

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 10

Bill No. 52 -2021

Introduced by: Opel Jones
Co-Sponsored by: Christiana Rigby

AN ACT to establish the Commission on Common Ownership Communities; specifying the purpose and duties of the Commission; specifying the duties of the Department of Housing and Community Development; requiring registration of common ownership communities with the Department; establishing a process for alternative dispute resolution; and generally relating to common ownership communities.

Introduced and read first time _____, 2021. Ordered posted and hearing scheduled.

By order _____
Michelle R. Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2021.

By order _____
Michelle R. Harrod, Administrator

This Bill was read the third time on _____, 2021 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Michelle R. Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2021 at ___ a.m./p.m.

By order _____
Michelle R. Harrod, Administrator

Approved by the County Executive _____, 2021

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

Rescinded before Introduction

*Michelle Harrod
6/3/2021*

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the Howard County
2 Code is amended as follows:

3 By adding:

4 Title 13 – Housing and Community Development.

5 Subtitle 16 – Common Ownership Communities.

6 Section 13.1600. Definitions.

7 Section 13.1601. Establishment of the Commission on Common Ownership Communities.

8 Section 13.1602. Purpose and Duties of the Commission on Common

9 Ownership Communities.

10 Section 13.1603. Duties of the Department of Housing and Community Development.

11 Section 13.1604. Registration, Fees, and Enforcement.

12 Section 13.1605. Mandatory Alternative Dispute Resolution; Filing Disputes.

13 Section 13.1606. Notification Requirements.

14
15 **Title 13 – Housing and Community Development.**

16 **Subtitle 16 –Common Ownership Communities.**

17
18 **SEC. 13.1600. – DEFINITIONS.**

19 THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED:

20 (A) *ALTERNATIVE DISPUTE RESOLUTION* MEANS A PROCESS FOR PARTIES IN CONFLICT, WHICH
21 INCLUDES TWO OR MORE PARTICIPANTS, AND ONE OR TWO TRAINED ALTERNATIVE DISPUTE
22 RESOLUTION SPECIALISTS.

23 (B) *ALTERNATIVE DISPUTE RESOLUTION SPECIALIST* MEANS A TRAINED, IMPARTIAL PERSON WHO
24 HELPS PARTIES IN CONFLICT TO COMMUNICATE WITH ONE ANOTHER, UNDERSTAND EACH
25 OTHER, EXPLORE OPTIONS FOR MUTUAL GAIN, AND IF POSSIBLE, REACH AGREEMENTS THAT
26 SATISFY THE PARTICIPANTS' NEEDS. AN ALTERNATIVE DISPUTE RESOLUTION SPECIALIST DOES
27 NOT PROVIDE LEGAL ADVICE.

28 (C) *ASSOCIATION DOCUMENT* MEANS:

29 (1) THE MASTER DEEDS, DECLARATION, INCORPORATION DOCUMENTS, BYLAWS, AND RULES
30 OF ANY COMMON OWNERSHIP COMMUNITY;

- 1 (2) ANY WRITTEN PRIVATE AGREEMENT BETWEEN ANY PARTIES CONCERNING THE
2 OPERATION OF THE COMMUNITY OR MAINTENANCE OR CONTROL OF COMMON ELEMENTS
3 OF THE PROPERTY; OR
- 4 (3) ANY SIMILAR DOCUMENT CONCERNING THE OPERATION OR GOVERNANCE OF A COMMON
5 OWNERSHIP COMMUNITY.
- 6 (D) *COMMISSION* MEANS THE COMMISSION ON COMMON OWNERSHIP COMMUNITIES.
- 7 (E) *COMMON ELEMENT* INCLUDES:
- 8 (1) IN A HOMEOWNERS ASSOCIATION, PROPERTY WHICH IS OWNED OR LEASED BY A
9 HOMEOWNERS ASSOCIATION; AND
- 10 (2) IN A CONDOMINIUM, ALL OF THE CONDOMINIUM EXCEPT THE UNITS; AND
- 11 (3) IN ALL COMMON OWNERSHIP COMMUNITIES, ANY OTHER INTEREST IN REAL ESTATE FOR
12 THE BENEFIT OF OWNERS THAT IS SUBJECT TO THE DECLARATION.
- 13 (F) *COMMON OWNERSHIP COMMUNITY* MEANS:
- 14 (1) A CONDOMINIUM, AS DEFINED PURSUANT TO STATE LAW;
- 15 (2) A COOPERATIVE HOUSING CORPORATION, AS DEFINED PURSUANT TO STATE LAW; OR
- 16 (3) A HOMEOWNERS ASSOCIATION, AS DEFINED PURSUANT TO STATE LAW.
- 17 (G) *COMMUNITY ASSOCIATION* MEANS THE LEGAL ENTITY, INCORPORATED OR UNINCORPORATED,
18 THAT IS RESPONSIBLE FOR THE GOVERNANCE OF COMMON ELEMENTS OF A COMMON
19 OWNERSHIP COMMUNITY.
- 20 (H) *DEPARTMENT* MEANS THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.
21
- 22 (I) *DIRECTOR* MEANS THE DIRECTOR OF THE DEPARTMENT OF HOUSING AND COMMUNITY
23 DEVELOPMENT OR THE DIRECTOR'S DESIGNEE.
- 24 (J) *DISPUTE* MEANS ANY DISAGREEMENT BETWEEN TWO OR MORE PARTIES THAT INVOLVES:

