



# CCOC Communicator

## Before you file with CCOC,

### Inside this issue:

	Page #
Recycling (cont.)	2
Recycling (cont.)	3
Get Wired (useful website addresses)	3
Select CCOC Case Summaries	4
Useful Phone Numbers for Communities	5
Commission Volunteers	5

It's a fact of life that every homeowner and condominium community has some owners or renters that do not comply with the bylaws or architectural guidelines. Usually these violations are obvious but may not justify the financial cost and time of pursuing a claim with the CCOC. These types of violations may include failing to cut grass or perform yard maintenance, peeling paint, broken shutters / screens / windows, or having unregistered vehicles. You first explain this violation to the owner, who chooses to ignore it. Your association then writes a letter, which is ignored too. Now your Board wonders, "What do we do now?" Before you call your association attorney or file a complaint with the CCOC, don't you wish there was a cheaper and faster solution for small but obvious non-compliance matters?

The Department of Housing and Community Affairs (DHCA) has a Code Enforcement

Division that may resolve many violations and help you avoid filing complaints with the CCOC. Many of your community guideline restrictions are similar to county code restrictions contained in Chapter's 26 and 48. Some of the more common association issues with parallel code restrictions areas are:

- Accumulation of solid waste on property (i.e., trash, furniture, dead trees, etc.)
- Grass and weeds in excess of 12 inches
- Deteriorated structures (gutters and downspouts hanging, flaking paint, etc.)
- Public nuisance
- Abandoned vehicles

If these conditions exist, Code Enforcement staff will visit the location and issue a notice to the owner/renter to correct the violation. Failure to take corrective action may result in a monetary fine. In most in-

stances, this is the fastest route to a non-confrontational, cost-effective, and quick resolution of a community association problem..

How to file a complaint with the Code Enforcement Division:

Call DHCA at 240-777-3785 and provide the required information. You should look at the website: [www.montgomerycountymd.gov/dhca/housing](http://www.montgomerycountymd.gov/dhca/housing) to better understand what services they can provide before reporting a violation that might be handled better by another agency or group. While the CCOC may have jurisdiction over a dispute, the CCOC may not be a wise use of the associations resources or the county's personnel for minor, though troubling, violations. So, remember the Code Enforcement alternative!

By: *Harold H. Huggins, CCIM, CPM, CRB, CRS, GAA, GRI, RECS*

*Chairman, Commission of Common Ownership Communities*

## Recycling is Your Responsibility



Recycling is everybody's business and everybody's responsibility. It begins with every one of us, at work, at home, at school, at play and in our community. We recycle because it's the right thing to do... it protects and preserves our valuable resources, it reduces the amount of solid waste sent to facilities such as landfills or incinerators, it helps both the environment and the econ-

omy and it makes sense.

It's also the law in Montgomery County.

Since 1993, Montgomery County, Maryland has emerged as one of the leading jurisdictions in the nation for recycling, and waste reduction initiatives. To show the County's commitment to reducing waste and recycling, the County Council

established a County-wide goal to recycle 50% of all our solid waste.

The County Executive further demonstrated the County's commitment to recycling, and acted to ensure progress toward the County's recycling goal, by adopting Executive Regulations (ER) 109-92AM in 1993, and establishing mandatory recycling requirements for residents, multi-family



## Recycling (continued from Page 1)

properties, and businesses. From that time on everyone who lives, works, and attends school, shops, or visits in Montgomery County must recycle. The amount of materials recycled in the County has increased substantially every year. Significant progress in recycling has been made, and while our County remains among the leaders in recycling nationwide, we're not there yet...there's still more to be done.

In a continuing effort to improve recycling participation, compliance and achievement, Montgomery County adopted ER 15-04AM in February 2005, which supersedes ER 109-92AM, and is designed to stimulate, encourage and enforce recycling in homes and businesses. However, for recycling to succeed, everyone who has a role to play in recycling efforts must carry out their responsibility and continue to make sure that recycling happens. This includes collectors of solid waste and recyclables.

