

Commonly Interested Newsletter



Montgomery County, Maryland
Commission on Common Ownership Communities
240-777-0311
CCOC@MontgomeryCountyMD.gov



December 2023



**May your holiday season
be all wrapped up with cheer
and filled with celebration
for the New Year!**

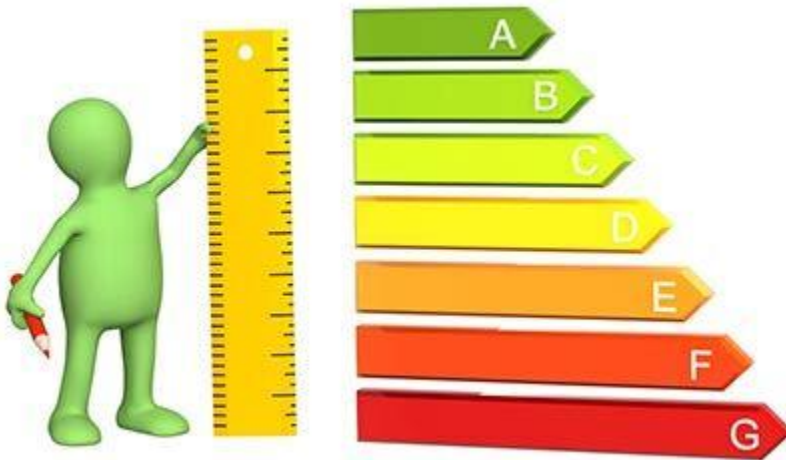
Holidays Eco Fact!



The amount of household waste in the U.S. increases an average of 25% between Thanksgiving and New Year's Day ([EPA](#)). Wrapping paper, decorations, packaging, and leftover food (and sometimes even the gifts we buy), often don't last long and end up in the waste stream. Help us kick off an eco-friendly holiday season by buying local, gifting experiences, donating to local charities, and reducing, reusing and recycling! Learn more about [Gifting outside the Box](#).

Energy Benchmarking is in Full Swing

And DEP is here to help!



Beginning June 1, 2023 multifamily buildings with 250k gross square feet

(GSF) and above are required to benchmark their property's energy usage for calendar year 2022. The next round of reporting for the multifamily sector is due June 3, 2024 for all multifamily buildings with 25k GSF-249,999 GSF for calendar year 2023. Are condominium communities included in this category of buildings required to report? Absolutely. But do not fret...we are here to help as much as we can!

Notification letters were mailed out in November to all buildings subjected to the benchmarking requirement due on June 3, 2024. If you are not sure if your building is required to report, you can find out in one of two ways: checking our [Covered Buildings List](#) or by emailing to energy@montgomerycountymd.gov and we will be glad to check for you. We have a staff member who is dedicated to assisting the multifamily communities and is here to help in any way that she can! She comes from multifamily property management and understands the challenges involved in managing a property.

To read more on benchmarking and BEPS visit the Montgomery County [BEPS Website](#).

Winter Salt Management



Spreading road salt is a very useful way to keep our roads and walkways safe in winter. However, using salt to melt ice corrodes concrete and masonry, poses dangers to pets and wildlife, damages surrounding plants and lawns, and harms our local

streams and rivers. It can even contaminate our water supply. As Montgomery County grows, salt levels have been steadily increasing in our waterways. Once in our waterways, salt is extremely difficult and expensive to remove. You can help being aware of the issue, using the right amount of salt, or using less salt, and considering salt alternatives! Learn more about [Winter salt Management](#).

Insects, Rodents, and Vermin in Multifamily Buildings



John Smith owns a condominium unit in a 100-unit building. For the past three months, John has been dealing with an insect and rodent problem, but all steps to correct the issue have been to no avail. A couple of other unit owners on the same floor informed John that they were also experiencing the same concerns, and their efforts to resolve the issue had been equally unsuccessful. John sent a few emails to the property manager complaining about this ongoing issue, but the board of directors (“board”) is not taking any measures to investigate and rectify the issue. How can this matter be resolved?

According to Section 26-9(a)(9) of the Montgomery County Code, an owner or occupant of a dwelling unit is required to exterminate any insects, rodents, or other vermin in or on the premises. Therefore, John must first retain an exterminator to eradicate the insects, rodents, or other vermin inside his unit^[1]. However, if other units in the building are similarly experiencing an infestation, then John and the other unit owners or occupants should notify the board by sending them a written complaint. Most, if not all, condominium bylaws, delineate the association’s operational processes and procedures, and ascribes maintenance responsibility of the common areas and common elements to the board. John should refer to the association’s bylaws for specific provisions which could be referenced in the complaint sent to the board.

Additionally, Section 26-9(a)(9)(A)-(B) of the County Code requires the

owners of common ownership building to exterminate if the infestation “includes more than one unit or the shared or common areas of a dwelling,” or “was caused by the owner’s failure to maintain the dwelling in a rat-proof or reasonably insect-proof condition.” Though the condominium structure belongs to all the unit owners, the board has been appointed to represent the interests of the owners. Consequently, once it is established that the infestation is not localized to an individual unit, the duty to exterminate shifts from individual unit owners to the board.