- 1 (1) THE AUTHORITY OF A GOVERNING BODY OF A COMMUNITY ASSOCIATION, UNDER ANY
2 LAW OR ASSOCIATION DOCUMENT, TO:
- 3 (I) REQUIRE ANY PERSON TO TAKE ANY ACTION, OR NOT TO TAKE ANY ACTION,
4 INVOLVING A UNIT OR COMMON ELEMENT;
- 5 (II) REQUIRE ANY PERSON TO PAY A FEE, FINE, OR ASSESSMENT;
- 6 (III) SPEND ASSOCIATION FUNDS; OR
- 7 (IV) ALTER OR ADD TO A COMMON ELEMENT; OR
- 8 (2) THE FAILURE OF A GOVERNING BODY, WHEN REQUIRED BY LAW OR AN ASSOCIATION
9 DOCUMENT, TO:
- 10 (I) PROPERLY CONDUCT AN ELECTION;
- 11 (II) GIVE ADEQUATE NOTICE OF A MEETING OR OTHER ACTION;
- 12 (III) PROPERLY CONDUCT A MEETING;
- 13 (IV) PROPERLY ADOPT A BUDGET OR RULES;
- 14 (V) MAINTAIN OR AUDIT BOOKS AND RECORDS;
- 15 (VI) ALLOW INSPECTION OF BOOKS AND RECORDS;
- 16 (VII) MAINTAIN OR REPAIR A COMMON ELEMENT IF THE FAILURE RESULTS IN SIGNIFICANT
17 PERSONAL INJURY OR PROPERTY DAMAGE; OR
- 18 (VIII) EXERCISE ITS JUDGMENT IN GOOD FAITH CONCERNING THE ENFORCEMENT OF THE
19 ASSOCIATION DOCUMENTS AGAINST ANY PERSON THAT IS SUBJECT TO THOSE
20 DOCUMENTS.
- 21 (K) *DISPUTE* DOES NOT INCLUDE ANY DISAGREEMENT THAT ONLY INVOLVES:
- 22 (1) TITLE TO ANY UNIT OR ANY COMMON ELEMENT;
- 23 (2) THE PERCENTAGE INTEREST OR VOTE ALLOCABLE TO A UNIT;
- 24 (3) THE INTERPRETATION OR ENFORCEMENT OF ANY WARRANTY;