In February 2005, Montgomery County also adopted Executive Regulation 18-04, which establishes the roles and responsibilities for licensed collectors and haulers of solid waste and recyclables. It also placed additional requirements on all other persons using County facilities for the disposal of solid waste.

### Collectors and Haulers Responsibilities

#### Separation

Collectors of solid waste and recyclable materials are responsible to ensure that solid waste (refuse) is delivered to disposal facilities only and that materials acceptable for recycling are delivered exclusively to recycling facilities. Under the terms of the new regulations, haulers and collectors are in violation of these requirements if they deliver recyclable materials to the County's solid waste disposal facilities. Violators are subject to fines and potential suspension or revocation of their collector's licenses.

Collectors must also keep solid waste and recyclables separate from one another, either through the use of different collection trucks or through split body disposal vehicles. If the same vehicle is used to collect both types of material simultaneously, then the separation must be maintained during the entire process of collection, transport and off-loading at the respective disposal and recycling facilities.

#### Notification

The collector is responsible for communicating with its customers if an issue regarding their refuse or recyclables arises that violates requirements of ER 18-04. When a collector notices that customers have improperly disposed of required recyclable materials in solid waste set out for disposal, the collector must provide notice of this violation to its customer. This notice must be in writing, and must be submitted by the end of the business day following the observed violation. The collector must also notify the Department of Public Works and Transportation's Division of Solid Waste Services that such notification has been distributed. Information—to both the customer and the Department—must include the service location, name of responsible agent notified, date of offending observation, and specific type of recyclables observed in the solid waste, a suggested remedy and the collector's

name and contact information.

Upon arrival at the County's solid waste disposal facility, collectors and haulers whose load still contains recyclable materials in their solid waste collection must, immediately upon request, identify to the transfer station attendant the names and addresses of the customers to whom notices will be sent by the end of the following business day. At any time during the collection and off-loading process, upon request, collectors must be able to provide to the County an accurate list of all customer locations from which that load of waste was collected.

#### Enforcement

County inspectors and investigators will be thorough in their effort to determine the party responsible for any violation of ER 18-04. If it is deemed that the collector was at fault for improperly maintaining the separation between solid waste and recyclables, that collector will be held responsible. Should it be determined that it was the customer who has violated the regulations, the County will assist the collector in their efforts to educate these customers in order to rectify the situation toward future compliance. Customers (i.e., individuals and organizations that generate refuse and recyclable materials) may also be cited for violations.

#### Single-Family and Multi-Family Residential Responsibilities

Recycling starts at home. As set forth by ER 15-04AM, single family residents, as well as operators, managers and residents of multi-family residential units, are responsible for understanding what can and cannot be recycled and for maintaining that separation of materials during the collection process. By keeping their solid waste separate from recyclables, residential customers will assist the collectors and haulers to maintain the separation process in accordance with ER 18-04. Individuals and properties that repeatedly violate these recycling laws are subject to enforcement proceedings and fines.

These items must be separated from refuse, and recycled at recycling facilities.

- **Mixed paper-** all clean, dry paper items mixed and collected together, including white and colored paper, cardboard, newspaper, inserts, magazines, catalogs, phone books, paperback books, and unwanted mail.
- **Commingled materials-** aluminum cans and foil products, bi-metal cans, glass bottles and jars, plastic narrow neck bottles, mixed together.
- **Yard trim-** leaves, grass, garden trimmings, brush, and Christmas trees.
- **Scrap metal items-** items consisting of metal and/or predominately metal materials, such as washers, dryers, refrigerators, sinks, hot water heaters, metal furniture, bikes, and swing sets.

#### Business and Institutional Responsibilities

Recycling at work comes with the job. Businesses, non-profit organizations, institutions, and federal, state and local government facilities are responsible for maintaining a separation between recyclable materials and solid waste. By providing separate and clearly marked receptacles for solid waste and recyclables (i.e., commingled materials, mixed paper), area business can do their part to help the County achieve its overall goal of 50% reduction in solid waste. Organizations that violate these recycling laws are subject to enforcement proceedings and fines.

