

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2015 Legislative Session**

Bill No. CB-50-2015

Chapter No. 87

Proposed and Presented by Council Members Davis, Glaros, Turner and Taveras

Introduced by Council Members Davis, Glaros, Turner, Taveras, Lehman, Franklin,  
and Patterson

Date of Introduction October 20, 2015

**BILL**

1 AN ACT concerning

2 Common Ownership Communities Program

3 For the purpose of enhancing the County's Common Ownership Communities Program by  
4 providing for violations, charges, and fees; and generally relating to Common Ownership  
5 Communities.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 13. HOUSING AND PROPERTY  
8 STANDARDS.

9 DIVISION 11. COMMON OWNERSHIP  
10 COMMUNITIES PROGRAM.

11 Section 13-318,  
12 The Prince George's County Code  
13 (2011 Edition; 2014 Supplement).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
15 Maryland, that Section 13-318 of the Prince George's County Code be and the same is hereby  
16 repealed and reenacted with the following amendments:

17 **SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.**

18 **DIVISION 11. COMMON OWNERSHIP COMMUNITIES PROGRAM.**

19 **Sec. 13-314. Legislative findings and declaration of purpose.**

20 The County Council for Prince George's County, Maryland, hereby finds that Prince  
21 George's County is facing significant issues with respect to the lack of management and

1 oversight as it relates to Common Ownership Communities; that there is a lack of homeowner  
 2 education with regard to the real estate process, governance, enforcement procedures, and  
 3 resolution of disputes; that there exists a misunderstanding amongst homeowners of the  
 4 responsibilities of the developer/builder as it relates to the establishment and direction of an  
 5 efficiently operated homeowner association/Common Ownership Community; and that in order  
 6 to effectively respond, the County Council for Prince George’s County, Maryland hereby  
 7 declares that it is the public policy of Prince George’s County to establish a program to assist in  
 8 addressing the needs of Common Ownership Communities by providing education, training and  
 9 dispute mediation services through the Common Ownership Communities Program.

10 **Sec. 13-315. Common Ownership Communities Program.**

11 (a) There is hereby established a Common Ownership Communities Program. The  
 12 Common Ownership Communities Program shall be administered by the Director of the Office  
 13 of Community Relations.

14 (b) Rules and regulations, consistent with the purpose and spirit of the Common  
 15 Ownership Communities Program, shall be promulgated by the County Executive, subject to  
 16 County Council approval by resolution. Said rules and regulations shall govern the  
 17 implementation and administration of the Common Ownership Communities Program.

18 **Sec. 13-316. Definitions.**

19 As used in this Division:

20 (a) **Common Ownership Community** means:

- 21 (1) A condominium, as defined pursuant to state law;
- 22 (2) A cooperative housing corporation, as defined pursuant to state law; or
- 23 (3) A homeowners association, as defined pursuant to state law.

24 (b) Director means the Director of the Office of Community Relations.

25 (c) Office means the Office of Community Relations.

26 **Sec. 13-317. Director; duties and responsibilities.**

27 (a) The Director shall have operational responsibility for carrying out the duties prescribed  
 28 in this Division and for enforcing the provisions of this Division.

29 (b) The Director is authorized to:

- 30 (1) research, assemble, analyze and disseminate pertinent data and educational  
 31 materials about activities and programs which assist Common Ownership Communities; plan

1 and conduct educational and other programs, meetings and conferences to promote the operation  
2 of Common Ownership Communities;

3 (2) maintain a master roster of Common Ownership Communities, their leadership,  
4 and their professional management companies if applicable;

5 (3) develop and maintain an information, assistance and referral system for all  
6 services in the County related directly to Common Ownership Communities, and recommend  
7 other services when needed;

8 (4) maintain a collection of Common Ownership Community association documents  
9 for use as a model and for reference;

10 (5) develop an education program for residents in a Common Ownership Community  
11 that includes but is not limited to governance of a Common Ownership Community, rights and  
12 duties of residents in a Common Ownership Community, and dispute resolution;

13 (6) develop an education program for Common Ownership Community governing  
14 bodies that includes but is not limited to adoption and enforcement of rules, transition from  
15 developer control, conduct of elections, and selection of community management and other  
16 professional services; and

17 (7) operate a dispute mediation process.

18 **Sec. 13-318. Registration; fees.**

19 (a) A Common Ownership Community shall register with the Office on or before  
20 December 31 of each year, and identify its elected leadership,[and] managing agents, appointed  
21 officers, fidelity insurance information, dates of reserve studies, current reserve balances, contact  
22 numbers for the association's officers, management companies and/or legal counsel on a form  
23 provided by the Office. The Common Ownership Community shall disclose its grievance  
24 procedure.

25 (b) Any Common Ownership Community that does not comply with requirements of this  
26 Section shall be deemed to have committed a civil violation subject to temporary suspension of a  
27 Common Ownership Community Association's registration status and a suspension of a  
28 Common Ownership Community Association's right to file legal actions in Prince George's  
29 County.

1            [(b)] (c) The governing body of a [homeowners’ association, the council of unit owners of  
2 a condominium and the board of directors of a cooperative housing corporation] community  
3 association are responsible for compliance with this subsection.

4            (d) By ordinance, the County may impose a fee to provide administrative hearing services  
5 for the resolution of disputes involving Common Ownership Community located in the County.

6            SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby  
7 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,  
8 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of  
9 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining  
10 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this  
11 Act, since the same would have been enacted without the incorporation in this Act of any such  
12 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,  
13 or section.

14            SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)  
15 calendar days after it becomes law.

Adopted this 17th day of November, 2015.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Mel Franklin  
Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Rushern L. Baker, III  
County Executive

KEY:  
Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.  
Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.

**THE COUNTY EXECUTIVE HAVING FAILED TO RETURN THIS BILL WITH EITHER HIS APPROVAL OR VETO WITHIN TEN (10) DAYS AFTER THE DATE OF ITS PRESENTATION TO HIM, THIS BILL BECAME LAW ON DECEMBER 10, 2015.**