- 1 (4) THE COLLECTION OF AN ASSESSMENT VALIDLY LEVIED AGAINST A PARTY; OR
- 2 (5) THE EXERCISE OF A GOVERNING BODY'S JUDGMENT OR DISCRETION IN TAKING OR
- 3 DECIDING NOT TO TAKE ANY LEGALLY AUTHORIZED ACTION.
- 4 (L) *GOVERNING BODY OF A COMMUNITY ASSOCIATION* MEANS THE COUNCIL OF UNIT OWNERS,
- 5 BOARD OF DIRECTORS, OR ANY OTHER BODY AUTHORIZED BY AN ASSOCIATION DOCUMENT TO
- 6 ADOPT BINDING RULES OR REGULATIONS.
- 7 (M) *OWNER* INCLUDES:
- 8 (1) A UNIT OWNER IN A CONDOMINIUM;
- 9 (2) A LOT OWNER IN A HOMEOWNERS ASSOCIATION; AND
- 10 (3) A MEMBER OF A COOPERATIVE HOUSING CORPORATION.
- 11 (N) *PARTY* INCLUDES:
- 12 (1) AN OWNER;
- 13 (2) A GOVERNING BODY; AND
- 14 (3) AN OCCUPANT OF A DWELLING UNIT IN A COMMON OWNERSHIP COMMUNITY.
- 15 (O) *UNIT OR LOT* INCLUDES:
- 16 (1) ANY PHYSICAL PORTION OF A COMMON OWNERSHIP COMMUNITY WITH DISTINCT
- 17 PROPERTY BOUNDARIES THAT:
- 18 (i) PROVIDES COMPLETE, INDEPENDENT LIVING FACILITIES FOR ONE OR MORE
- 19 INDIVIDUALS;
- 20 (ii) CONTAINS PERMANENT PROVISIONS FOR LIVING, SLEEPING, EATING, COOKING, AND
- 21 SANITATION; AND
- 22 (iii) IS DESIGNATED FOR EXCLUSIVE OWNERSHIP, CONTROL, OR OCCUPANCY BY THOSE
- 23 INDIVIDUALS; AND
- 24 (2) ALL LEGALLY ENFORCEABLE RIGHTS AND INTERESTS INCIDENTAL TO INDIVIDUAL
- 25 OWNERSHIP OF REAL PROPERTY IN A COMMON OWNERSHIP COMMUNITY.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

SEC. 13.1601. – ESTABLISHMENT OF THE COMMISSION ON COMMON OWNERSHIP COMMUNITIES.

(A) *GENERAL PROVISIONS.* GENERAL PROVISIONS REGARDING THE FOLLOWING ARE SET FORTH IN SUBTITLE 3, “BOARDS AND COMMISSIONS” OF TITLE 6, COUNTY EXECUTIVE AND THE EXECUTIVE BRANCH,” OF THE HOWARD COUNTY CODE.

(B) *ESTABLISHMENT AND NUMBER OF MEMBERS.* THERE IS A COMMON OWNERSHIP COMMUNITIES COMMISSION COMPOSED OF 9 VOTING MEMBERS APPOINTED BY THE COUNTY EXECUTIVE AND CONFIRMED BY THE COUNTY COUNCIL IN ACCORDANCE WITH SECTION 6.300 OF THE CODE.

(C) *QUALIFICATIONS.*

(1) ALL MEMBERS SHALL BE RESIDENTS OF HOWARD COUNTY.

(2) FIVE MEMBERS SHALL BE SELECTED FROM UNIT OR LOT OWNERS OR RESIDENTS OF SELF-MANAGED AND PROFESSIONALLY MANAGED CONDOMINIUMS, SELF-MANAGED AND PROFESSIONALLY MANAGED COOPERATIVE HOUSING CORPORATIONS, AND SELF-MANAGED AND PROFESSIONALLY MANAGED HOMEOWNERS’ ASSOCIATIONS, AND MAY INCLUDE MEMBERS OR FORMER MEMBERS OF GOVERNING BOARDS.

(3) FOUR MEMBERS SHALL BE SELECTED FROM PERSONS WHO ARE MEMBERS OF PROFESSIONS ASSOCIATED WITH COMMON OWNERSHIP COMMUNITIES, INCLUDING PERSONS INVOLVED IN HOUSING DEVELOPMENT AND REAL ESTATE SALES AND ATTORNEYS WHO REPRESENT COMMUNITY ASSOCIATIONS, DEVELOPERS, HOUSING MANAGEMENT, OR TENANTS, INCLUDING AT LEAST ONE PERSON WHO IS A PROFESSIONAL COMMUNITY ASSOCIATION MANAGER.

(D) *LIMITATION ON NUMBER OF TERMS.* MEMBERS MAY SERVE NO MORE THAN TWO SUCCESSIVE FULL TERMS.