These items must be separated from refuse, and recycled at recycling facilities:

- **Mixed paper items-** all clean, dry paper items including white and colored paper, cardboard, newspapers, inserts, magazines, catalogs, phone books, paperback books, and unwanted mail. Paper can be mixed and collected together, or may be sorted.
- **Commingled materials-** aluminum cans and foil products, bi-metal cans, glass bottles and jars, plastic narrow neck bottles, either mixed together or sorted.
- **Yard trim-** leaves, grass, garden trimmings, brush and Christmas trees.
- **Scrap metal items-** items consisting of metal and/or predominately metal materials, such as washers, dryers, refrigerators, sinks, hot water heaters, metal furniture, bikes, and swing sets.

#### Valuable Information and Assistance

The Montgomery County Department of Public Works and Transportation's Division of Solid Waste Services has created a number of programs designed to help everyone in the County—residents of single-family homes, residents and managers of multi-family properties, and business owners, managers and employees—do their part in the recycling process.

For more information, please log on to :

[www.montgomerycountymd.gov/recycling](http://www.montgomerycountymd.gov/recycling) or contact staff using the information below,

This information is available in an alternate format by calling Eileen Kao at 240-777-6400.

#### Montgomery County Department of Public Works and Transportation Division of Solid Waste Services

101 Monroe Street, 6th Floor \* Rockville, MD 20850-2589

240-777-6400 (PH)

240-777-6442 (TTY)

240-777-6465 (FAX)

#### Highlights of Executive Regulations 15-04AM

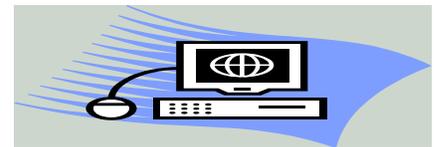
Effective February 8, 2005, **Executive Regulation (ER) 15-04AM** supersedes existing Montgomery County Executive Regulation 109-92AM and addresses



## Recycling (continued from page 2)

lessons learned over the last 12 years. These regulatory changes impact all property owners and managers, or governing bodies of apartments and condominiums, residents, and recycling collection companies. More details on each of these changes are described below:

## Get Wired! Resources Online



Websites of interest to owners in common ownership communities.

### Local Government:

Housing Opportunities Commission [www.hocmc.org](http://www.hocmc.org)

Montgomery Co. Council [www.montgomerycountymd.gov/council](http://www.montgomerycountymd.gov/council)

Montgomery County Executive Douglas Duncan  
[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

Montgomery County Government [www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

Comm. Use of Public Facilities [www.montgomerycountymd.gov/cupf](http://www.montgomerycountymd.gov/cupf)

Department of Environmental Protection [www.askdep.gov](http://www.askdep.gov)

Dept. of Housing & Community Affairs [www.montgomerycountymd.gov/dhca](http://www.montgomerycountymd.gov/dhca)

Office of Consumer Protection: [www.montgomerycountymd.gov/consumer](http://www.montgomerycountymd.gov/consumer)

Commission on Common Ownership Communities:  
[www.montgomerycountymd.gov/CCOC](http://www.montgomerycountymd.gov/CCOC)

Dept. of Permitting Services: [www.montgomerycountymd.gov/dps](http://www.montgomerycountymd.gov/dps)

Montgomery County Judicial System: [www.montgomerycountymd.gov/mc/judicial](http://www.montgomerycountymd.gov/mc/judicial)

Montgomery County Library [www.montgomerylibrary.org](http://www.montgomerylibrary.org)

Montgomery County Planning Board [www.mncppc.org](http://www.mncppc.org)

Montgomery Co. Police [www.montgomerycountymd.gov/police](http://www.montgomerycountymd.gov/police)

### State Government:

Maryland State Government [www.maryland.gov](http://www.maryland.gov)

Maryland Attorney General's Office [www.oag.state.md.us](http://www.oag.state.md.us)

Maryland General Assembly [www.mlis.state.md.us](http://www.mlis.state.md.us)

Maryland Secretary of State [www.sos.state.md.us](http://www.sos.state.md.us)

Maryland Condominium Act Statutes [www.mlis.state.md.us/#stat](http://www.mlis.state.md.us/#stat)

Federal Government: [www.firstgov.gov](http://www.firstgov.gov)

