



The CCOC needs volunteers to serve as panel chairs and assist the Commission in its mission to resolve conflicts between associations and their members. After a complaint is accepted by the Commission, the case is assigned to a panel of three, a chair and two panelists selected from the voting members of the Commission. The panel chair leads the proceedings and presides over a hearing. A panel chair is typically an attorney or an arbitrator who is experienced in and familiar with the various state and county laws related to common ownership communities.

Hearings take place in the evenings and are virtually facilitated by the office staff. After a hearing, the panel chair and two panelists deliberate the case and reach a decision. The panel chair is tasked with writing a “Decision and Order” within forty-five days after the hearing.

If you are interested in a rewarding public service and have the skills and expertise to serve as a panel chair, please [click here](#) to learn more.

Rights of an Owner in a Common Ownership Community

An Owner in a common ownership community (“COC”) in the State of Maryland, shall have the following rights:

1. To be granted all the privileges of members of a COC, including the right to participate in regular and special COC meetings.
2. To be represented by the governing body of a COC and to have the governing body consider Owners' priorities when approving a budget and managing the community's facilities and open space.
3. To receive an annual COC budget, a copy of which shall be sent directly to all Owners with their annual assessment notice.
4. To use all the community's facilities and services at a modest cost, or at no cost at all, provided the Owner is current in his/her financial obligations to the community.
5. To be one of the primary users of the community's facilities and services. In the event that capacity is scarce, Owners shall be provided with additional capacity, to the extent possible, so that they are not denied the opportunity to use those facilities and services.




6. To fair treatment in the repayment of any debt incurred by its COC for major capital projects or operating expenses so that present and future Owners have a pro rata share in the responsibility to repay such debt.
7. To vote by secret ballot to elect the COC's governing body; to be a candidate in fair elections which are administered by neutral parties who use a process, and produce results, that can be verified upon request by an audit; to vote to recall an incumbent in the governing body; to vote on certain financial matters if permitted by the COC's governing documents; and to vote via a referendum, if permitted, on any major new capital projects proposed by that governing body.
8. To participate either in person or through remote devices at easily accessible meetings of the COC, whenever the community's governing body or its committees discuss or vote on matters that involve issues, priorities, policies, or programs that affect the Owners; to reasonable advance notice of all open and closed meetings together with the meetings' agendas and supporting information; and to be given a reasonable opportunity to speak during a meeting when such matters are either discussed or voted on by that governing body or committee.
9. To have a COC governing body and manager who are properly trained and indemnified; who are stewards of the community's common interests; who protect the rights of Owners; who provide Owners with due process and equal protection; and who comply and function in accordance with community's governing documents and Maryland law.
10. To be granted access, in a timely manner, to the minutes of previous open meetings of the COC; to inspect and copy, in a timely manner, any of the COC's books and records, as permitted by Maryland law; to inspect, in a timely manner, any financial audits that are kept and published by the COC in accordance with Generally Accepted Accounting Practices and certified by an independent public accountant with appropriate credentials; and to receive prompt and

- non-discriminatory service from the COC's staff and governing body, consistent with relevant laws.
11. To be afforded individual privacy, consistent with Maryland law, by the COC's governing body and the COC's manager.
 12. To be treated fairly, if charged with a violation of the COC's governing documents, policies, or rules, including the opportunities to be notified in writing regarding the nature of the violation, to be able to present evidence and cross-examine witnesses at a proper hearing, and to be allowed sufficient time to abate the alleged violation when possible.
 13. To be informed by the governing body of the COC of any proposed changes to existing governing documents, policies, or rules; to vote to approve any of those changes; and to have them properly adopted and published.
 14. To have the Maryland Office of the Attorney General's Consumer Protection Division (a) review alleged violations of Maryland law that governs COCs and (b) take direct enforcement actions, including penalties and adjudication in the courts.

None of the rights set forth above shall be construed to allow a COC to discriminate against any Owner on the grounds of race, color, religious creed, ancestry, national origin, sex, age, marital status, disability, sexual orientation, gender identity, genetic status, presence of children, family responsibilities, or source of income.

Energy Benchmarking and Building Energy Performance Standards (BEPS)

 In 2022, both Montgomery County Council and the Maryland General Assembly passed laws requiring that common ownership communities begin benchmarking and reporting their annual energy use information

and meet long-term energy performance targets.

Is my community subject to these requirements?

Montgomery County's benchmarking and building performance standards law applies to buildings 25,000 gross square feet and greater. The Department of Environmental Protection (DEP) maintains a [covered buildings list](#) to help gauge whether your community is covered and when you need to start reporting.

If your building is 35,000 gross square feet or greater, it is also subject to [Maryland's benchmarking and BEPS requirements](#).