(E) *EXECUTIVE SECRETARY.* THE DIRECTOR OF HOUSING AND COMMUNITY DEVELOPMENT OR THE DIRECTOR’S DESIGNEE SHALL SERVE AS THE EXECUTIVE SECRETARY OF THE COMMISSION AND SHALL ATTEND ALL MEETINGS AND HEARINGS OF THE COMMISSION AND, IN ADDITION TO THE DUTIES SPECIFIED IN THIS SUBTITLE, SHALL PERFORM DUTIES AS PRESCRIBED BY THE COMMISSION.

(F) *LEGAL ADVISORY, LEGAL REPRESENTATIVE.* THE OFFICE OF LAW SHALL PROVIDE SEPARATE LEGAL REPRESENTATION FOR THE COMMISSION AND FOR THE DIRECTOR OF HOUSING AND

1 COMMUNITY DEVELOPMENT IN ALL HEARING OR JUDICIAL PROCEEDINGS TO WHICH THEY ARE A
2 PARTY.

3 (G) *MONTHLY AND ADDITIONAL MEETINGS.* THE COMMISSION SHALL MEET AT LEAST NINE TIMES
4 PER YEAR AND SHALL CONDUCT EACH MEETING PURSUANT TO ITS RULES OF PROCEDURE. IT MAY
5 HOLD ADDITIONAL MEETINGS AND HEARINGS PROVIDED THE CHAIR OF THE COMMISSION GIVES THE
6 COMMISSION MEMBERS AND THE DIRECTOR OF HOUSING AND COMMUNITY DEVELOPMENT AT
7 LEAST THREE DAYS' WRITTEN NOTICE IN COMPLIANCE WITH THE STATE OPEN MEETINGS ACT.

8 **SEC. 13.1602. – PURPOSE AND DUTIES OF THE COMMISSION ON COMMON OWNERSHIP**
9 **COMMUNITIES.**

10 (A) *PURPOSE OF COMMISSION.* THE PURPOSE OF THE COMMISSION IS TO:

11 (1) ENSURE PROPER ESTABLISHMENT AND OPERATION OF HOMEOWNERS ASSOCIATIONS,
12 CONDOMINIUM ASSOCIATIONS, AND COOPERATIVE HOUSING CORPORATIONS;

13 (2) PROMOTE EDUCATION, PUBLIC AWARENESS, AND ASSOCIATION MEMBERSHIP
14 UNDERSTANDING OF THE RIGHTS AND OBLIGATIONS OF LIVING IN A COMMON OWNERSHIP
15 COMMUNITY;

16 (3) ENCOURAGE INFORMAL RESOLUTION OF DISPUTES;

17 (4) ASSIST AND OVERSEE THE DEVELOPMENT OF COORDINATED COMMUNITY AND
18 GOVERNMENT POLICIES AND PROGRAMS, WHICH SUPPORT COMMON OWNERSHIP COMMUNITIES;

19 (5) PREVENT POTENTIAL PUBLIC FINANCIAL LIABILITY FOR REPAIR OR REPLACEMENT OF
20 COMMON OWNERSHIP COMMUNITY FACILITIES.

21 (B) *DUTIES SPECIFIED.* THE COMMISSION SHALL:

22 (1) ADOPT RULES AND PROCEDURES;

23 (2) KEEP A RECORD OF ITS ACTIVITIES AND MINUTES OF ALL MEETINGS IN
24 ACCORDANCE WITH THE STATE OPEN MEETINGS ACT;

25 (3) COOPERATE WITH THE COUNTY EXECUTIVE AND ALL GOVERNMENT AGENCIES
26 CONCERNED WITH MATTERS WITHIN THE JURISDICTION OF THE COMMISSION;

27 (4) ADVISE THE CITIZENS OF THE COUNTY, THE COUNTY COUNCIL, AND THE
28 COUNTY EXECUTIVE ON MATTERS INVOLVING COMMON OWNERSHIP COMMUNITIES AND

1 RECOMMEND PROGRAMS, TRAINING, PROCEDURES, OR LEGISLATION AS THE COMMISSION
2 FINDS NECESSARY; AND

3 (5) REVIEW AND EVALUATE THE ALTERNATIVE DISPUTE RESOLUTION PROCESS
4 ESTABLISHED UNDER THIS SUBTITLE.

