

Prince George's County Council

Agenda Item Summary

Meeting Date: 11/17/2015
Reference No.: CB-050-2015
Draft No.: 2
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 enhancing the County's Common Ownership Communities Program by providing for violations, charges, and fees; and generally relating to Common Ownership Communities.

Drafter: Kathleen H. Canning, Legislative Officer
Resource Personnel: Nellvenia W. Johnson, Chief of Staff District 6

LEGISLATIVE HISTORY:

Date Presented:	7/14/2015	Executive Action:	12/10/2015 US
Committee Referral:	7/14/2015 - 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:

13-318

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, Glaros, Turner, Taveras and Franklin)

The Legislative Officer provided a summary of the bill and referral comments that were received. CB-50-2015 concerns COMMON OWNERSHIP COMMUNITIES PROGRAM for the purpose of enhancing the County's Common Ownership Communities Program by providing for violations, charges, and fees; and generally relating to 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.

Amendments are as follows:

1. On page 3, in line 21, after "date of reserve" strike "study" and substitute "studies".
2. On page 3, in line 23, after "The" strike "association" and substitute "Common Ownership Community".
3. On page 3, in line 29, after "The governing body of a" strike "homeowners' association, the council of unit owners of a condominium and the board of directors of a cooperative housing corporation" and substitute "community association".
4. On page 4, in line 1, strike "The County Executive by regulation adopted pursuant to Section 13-315(b) may establish reasonable fees in amounts sufficient to fund the provision of dispute resolution and technical assistance by the Commissions and the Department" and substitute "By ordinance, the County may impose a fee to provide administrative hearing services for the resolution of disputes involving Common Ownership Communities located in the County".
5. On page 4, in line 3, strike "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."

The Office of Law determined that CB-50-2015 (DR-2), as voted out of committee, was not in proper legislative form due to the lack of authority to enforce the language on Page 3, Lines 27 through 29, which reads: "a suspension of the Common Ownership Community Association's right to file legal actions in Prince George's County."

The Office of Audits and Investigation indicated there may be a positive fiscal impact on the County as a result of enactment CB-50-2015, should the County Executive decide to impose fees.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This bill provides for violations, charges, and fees set for Common Ownership Communities as part of the Common Ownership Communities Program.

CODE INDEX TOPICS:

INCLUSION FILES:
