE REPORTS:

**TRANSPORTATION, HOUSING AND THE ENVIRONMENT REPORT**

**Date 5/12/2011**

Committee Vote: Favorable 5-0 with amendments (Draft 2) (In favor: Council Members Olson, Toles, Lehman, Patterson and Turner)

The Legislative Officer provided a summary of the bill and referral comments that were received.

CB-12-2011 amends the Common Ownership Communities Program to assist governing bodies, owners and residents of homeowner's associations, residential condominiums, and cooperative housing corporations with education, training and dispute resolution and / or administrative hearing procedures in matters relating to the communities.

County Council staff provided additional information to the Committee on the mediation process and how the administrative hearings would operate. There was discussion on the fiscal impact of the bill, the issue of charging fees, and defining the qualifications of the hearing examiner and what agency staffs that position. The Office of Community Relations informed the Committee that over the last four years of the Common Ownership Communities Program they have had few cases for mediation, approximately four to five cases in total. Staff informed the Committee that the charging of fees would be subject to referendum of the qualified voters of the County pursuant to Charter Section 813. The Committee requested more analysis on the fee issue.

The following amendments were presented:

- 1) On page 5, lines 13 and 14, after "action" language was corrected to read "under this Subsection, until the process under this Section is completed" and on line 23, after "or" insert "a violation of"
- 2) On page 6, line 19, delete "or other designated Hearing Examiner" and insert "shall be deemed to have" and on line 21, after "with" insert "the"
- 3) On page 6, lines 11 and 12, after "within", delete "thirty (30)" and insert "sixty (60)"
- 4) On page 6, line 6, add "Any such Hearing Examiner shall be an attorney from the Office of Law or be an attorney admitted to practice before the highest court of a state or the District of Columbia."

The Office of Law determined that CB-12-2011 was in proper legislative form.

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#### **BACKGROUND INFORMATION/FISCAL IMPACT:**

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

CB-15-2007 established a Common Ownership Communities Program. The proposed legislation would amend the Common Ownership Communities Program to operate a dispute resolution process to furnish mediation and administrative hearings.

5/17/2011 - Prior to introduction, CB-12-2011 (DR-2) was amended as follows: On page 6, line 4, after "for", delete "an" and insert "a mandatory". CB-12-2011 (DR-3) was introduced.

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#### **CODE INDEX TOPICS:**

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#### **INCLUSION FILES:**

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