FCC Telecommunications Act of 1996 [www.fcc.gov](http://www.fcc.gov)

### Municipalities:

Chevy Chase Village [www.ccvillage.org](http://www.ccvillage.org)

Village of Friendship Heights [www.friendshipheightsmd.gov](http://www.friendshipheightsmd.gov)

Gaithersburg [www.gaithersburgmd.gov](http://www.gaithersburgmd.gov)

Garrett Park [www.garrettpark.org](http://www.garrettpark.org)

Olney [www.olneymd.com](http://www.olneymd.com)

Poolesville [www.ci.poolesville.md.us/index](http://www.ci.poolesville.md.us/index)

Rockville [www.rockvillemd.gov](http://www.rockvillemd.gov)

Takoma Park [www.takomagov.org/index](http://www.takomagov.org/index)

### Public Utilities:

Allegheny Power (Potomac Edison) [www.alleghenypower.com](http://www.alleghenypower.com)

Baltimore Gas & Electric (BG&E) [www.bge.com](http://www.bge.com)

Potomac Electric Power Company (PEPCO) [www.pepco.co](http://www.pepco.co)

Washington Gas [www.washgas.com](http://www.washgas.com)

Washington Suburban Sanitary Commission  
[www.wssc.dst.md.us](http://www.wssc.dst.md.us)

### Associations/Organizations:

Community Associations Institute Publications and Periodicals  
[www.caionline.org](http://www.caionline.org)

Community Associations Institute Washington Metropolitan Chapter  
[www.caids.org](http://www.caids.org)

Institute of Real Estate Management [www.irem.org](http://www.irem.org)

IREM West-Central Maryland Chapter [www.irem92.org](http://www.irem92.org)

Maryland Homeowners Association

[www.erols.com/marylandhomeownersassociation](http://www.erols.com/marylandhomeownersassociation)

Metropolitan Washington Council of Governments [www.mwcoq.org](http://www.mwcoq.org)

National Board of Certifications for Community Association Managers  
[www.nbccam.org](http://www.nbccam.org)

Regenesis [www.regenesis.net](http://www.regenesis.net)

Rockville Community Network [www.rocknet.org](http://www.rocknet.org)

## SELECTED SUMMARIES OF CCOC FINAL PANEL DECISIONS



### 1. Removing Washing Machines from Units

In *Halaby and Abboud v. Glen Waye Gardens Condominium*, decided June 13, 2005, two elderly women owners complained that the association, by adoption of a rule, sought to remove their washing machines and dryers from their units. The complainants had possessed laundry machines for more than twenty years. The association, however, had removed the machines from all other units, and presented expert testimony that the property's plumbing system was not adequate to handle washing machines in the units, and the extent of water damage caused from the machines. The panel held that the association's rule prohibiting such machines was reasonable and that the association had proposed solutions to the complainants' physical difficulties that impede their ability to perform laundry services outside their units.

### 2. Association OK'd to Use Self-Help

In *Waters Landing Association v. Berrones*, decided June 14, 2005, the association sought an order for the townhouse owner to perform a number of exterior maintenance and repair actions on the unit. The owner never responded to a series of association letters, correspondence from the CCOC, and did not appear at the hearing. The association presented sufficient evidence at the hearing for the panel to order that the owner perform necessary repairs and maintenance within sixty days, but also ordered the association, in its discretion, to make the necessary repairs and maintenance itself as authorized in the association's Declaration of Covenants, and to charge the cost

of the repairs to the owner, also pursuant to the association's rules.

### 3. Owner Ordered to Pay Legal Fees of Association

In *East v. Bel Pre Square Homeowners Assoc.*, decided Dec. 8, 2005, the unit owner claimed, among other things, that (1) the association did not own the property, (2) the board was not properly elected, (3) the association was not validly formed, and (4) the contract with the association's management company should be terminated. The panel found that the complainant presented no credible evidence to support any of her complaints and simply objects to the payment of any dues to the association and the association's use of the funds for any purpose, including the maintenance of common areas. The panel held such objections to be "irresponsible and without merit," and granted the association's request for reimbursement of legal fees.