5
6 **SEC. 13.1603. – DUTIES OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.**

7 *DUTIES SPECIFIED.* THE DEPARTMENT, IN CONSULTATION WITH THE COMMISSION, SHALL:

8 (A) ESTABLISH AND MAINTAIN A REGISTRATION SYSTEM FOR HOMEOWNERS’
9 ASSOCIATIONS, CONDOMINIUMS, AND COOPERATIVES TO REGISTER WITH THE DEPARTMENT;

10 (B) COLLECT AN ANNUAL REGISTRATION FEE FOR HOMEOWNERS’ ASSOCIATIONS,
11 CONDOMINIUMS, AND COOPERATIVES;

12 (C) MAINTAIN A MASTER ROSTER OF COMMON OWNERSHIP COMMUNITIES, THEIR
13 LEADERSHIP, AND THEIR PROFESSIONAL MANAGEMENT COMPANIES, IF APPLICABLE;

14 (D) MAINTAIN A COLLECTION OF COMMON OWNERSHIP COMMUNITY ASSOCIATION
15 DOCUMENTS FOR USE AS A MODEL AND FOR REFERENCE;

16 (E) DEVELOP AN EDUCATION PROGRAM FOR RESIDENTS IN A COMMON OWNERSHIP
17 COMMUNITY THAT INCLUDES THE GOVERNANCE OF A COMMON OWNERSHIP COMMUNITY,
18 RIGHTS AND DUTIES OF RESIDENTS IN A COMMON OWNERSHIP COMMUNITY, AND DISPUTE
19 RESOLUTION;

20 (F) DEVELOP AN EDUCATION PROGRAM FOR COMMON OWNERSHIP COMMUNITY
21 GOVERNING BODIES THAT INCLUDES ADOPTION AND ENFORCEMENT OF RULES, TRANSITION

1 FROM DEVELOPER CONTROL, CONDUCT OF ELECTIONS, AND SELECTION OF COMMUNITY
2 MANAGEMENT AND OTHER PROFESSIONAL SERVICES;

3 (G) OPERATE A DISPUTE RESOLUTION PROCESS TO FURNISH MEDIATION SERVICES;
4 AND

5 (H) ASSIST THE COMMISSION IN CARRYING OUT ITS DUTIES UNDER
6 THIS SUBTITLE.

7
8 **SEC. 13.1604. REGISTRATION; FEES; AND ENFORCEMENT.**

9 (A) *REGISTRATION REQUIRED.* (1) EACH COMMON OWNERSHIP COMMUNITY SHALL:

10 (I) REGISTER WITH THE DEPARTMENT AND PAY A REGISTRATION FEE ON OR BEFORE
11 DECEMBER 31 OF EACH YEAR; AND

12 (II) AS PART OF THE REGISTRATION EACH YEAR, IDENTIFY ITS ELECTED LEADERSHIP,
13 MANAGING AGENTS, APPOINTED OFFICERS, FIDELITY INSURANCE INFORMATION, CURRENT RESERVE
14 BALANCES, GRIEVANCE PROCEDURES, CONTACT INFORMATION FOR THE ASSOCIATION'S OFFICERS,
15 MANAGEMENT COMPANIES, AND LEGAL COUNSEL ON A FORM PROVIDED BY THE DEPARTMENT.

16 (2) (I) THE COUNTY COUNCIL, UPON THE RECOMMENDATION OF THE COUNTY EXECUTIVE,
17 SHALL SET THE ANNUAL REGISTRATION FEE TO BE PAID BY EACH COMMON OWNERSHIP
18 COMMUNITY.

19 (II) THE FEE SHALL BE SUFFICIENT TO PRODUCE AN AMOUNT OF INCOME TO THE
20 COUNTY THAT SHALL BE APPROXIMATELY EQUAL TO THE COSTS OF ADMINISTERING THIS
21 SUBTITLE.

22 (3) FAILURE TO REGISTER OR MAKING A FALSE STATEMENT ON A REGISTRATION FORM, IS A
23 CLASS C VIOLATION AND MAKES THE COMMUNITY INELIGIBLE TO FILE A DISPUTE UNDER THIS
24 SUBTITLE.

25 (4) THE GOVERNING BODY OF A COMMON OWNERSHIP COMMUNITY IS RESPONSIBLE FOR
26 COMPLIANCE WITH THIS SUBSECTION, INCLUDING ANNUAL REGISTRATION WITH THE DEPARTMENT
27 AND THE PAYMENT OF A REGISTRATION FEE.