What is energy benchmarking?

Energy benchmarking is a process of tracking annual energy use to compare the measured performance of a building to itself, its peers, or established norms, with the goal of informing and motivating performance improvement.

To fulfill the requirements of the benchmarking law, owners of covered buildings must utilize [ENERGY STAR Portfolio Manager](#), a free, online tool, to:

- Report building characteristics like address, gross floor area, and property-type specific fields like number of units and number of bedrooms
- Enter energy consumption data for ALL fuels used in the building (e.g., electric, natural gas, steam, chilled water, generator power, on-site solar) spanning 12 consecutive months
 - Must include all owner and common areas and meters
 - Utilities can provide aggregated data for properties with individually-metered units
- Report data by June 1 each year.

More information and resources about Montgomery County's benchmarking process is available at

<https://www.montgomerycountymd.gov/green/energy/benchmarking.html>.

When must my community begin reporting benchmarking data?

Multifamily residential buildings 250,000 gross square feet and greater are in Group 4 for benchmarking compliance. These buildings needed to report calendar year 2022 energy data by June 1, 2023. DEP is beginning follow-up to Group 4 buildings that have not yet reported.

Multifamily residential buildings between 25,000 and 250,000 gross square feet are in Group 5. These buildings must begin benchmarking calendar year 2023 data and reporting it to DEP by June 1, 2024. DEP will be mailing notices and information to these Group 5 buildings this fall.

The [covered buildings list](#) also provides a list of buildings with address and community name (if known) with the benchmarking group and date by which each building must first be reported.

If your building is 35,000 gross square feet or greater, it is also subject to Maryland's benchmarking requirements. These buildings must begin reporting to the Maryland Department of Environment in 2025.

[Regulations](#) are still being established at the state level to dictate benchmarking requirements.

What are building energy performance standards?

While energy benchmarking only requires tracking and reporting of annual energy consumption data, building performance standards require each building to meet long-term energy use requirements.

In Montgomery County, common ownership communities covered by the law must meet site energy use intensity targets in 2030 and 2035 (Group 4 buildings over 250,000 gross square feet) or 2031 and 2036 (Group 5 buildings between 25,000 and 250,000 gross square feet). Energy use intensity measures energy use per square foot.

In Maryland, condo buildings must meet site energy use intensity targets AND net-direct greenhouse gas emissions standards. Net-direct

emissions are produced when fossil fuels – like natural gas, fuel oil, propane, etc. – are combusted for energy needs in the building – like for space heating, water heating, and cooking.

In both jurisdictions, details about the numerical site energy use intensity that must be met will be issued via regulation this year.

Is help available?

Yes! Locally, the [Montgomery County Green Bank](#) provides a [Technical Assistance Program](#) that connects communities to vendors that can help benchmark and provide data verification and helps to subsidize the cost of this service.

The Technical Assistance Program can also help pay for additional energy assessments to determine energy savings opportunities, help evaluate efficient replacements for aging systems, and provide a list of projects.

When your community decides to move ahead with building improvements, the Green Bank can again help connect you to a vendor to do the work and connect you to financing if needed.

Where can I get more information?

For any additional questions or to discuss circumstances at your community please contact DEP at Energy@MontgomeryCountyMD.gov.

Existing High-Rise Building Requirement

In 2019, the State Fire Marshal's Office determined that residential high-rise buildings that are not protected throughout by an automatic sprinkler system are a distinct hazard to life and property. As such, the State Fire Marshal has mandated that all residential high-rise buildings be fully sprinkled by **January 1, 2033**. The Montgomery County DPS Fire Code



Compliance (FCC) section is the State Fire Marshal's local designee to carry out this mandate.

Four options have been developed for building owners to come into compliance with the State mandate. The building owner(s) must consult with a design professional that has expertise in the field of fire protection to choose a compliance option. Once decided, the parties will be given the opportunity to enter into a long-term agreement with the County to complete the work. The Life Safety Agreement (LSA), sometimes referred to as Fire Protection Agreement, is simply a contract with the Department of Permitting Services (DPS) that states the building will come into compliance within a set timeframe. To learn more about this requirement [click here](#).

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](#)

[\(montgomerycountymd.gov\)](#)- General information and resources for common ownership communities and homeowners.

[Common > "Community Governance Fundamentals" Training Program |](#)

[DHCA \(montgomerycountymd.gov\)](#)- Mandatory training on Community Governance Fundamentals.

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

[Calendar | DHCA \(montgomerycountymd.gov\)](#) – Calendar of Events.

[Common > Community Information | DHCA \(montgomerycountymd.gov\)](#) – FAQ's

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