Thanks to the following CCOC Commissioners and Staff for making this publication possible:

#### Articles:

Harold Huggins  
Andrew Oxendine  
Kevin Gannon  
Jeffrey Williams

#### Compilation and Formatting:

Andrew Oxendine  
Kevin Gannon

#### Printing & Mailing:

Peter Drymaliski



## Useful County Phone Numbers for Common Ownership Communities

Department of Housing and Community Affairs (240) 777-3600	Stormwater Inspections (240) 777-6266
Office of Consumer Protection (240) 777-3636	General Information (240) 777-1000
Office of Common Ownership Communities (240) 777-3766	Housing Opportunities Commission (301) 929-6700
Cable Office (240) 773-2288	Human Rights Commission (240) 777-8450
Landlord-Tenant (240) 777-3609	Libraries (240) 777-0002
Licensing Registration (240)777-3636	Park and Planning Commission (301) 495-4600
Housing Code Enforcement (240) 777-3785	Police Department (non-emergency) (301) 279-8000
Circuit Court (240) 777-9400	Abandoned Autos (301) 840-2455
Community Use of Public Facilities (240) 777-2706	Community Outreach (301) 840-2715
County Council (240) 777-7900	Department of Public Works & Transportation (240) 777-7170
County Executive (240) 777-2500	Traffic Operations (240) 777-2190
Department of Permitting Services	Trash & Recycling Collection (240) 777-6410
Zoning Information (240) 777-6240	

## FY 2006 Commission Participants (as of January 1, 2006)

### \*Residents from Condominiums/Homeowner Associations:\*

Charles H. Fleischer  
 Robert A. Gramzinski  
 Sarah M. Havlicek  
 Antoinette Negro  
 Eric D. Smith, Legislative Committee Chair  
 Vicki Satern Vergagni, Open House Chair

### \*Professionals Associated with Common Ownership Communities:\*

Jeff A. Kivitz  
 Richard J. Leeds, Manual Committee Chair  
 Stephen M. Maloney  
 Nadene L. Neel  
 Andrew Oxendine, Education Committee Chair  
 Jeffrey R. Williams, Vice Chair

### \*Real Estate Sales and Development:\*

Harold H. Huggins, Chair  
 Lawrence E. Stein  
 Kevin Gannon

### \*County Attorney's Office:\*

Walter Wilson, Esq. Associate County Attorney

### \*Volunteer Panel Chairs:\*

Christopher Hitchens  
 John F. McCabe, Jr.  
 Louis S. Pettey  
 Dinah Stevens  
 Jeffrey Van Grack

John Sample  
 Douglas Shonpuz

### \*Division of Consumer Affairs:\*

Evan Johnson, Administrator  
 Peter Drymalski, Investigator

### \*Ex-Officio Non-Voting Representatives:\*

Tom Ogle, Mike McElroy, Mont. Co. Dept of Environmental Protection  
 David B. Moss, Dept of Public Works and Transportation  
 Aron Trombka, County Council  
 Richard R. Brush, Dept. of Permitting Services  
 Debra Yerg Daniel, M-NCPPC



COMMISSION ON COMMON OWNERSHIP COMMUNITIES  
OFFICE OF CONSUMER PROTECTION  
MONTGOMERY COUNTY MARYLAND

Phone: 240-777-3766

Fax: 240-777-3768

TDD: 240 777 3679

The CCOC is proud to be part of the County's newly-created Office of Consumer Protection (OCP). The OCP was established January 23, 2006, when the County Council adopted legislation taking the Division of Consumer Affairs out of the Department of Housing and Community Affairs and making it an independent agency reporting directly to the County Executive. The new law also ensured that the CCOC remained with the new OCP. Chairman Harold Huggins represented the CCOC at the opening day ceremonies on February 7, 2006.

---

---

We are on the Web —visit us at  
([www.montgomerycountymd.gov/ccoc](http://www.montgomerycountymd.gov/ccoc))

---

Office of Common Ownership Communities  
Office of Consumer Protection  
100 Maryland Avenue, Room 330  
Rockville, Maryland 20850