



# CCOC COMMUNICATOR

## LEGETT PROPOSES MAJOR CHANGES TO CCOC

### Inside this issue:

Sign up for eSubscribe	2
Mandatory Training Update	3
Third-party training standards	3
Annual Notice Reminder	3
CCOC Members & Useful Phone Numbers	4
Pet Licenses	5
Putting Green into Greenery Lane	5
New County Laws-Towing, Landlords, Pesticides	6

Montgomery County Executive Isiah Leggett has sent proposed legislation to the County Council that contains three major changes to the existing CCOC legislation. The proposal, Bill 50-15, would:

- \* transfer the CCOC staffing from the Office of Consumer Protection (OCP) to the Department of Housing and Community Affairs (DHCA);
- \* change the composition of the 15-member Commission from 8 resident members and 7 professional members to 5 residents, 5 professionals, and 5 “public” members (that is, people who do not live in or work for common ownership communities); and,
- \* require that the parties to all CCOC complaints attempt to resolve their differences in mediations arranged by the CCOC staff before requesting formal hearings by the CCOC.

In a separate memorandum of October 30, 2015, Mr. Leggett also recommended that in order to better address the growing needs of the County’s 1000+ common ownership communities, the CCOC’s annual registration fee of \$3 per unit be raised to \$5 per unit. This increase would allow the County to increase the staff of the CCOC by two people. However, the legislation to accomplish this has not yet been offered to the Council.

The County Council has scheduled a public hearing on Bill 50-15 on January 12, 2016, at 1pm in the Council Hearing Room at 100 Maryland Avenue, 3rd Floor, in Rockville. Interested citizens are welcome to attend and to speak to the Council on the Bill.

(Continued on page 2)

## LEGETT PROPOSES MAJOR CHANGES TO CCOC

(Continued from page 1)

The CCOC has not yet prepared its official response to these proposals. It will do so at its January 6, 2016 monthly meeting and then present it to the Council at the January 12, 2016, public hearing. It will be published in a special edition of this newsletter.

Mr. Leggett's proposals respond to a report released by the County Council's Office of Legislative Oversight (OLO) in March, 2015, "An Evaluation of the Commission on Common Ownership Communities," and to an advisory opinion of the Ethics Commission concerning the CCOC's use of certain attorneys as volunteer panel chairs. The 43-page Evaluation found that users of the CCOC's educational services rated them very highly, but although there was also high support for the CCOC's dispute resolution program, many users felt that the process was too long and too complicated. The Evaluation concluded that the CCOC was under-funded and under-staffed, and recommended an increase in funding and staffing, although it did not make any specific recommendations on what staffing was necessary. OLO stated that the diverse functions and interests of the CCOC did not make it a perfect fit for any other County agency, but it had more in common with the DHCA and suggested that the CCOC staffing should be transferred there. OLO also found that the CCOC did not have sufficient technological support for its many needs and recommended that this be improved.

The OLO report is available at the County Council's website under the link to the Office of Legislative Oversight: <http://www.montgomerycountymd.gov/olo/reports/2008.html>. The report is Number 2015-8.

Bill 50-15 is also available at the County Council's website under the link to Legislation: <http://www.montgomerycountymd.gov/council/leg/bill/index.html>. The text of the Bill and its supporting documents are available at: [http://www.montgomerycountymd.gov/COUNCIL/Resources/Files/bill/2015/Packets/20151208\\_8A.pdf](http://www.montgomerycountymd.gov/COUNCIL/Resources/Files/bill/2015/Packets/20151208_8A.pdf).

Citizens who wish to speak on the Bill should sign up by 5pm the day before, and should bring 15 copies of their testimony, or send their comments by email. More detailed instructions are available at: <http://www.montgomerycountymd.gov/COUNCIL/PHSignUp.html>

## Sign Up for the CCOC's Free Email List

Those of you who receive this newsletter do so because you have enrolled in the CCOC's free "eSubscribe" mailing list. The CCOC publishes the *Communicator* 3 or 4 times per year. ESubscribe is the chief means that the CCOC uses to inform members of common ownership communities about its activities, educational opportunities, and formal decisions. The CCOC uses its email list only a few times per year so as not to overburden subscribers with unnecessary emails, and saves it for information that it believes is useful and important.

If you think the newsletter and your eSubscribe membership are useful, we encourage you to inform other members of your community about them and encourage them to enroll also. Anyone can enroll by going online to: <https://public.govdelivery.com/accounts/MDMONTGOMERY/subscriber/new> (CCOC is under Consumer Protection.)



