

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

Bill No. CB-49-2015

Chapter No. 86

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 Commission on Common Ownership Communities

3 For the purpose of creating a Commission on Common Ownership Communities; providing for
4 the powers and authority of the Commission on Common Ownership Communities; providing
5 for periodic reports and review of the activities of the Commission on Common Ownership
6 Communities; and generally relating to the Commission on Common Ownership Communities.

7 BY adding:

8 SUBTITLE 13. HOUSING AND PROPERTY

9 STANDARDS.

10 Sections 13-314.01, 13-314.02, 13-314.04, 13-314.05, 13-314.06,
11 13-314.07, 13-314.08, 13-314.09, 13-314.10 and 13-314.11

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 Sections 13-314.01, 13-314.02, 13-314.04, 13-314.05, 13-314.06,
16 13-314.07, 13-314.08, 13-314.09, 13-314.10 and 13-314.11 of the Prince George's County Code
17 be and the same are hereby added:

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

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

20 **Sec. 13-314.01. Commission on Common Ownership Communities established.**

21 (a) There is hereby established a Commission on Common Ownership Communities.

1 **Sec. 13-314.02. Purpose.**

2 The purpose of the Commission on Common Ownership Communities is to:

3 (a) ensure proper establishment and operation of homeowners' associations, condominium
 4 associations, and cooperative housing corporations;

5 (b) promote education, public awareness and association membership understanding of the
 6 rights and obligations of living in a common ownership community;

7 (c) reduce the number and divisiveness of disputes, and encourage informal resolution of
 8 disputes;

9 (d) maintain property values and quality of life in Common Ownership Communities;

10 (e) assist and oversee the development of coordinated community and government
 11 policies, program, and services which support these communities; and

12 (f) prevent potential public financial liability for repair or replacement of common
 13 ownership community facilities.

14 **Sec. 13-314.04. Commissions; Term; Qualifications; Appointment and Removal.**

15 (a) The Commissioners shall be appointed by the County Executive and confirmed by the
 16 County Council in accordance with the provisions of Sections 322 and 402 of the Charter for
 17 Prince George's County, Maryland.

18 (b) The Commission shall consist of nine voting members:

19 (1) Five members shall be selected from unit or lot owners or residents of self-
 20 managed and professionally managed condominiums, self-managed and professionally managed
 21 cooperative housing corporations, and self-managed and professionally managed homeowner
 22 associations, and may include members or former members of governing boards; and

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

28 (c) One designee of each of the following entities are ex-officio nonvoting members of the
 29 Commission: County Council (if the Council selects a designee); Planning Board, Department of
 30 Permits, Inspection and Enforcement; Department of Transportation; Department of Housing and
 31 Community Development; Office of the Attorney General; and the Office of the County

1 Attorney.

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

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

11 (f) Section 13-314.04(d) applies only to voting members of the Commission.

12 (g) A majority of the voting members of the Commission shall elect one voting member as
 13 chair and another as vice chair, to serve at the pleasure of the Commission, and may select other
 14 officers as it determines.

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

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

20 **Sec. 13-314.05. Commissioners; Powers and Duties; Compensation.**

21 (a) The Commission shall:

22 (1) adopt rules and procedures as necessary to carry out the purposes of this Division;
 23 (2) keep a record of its activities and minutes of all meetings, which shall be kept on
 24 file and open to the public at reasonable business hours upon request;

25 (3) cooperate with the County Executive and all government agencies concerned with
 26 matters within the jurisdiction of the Commission;

27 (4) examine by means of meetings, subject to the Maryland Open Meetings Act,
 28 conferences, and public hearings, conditions in common ownership communities which may
 29 result in unmet community, resident or public needs; and

30 (5) advise the citizens of the County, the County Council, the County Executive, and
 31 County, State, and Federal agencies on matters involving common ownership communities, and

1 recommend such programs, training, procedures or legislation as it finds necessary.

2 **Sec. 13-314.06. Staff, Offices and Supplies.**

3 (a) The Office of Community Relations shall provide the Commission with staff, offices
 4 and supplies as are appropriate. In selecting staff to carry out the Commission's responsibilities
 5 under this Division, the Director shall consider the recommendations of the Commission.

6 **Sec. 13-314.07. Powers.**

7 (a) The Commission for Common Ownership Communities is provided the following
 8 additional powers to accomplish the intent of this Division:

9 (1) The Commission shall review and evaluate the alternative dispute resolution
 10 process.

11 **Sec. 13-314.08. Referrals.**

12 (a) The Commission for Common Ownership Communities shall refer matters, as
 13 appropriate for further civil, criminal, and administrative action to appropriate administrative and
 14 prosecutorial agencies.

15 **Sec. 13-314.09. Records Disclosure.**

16 (a) The Commission shall keep a record of its activities and minutes of all meetings,
 17 which must be kept on file and open to the public at reasonable business hours upon request;

18 **Sec. 13-314.10. Reporting Commission Activities.**

19 (a) The Commission shall submit an annual report by September 1 to the County
 20 Executive and the County Council summarizing its activities, needs, and recommendations, and
 21 the extent to which the goals of this Chapter are being met.

22 **Sec. 13-314.11. Quality Review.**

23 (a) Commission activities shall be subject to quality assurance reviews by an appropriate
 24 professional, non-partisan, objective group every three to five years. A copy of the written report
 25 resulting from this review shall be furnished to the County Executive and the County Council,
 26 and shall be made available to the public.

27 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 28 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 29 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
 30 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
 31 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this

1 Act, since the same would have been enacted without the incorporation in this Act of any such
2 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, paragraph, subsection,
3 or section.

4 SECTION 3. BE IT FURTHER ENACTED, that this Act shall take on April 1, 2016.
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