Should the board fail to comply with the maintenance provisions in the bylaws or the County Code, then John or the other unit owners may contact Code Enforcement via MC311 (240-777-0311) to file a complaint. Once a complaint is filed, a Code Enforcement inspector will be dispatched to inspect the building. If a determination is made that there is an infestation in the building, jeopardizing public health and safety, the inspector will issue a citation ordering the board to take corrective action within a specified time frame, and provide evidence of sufficient treatment to ensure the treatment is effective and ongoing.

This process could take months depending on the nature of the infestation.

It is incumbent on unit owners and the board to work assiduously to eradicate insects, rodents, and vermin from the building, so that public health and safety are protected.

[\[1\]](#) Tenants residing in an infested condominium unit may contact Code Enforcement for inspection via MC311.

Condo Insurance Confusion



You walk into your condo to be surprised by water pouring out of your ceiling. After the shock and the cleanup, you are now left with the task of repairing the damage. This is where condo insurance comes into play. There are two layers of protection for a condo unit, the insurance provided by the association and the insurance held by the unit owner.

The insurance provided by the association is the Master Insurance Policy, which is required by law for associations in Maryland. Every condo association has a master insurance policy that is funded by the association dues. There are generally two types of Master Insurance policies, walls-in and all-in. A walls-in policy covers the exterior and common areas but does not cover anything contained within your walls and they may or may not cover plumbing and electrical units. An all-in policy covers everything included in bare walls coverage as well as the fixtures in your condo such as the appliances, wiring, plumbing, and carpets, but does not cover personal property that you own.

Maryland law requires condo owners to maintain property insurance on the common elements as well as for all attached or multi-family units, not including improvements and betterments. This includes condo units that are in garden-style, mid-rise, and high-rise structures. In 2020, the maximum amount for a Master Policy deductible increased to \$10,000, a cost that could be placed on the unit owner if damage to another unit or to the common area originated in the owner's unit. This cost would be overwhelming to an unsuspecting condo owner, which is why there is a second layer of protection.

The insurance individually held by the condo owner is called HO6 insurance and it can be used to cover the Master policy deductible. In addition, HO6 insurance covers damage in your unit that is under

\$10,000. If the damage in your unit is over \$10,000, the association can initiate a claim with the Master Insurance policy and the unit owner will be responsible for the deductible. HO6 insurance also covers items not covered in the Master Policy like personal property. Personal property coverage covers all your furniture, clothing, jewelry, artwork, or other belongings that were damaged, destroyed, or stolen. Another form of protection in a unit owner's HO6 insurance is additional living expense coverage, also known as loss-of-use coverage. This covers a hotel stay and any costs you incur while your home is uninhabitable and is being repaired or rebuilt.

Whenever confused, here is a quick guide to identify who is responsible and what insurance will cover that damage:

- If a defect originating in another unit damages your unit, the association must repair that damage, but they can charge the owner of the unit where the damage originated up to \$10,000 for the master policy deductible.
- If a defect originating in the common elements damages your unit, the association must repair that damage and bear the cost of those repairs (and the deductible).
- If a defect originating in your unit causes damage to another unit, or to the common elements, the condominium association must repair that damage, but they can charge you up to \$10,000 for the master policy deductible. Every unit owner should have HO6 homeowners' insurance that covers the master policy deductible.
- If a defect originates in your unit and the cost to repair is less than \$10,000, you are responsible to repair that damage and bear the cost of those repairs. You can submit a claim to your HO6 insurance if this damage is covered by your individual policy.

Remember, your condo is not only your home but also an asset and an investment and right insurance package will safeguard your property from unexpected surprises.

[Annual Registration Information](#)

The Licensing & Registration Unit requires completion of the following:

- The completion of the [CCOC Registration Form](#).
- The completion and current copy of the governing documents.
- A list of the rental units in the community.
- A payment of the annual registration fee which is calculated based upon the number of units in the common ownership community.

It is the responsibility of each common ownership community to ensure compliance with this requirement.

Please feel free to contact the Licensing & Registration Department at ccocregistration@montgomerycountymd.gov with questions and/or concerns you may have.



The leadership of each common ownership community must register annually as a requirement as stated in Chapter 10B of the Montgomery County Code.

Mandatory Board Training



In July 2023, [amendments to the county code](#) continue to require all Board of Directors for common ownership communities to successfully complete the Commission's Board Training program, also known as Community Governance Fundamentals. The new provision requires Board members to recertify every *three (3) years*. Therefore, if you have not completed the training after July 3, 2020, you are required to fulfill this requirement. Information on the free training program and [schedule](#) may be found on the website or [click here](#).

COC Links and Shortcuts

[Office of Common Ownership Communities | DHCA \(montgomerycountymd.gov\)](http://montgomerycountymd.gov)- General information and resources for common ownership communities and homeowners.

[Common > “Community Governance Fundamentals” Training Program | DHCA \(montgomerycountymd.gov\)](http://montgomerycountymd.gov)- Mandatory training on Community Governance Fundamentals.

[Common > Registration of Common Ownership Communities | DHCA \(montgomerycountymd.gov\)](http://montgomerycountymd.gov) – Mandatory annual registration of common ownership communities.

[Calendar | DHCA \(montgomerycountymd.gov\)](http://montgomerycountymd.gov) – Calendar of Events.

[Common > Community Information | DHCA \(montgomerycountymd.gov\)](http://montgomerycountymd.gov)
– FAQ’s

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