## UPDATE ON MANDATORY TRAINING

In the Spring & Summer, 2015, *CCOC Communicator*, we described our plans for the online training course we intend to offer in order to help association members comply with the County’s new law requiring that all directors take training in the basics of community association management. We included a sample section from the online class. That newsletter is online at the CCOC website.

The CCOC has drafted the contents of the class, and the County’s Department of Technology Services (DTS) is in the process of creating the online program itself. DTS will complete its program shortly.

The CCOC will keep you advised of the status of this program in future newsletters and by special eSubscribe notifications. If you have not done so already, please see the article on page 2 for instructions on how to enroll in the CCOC eSubscribe email list.

The new law (Section 10B— of the Montgomery County Code) requires that all members of community association boards of directors who are elected or re-elected after January 1, 2016, must take a CCOC-approved training class within 3 months of their election or re-election. The law does not apply to those who are already on their boards by the end of 2015, unless they are re-elected after January 1, 2016. Since the CCOC wishes to test the program thoroughly before its release, the effective date of the law might be postponed. We will keep you informed.



## CCOC ADOPTS STANDARDS FOR MANDATORY TRAINING BY PRIVATE PARTIES

The CCOC recognizes that not all of those who must take the mandatory training, or who wish to take it voluntarily, will be able to take its online version of the class. It also understands that many other members will prefer to have live instruction in order to benefit more.

The CCOC lacks the resources to provide live instruction on a wide scale. Therefore, the law allows the CCOC to approve alternative training by other organizations in place of the CCOC’s online class. Those organizations can include the Community Association Institute (CAI), attorneys, and managers.



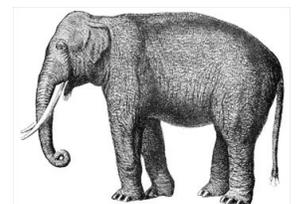
At its November, 2015, meeting the CCOC adopted general standards that private parties must meet. They are:

- \* the contents of the class must include all the material in the CCOC class;
- \* the class must be taught by an attorney who practices community association law or by a PCAM-certified manager (a person who has been trained and certified as a Professional Community Association Manager by the CAI).

The private classes may offer instruction that goes beyond the minimum set in the CCOC class, and private instructors may charge a fee for their classes.

## ANNUAL NOTICE REMINDER

All associations must notify all their members, at least once a year, of the CCOC and the services it offers. The association can send the notice by any means that will reach all the members, such as newsletters, annual meeting announcements, etc. Sample forms for this purpose are available on the CCOC website.



# Members and Staff of the CCOC

(As of December 21, 2015)

## Residents

Rand Fishbein, Ph.D.-Chairperson  
 Jim Coyle  
 Mark Fine  
 Marietta Ethier, Esq.  
 Bruce Fonoroff  
 David Weinstein  
 Don Weinstein  
 Ken Zajic

## Professionals:

Aimee Winegar, PCAM-Vice-Chairperson  
 Richard Brandes  
 Terry Cromwell  
 (there are three vacancies)

## Volunteer Panel Chairs

Mitchell Alkon, Esq.  
 Hon. Bruce Birchman, Esq.  
 Rachel Browder, Esq.  
 Ursula Burgess, Esq.  
 Julie Dymowski, Esq.  
 Charles Fleischer, Esq.  
 Christopher Hitchens, Esq.  
 Jennifer Jackman, Esq.  
 Kevin Kernan, Esq.  
 John McCabe, Esq.  
 Corinne Rosen, Esq.  
 John Sample, Esq.  
 Douglas Shontz, Esq.  
 Dinah Stevens, Esq.  
 Nicole Williams, Esq.

## Office of the County Attorney:

Walter Wilson, Esq., Associate County Attorney

## Newsletter:

Peter Drymalski, Deputy Assistant Editor

## Useful County Contact Information

To reach most County agencies during ordinary business hours, simply dial 311 and ask for the agency or service you want. This includes non-emergency Police services, the Courts and the Library. Residents of the City of Rockville should still call their City agencies directly.

Some County agencies can still be reached directly or by 311:

**Emergency Services:** 911  
**Consumer Protection:** 240-777-3636  
**Maryland National Capital Parks and Planning Commission**  
 Parks Headquarters: 301-495-2595  
 Planning Board: 301-495-4603

**CCOC:** Because of the small size of the CCOC staff, we ask you contact us by email only:

## Pet Licenses

The in addition to its many other services, the County Police Department's Animal Services Division now offers online licensing from the comfort of your own home or office at [www.licensepet.com/montgomerycounty](http://www.licensepet.com/montgomerycounty). The Division wished to work with community associations that require registration of or permits for pets living in the communities, and requests that when such pets are registered for the first time that the community notify the owner of County laws requiring pet licensing and leashing.