28 (5) A COMMON OWNERSHIP COMMUNITY THAT DOES NOT COMPLY WITH THE
29 REQUIREMENTS OF THIS SECTION SHALL BE DEEMED TO HAVE COMMITTED A CLASS C CIVIL
30 VIOLATION UNDER TITLE 24 OF THIS CODE AND IS SUBJECT TO TEMPORARY SUSPENSION OF THE

1 COMMON OWNERSHIP COMMUNITY ASSOCIATION'S REGISTRATION STATUS UNTIL THE COMMON
2 OWNERSHIP COMMUNITY ASSOCIATION HAS COMPLIED WITH THE REQUIREMENTS OF THIS SECTION.

3 (B) *AGENCY TO ENFORCE.* THE COUNTY EXECUTIVE MAY DESIGNATE AN ENFORCEMENT OFFICIAL
4 WHO MAY ENFORCE THIS SUBTITLE WITH CIVIL PENALTIES IN ACCORDANCE WITH TITLE 24 OF THIS
5 CODE.

6 (C) *ENFORCEMENT BY CITATION.* (1) A CITATION UNDER THIS SECTION MAY ONLY BE ISSUED AFTER
7 A NOTICE OF VIOLATION IS ISSUED AND A FAILURE TO CORRECT THE VIOLATION WITHIN 30 DAYS OF
8 THE DATE OF THE NOTICE OF VIOLATION.

9 (2) EACH DAY A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

10 (D) *FEE FOR SERVICES FOR THE RESOLUTION OF DISPUTES.* BY ORDINANCE, THE COUNTY MAY
11 IMPOSE A FEE, APPROVED BY THE COUNTY COUNCIL, TO PROVIDE SERVICES FOR THE RESOLUTION
12 OF DISPUTES INVOLVING COMMON OWNERSHIP COMMUNITIES LOCATED IN THE COUNTY.

13

14 **SEC. 13.1605. ALTERNATIVE DISPUTE RESOLUTION; FILING DISPUTES.**

15 (A) *REQUEST FOR ALTERNATIVE DISPUTE RESOLUTION.* ANY REGISTERED COMMUNITY
16 ASSOCIATION AND AN OWNER MAY REQUEST ALTERNATIVE DISPUTE RESOLUTION SUBJECT TO
17 THE FOLLOWING:

18 (1) A PARTY MAY NOT FILE AN ALTERNATIVE DISPUTE RESOLUTION REQUEST WITH THE
19 DEPARTMENT UNTIL THE PARTY MAKES A GOOD FAITH ATTEMPT TO EXHAUST ALL
20 PROCEDURES OR REMEDIES PROVIDED IN THE ASSOCIATION DOCUMENTS.

21 (2) IF A PARTY REQUESTS THE ALTERNATIVE DISPUTE RESOLUTION PROCEDURE, THE
22 DEPARTMENT SHALL NOTIFY ALL PARTIES OF THE FILING AND OF THE ALTERNATIVE
23 DISPUTE RESOLUTION SESSION.

24 (3) THE DEPARTMENT SHALL PROVIDE A QUALIFIED ALTERNATIVE DISPUTE RESOLUTION
25 SPECIALIST TO MEET WITH THE PARTIES WITHIN 30 DAYS AFTER A PARTY REQUESTS THE
26 ALTERNATIVE DISPUTE RESOLUTION PROCEDURE TO ATTEMPT TO SETTLE THE DISPUTE
27 AND RENDER A WRITTEN DECISION WITHIN 60 DAYS.