Pet licensing helps to ensure the safety of both residents and other pets by requiring proof of essential vaccinations. It also helps owners whose pets go missing: last year, Animal Services reunited over 1,000 lost pets with their owners.

The CCOC encourages all associations, whether or not they regulate pets, to notify their members of the County's pet licensing law and the benefits and availability of the online registration program.



## Putting the Green into Greenery Lane

Glenway Gardens Condominium in Wheaton held an Octoberfest to celebrate the planting of over 200 trees and shrubs on its grounds. 66 of the trees, including the costs to plant them, were donated by the Shades of Green program, which is run by Maryland National Capital Parks and Planning Commission. The purpose of the program is to increase the tree canopy cover in the County's business districts. (Glenway is next to the Glenmont Shopping Center.) Another free 60 trees were provided by the Chesapeake Bay Trust, and planted with volunteer assistance. The remaining 82 trees were purchased by Glenway and planted at its expense.



Vicki Vergagni, Glenway's manager, estimated the normal cost of buying and planting trees at approximately \$400 each. By using donated trees and labor the condominium saved \$50,000 in landscaping costs. The additional trees will help to cool the project as they mature and slow down rainwater runoff through the association's property.

The trees planted include red maples, river birches, yellowwood, dogwoods, honey locusts, magnolias, oaks and elms—all in all, some 40 different kinds of plants.

According to Ms. Vergagni, Glenway obtained 24 trees through the Shades of Green program three years ago, and had such a positive experience with it that Glenway reapplied this year. She had high praise in

particular for Jim Woodworth, a tree expert with the Casey Foundation, which grows and supplies the trees used in the program.

An affectionate addition to the new trees is a new metal menagerie of several animal sculptures scattered through the common areas.

For more information on the Shades of Green program, visit [www.montgomeryplanning.org/environment/shades\\_of\\_green.shtm](http://www.montgomeryplanning.org/environment/shades_of_green.shtm)



## New County Laws Affecting Community Associations

### Towing:

Bill 17-15 went into effect on November 30, 2015. It amends the current towing law (Chapter 30C of the County Code). The law regulates the towing of vehicles from private owned parking lots without the permission of the vehicle owner. Parts of the law apply to towing from community association lots. Among other things, the law requires tow warning signs at the entrance to every parking lot and for every 45 spaces; however, a community association can post warning signs only at the entrances to its parking lots if it also places a notice on the vehicle with a tow warning specifying the rule or covenant violated and gives the vehicle owner 48 hours to correct the violation. Photographs that demonstrate that the vehicle is parked in violation of the rules or covenants must be taken and kept for a year. For a copy of the law and other information on it, visit the web site of the Office of Consumer Protection: [www.montgomerycountymd.gov/ocp](http://www.montgomerycountymd.gov/ocp)



### Pesticides:

The County has amended Chapter 33B of the County Code to restrict the use of certain toxic pesticides and herbicides (the law has defined "pesticide" to include plant control chemicals as well as pest control products). Certain pesticides cannot be used on lawns, playgrounds, mulched recreation areas or a children's facility, although they can be used for other purposes allowed by law, such as control of noxious weeds like poison ivy, stinging or biting bugs, in gardens or on trees and shrubs, but they cannot be used on grassy areas. The law does not affect property owners, including community associations, until January 1, 2018. The new law also limits the County's rights to apply certain pesticides on County-owned property. The original bill contained provisions limiting common ownership communities' rights to apply pesticides without a majority vote of their members but those sections were deleted from the final bill. The law is online at the County Council's website as Bill 52-14: [http://www.montgomerycountymd.gov/Leventhal/Resources/Files/bill\\_52\\_14\\_final.pdf](http://www.montgomerycountymd.gov/Leventhal/Resources/Files/bill_52_14_final.pdf)



### Defaulting Landlords:

Beginning in June of 2015, members of community associations who apply for the County's mandatory rental licenses must certify that they are no more than 30 days in arrears on their association assessments. Associations can charge up to \$25 to issue certification that the member is current in his payments. The Department of Housing and Community Affairs (DHCA), which issues the licenses, can deny, revoke, suspend or refuse to renew a landlord's license if the association can show that it has filed a lien against the member landlord or has obtained an unpaid judgment against the landlord. The law is implemented by DHCA's Office of Licensing and Registration. The law (Bill 44-14) is available at the County Council's website at:

[http://www.montgomerycountymd.gov/COUNCIL/Resources/Files/bill/2014/20150303\\_44-14A.pdf](http://www.montgomerycountymd.gov/COUNCIL/Resources/Files/bill/2014/20150303_44-14A.pdf)