- 1 (4) A PARTY MAY FILE A DISPUTE WITH THE DEPARTMENT 30 DAYS AFTER ANY PROCEDURE
2 OR REMEDY PROVIDED IN THE ASSOCIATION DOCUMENTS HAS BEEN INITIATED BEFORE
3 THE ASSOCIATION.
- 4 (5) THE COMMUNITY ASSOCIATION MAY NOT TAKE ANY ACTION TO ENFORCE OR IMPLEMENT
5 ITS DECISION UNTIL THE TIME TO FILE A REQUEST FOR ALTERNATIVE DISPUTE
6 RESOLUTION PROCESS HAS BEEN EXHAUSTED AND THE OPPOSING PARTY HAS NOT
7 REQUESTED ALTERNATIVE RESOLUTION PROCESS.
- 8 (6) WHEN A DISPUTE IS FILED WITH THE DEPARTMENT, A COMMUNITY ASSOCIATION MAY NOT
9 TAKE ANY ACTION TO ENFORCE OR IMPLEMENT THE ASSOCIATION'S DECISION UNTIL THE
10 PROCESS UNDER THIS SECTION IS COMPLETED.
- 11 (7) ANY PARTY MAY FILE A CIVIL ACTION ARISING OUT OF AN ASSOCIATION DOCUMENT OR
12 LAW REGULATING THE ASSOCIATION'S POWERS AND PROCEDURES AT ANY TIME. THE
13 COURT MAY, AT ITS DISCRETION OR UPON REQUEST, STAY ALL PROCEEDINGS FOR AT
14 LEAST 90 DAYS AFTER THE COURT IS NOTIFIED THAT A DISPUTE HAS BEEN PROPERLY
15 FILED UNDER THIS SECTION SO THAT AN ALTERNATIVE DISPUTE RESOLUTION SPECIALIST
16 MAY ATTEMPT TO SETTLE THE DISPUTE AND RENDER A WRITTEN DECISION WITHIN 60
17 DAYS.
- 18 (8) THE DEPARTMENT MAY INVESTIGATE FACTS AND ASSEMBLE DOCUMENTS RELEVANT TO
19 A PARTY IF, IN ITS OPINION, A DISPUTE WAS NOT PROPERLY FILED WITH THE
20 DEPARTMENT. THE DEPARTMENT MAY DISMISS A DISPUTE IF IT FINDS THAT THERE ARE
21 NO REASONABLE GROUNDS TO CONCLUDE THAT A VIOLATION OF APPLICABLE LAW OR A
22 VIOLATION OF ANY ASSOCIATION DOCUMENT HAS OCCURRED, OR IT MAY INVESTIGATE
23 FURTHER.
- 24 (9) THE DEPARTMENT MAY RECONSIDER THE DISMISSAL OF A DISPUTE UNDER THIS SECTION
25 IF ANY PARTY, WITHIN 30 DAYS AFTER THE DISPUTE IS DISMISSED SHOWS THAT:
- 26 (i) THE DEPARTMENT ERRONEOUSLY INTERPRETED OR APPLIED APPLICABLE LAW OR
27 AN ASSOCIATION DOCUMENT; OR

1 (ii) MATERIAL ISSUES OF FACT THAT ARE NECESSARY TO A FAIR RESOLUTION OF THE
2 DISPUTE REMAIN UNRESOLVED.

3 (10) DISMISSAL OF A DISPUTE SHALL NOT PREVENT A PARTIES' RIGHTS TO FILE A CLAIM IN THE
4 APPROPRIATE COURT.

5 (B) *LATER COURT PROCEEDINGS.* (1) THE PARTIES TO AN ALTERNATIVE DISPUTE RESOLUTION
6 SESSION MAY NOT USE ANY STATEMENT OR INFORMATION FROM AN ALTERNATIVE DISPUTE
7 RESOLUTION SESSION IN ANY LATER COURT PROCEEDINGS.

8 (2) AN ALTERNATIVE DISPUTE RESOLUTION SPECIALIST AND INTAKE STAFF IN THE
9 DEPARTMENT MAY NOT BE COMPELLED TO TESTIFY IN A COURT PROCEEDING RELATED TO AN
10 ALTERNATIVE DISPUTE RESOLUTION SESSION.

11 **SEC. 13.1606. NOTIFICATION REQUIREMENTS.**

12 THE GOVERNING BODY OF A COMMUNITY ASSOCIATION SHALL ANNUALLY DISTRIBUTE
13 INFORMATION IN A FORM REASONABLY CALCULATED TO NOTIFY ALL OWNERS OF THE
14 AVAILABILITY OF DISPUTE RESOLUTION TO OWNERS AND RESIDENTS OF COMMON OWNERSHIP
15 COMMUNITIES THROUGH THE DEPARTMENT.

16
17 *Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that this Act*
18 *shall become effective 61 days after its enactment.*