

[EXTERNAL EMAIL]

June 2024

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Commonly Interested Newsletter

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

Commission on Common Ownership Communities
Montgomery County, MD

DHCA

June 2024



JUNETEENTH
Freedom Day
June 19th

Fun Fact:

Did you know that Texas was the first state to declare Juneteenth a state holiday in 1980? It was not until June 2021, it was recognized as a federal holiday.

Tree Encroachments in Common Ownership Communities!



Jane Smith owns a house in a homeowners association (HOA). Surrounding the property are trees planted in the common areas. Over time the trees have matured, and the branches overhang over Jane's property beyond the property line. Though the HOA sporadically trims or prunes the trees, the problem remains. Also, Jane worries that one of the trees is possibly dead, posing a hazard to her, as well as her property. What can Jane do?

In *Melnick v. C.S.X Corp.*, 312 Md. 511, 514 (Md. 1988), the Court of Appeals ruled that homeowners may utilize self-help remedy to "cut encroaching branches, vines, and roots back to the property line." The Court considered it the most efficient way to prevent damage to the

property, while also reducing the possibility of innumerable lawsuits between neighbors. But the homeowner may only cut down an encroaching tree or prune/trim growth to his or her property line. To read the case in its entirety, please click this hyperlink:

<https://casetext.com/case/melnick-v-csx-corp-1>

Accordingly, Jane may send written notices to the board of directors, informing them of the safety concern caused by the encroaching tree branches or tree(s), and could request that the tree(s) be trimmed or pruned. If Jane is dissatisfied with the association's response, or lack thereof, she might employ self-help to prune or trim the trees, but only to her property line.

However, if Jane's arborist determines that the tree is dead, then Jane could notify the association, at which point, the association may be bound to remove the tree. Section 26-9(b)(5) of the Montgomery County Code states, in pertinent part, that "[s]hrubbery, trees, vines, hedges, and other vegetation, including dead trees and branches, must be maintained so they do not pose a danger to health or safety." Therefore, should the association fail to remove the dead tree, Jane may report the association's inaction to Code Enforcement via MC311 (240-777-0311).

[Maryland Condo Act Undergoes Change to Benefit Condo Owners in Maryland!](#)

[By: Montgomery County Green Bank](#)



Montgomery County, MD (May 13, 2024) – New legislation (Bill HB 0216), sponsored by Maryland State Delegate, Lorig Charkoudian, and Maryland State Senator, William C. Smith Jr., has been passed and introduces favorable amendments to the Maryland Condo Act. Under the Maryland Condo Act, Bill HB 0216 will allow condominium board of directors to grant leases of more than one year for the installation and use of leased clean energy equipment.

This new legislation will make it easier for condo associations in Maryland to approve leases for clean energy equipment, such as electric vehicle recharging equipment, solar energy equipment, and energy storage systems.

Previously, the Maryland Condo Act required a 66.6% vote of unit owners and mortgage holders in favor of the lease. However, Bill HB 0216 reduces this requirement and allows the condo board of directors to grant such leases by a majority vote and reduces the wait time of notifying unit owners of the proposed vote from 60 days to 30 days. The new legislation streamlines the approval process by ensuring that the project timeline moves along at a faster pace, benefiting both condo owners and the environment.

Brian Haaser, Glen Manor Condos, Bill Advocate says, “It was the work of multiple condominium owners, renewable energy groups and the Green Bank! We are all excited about this change to help common ownership communities meet their benchmarking goals and decarbonize their buildings.”

The Montgomery County Green Bank offers commercial solar financing through a [Power Purchase Agreement](#) (PPA), which is an easier way for condo associations to lease a solar system without making up-front payments. Prior to Bill HB 0216, condo associations would often face challenges in following an approval process that was not designed for leases like PPAs. The new legislation addresses this issue by enabling condos to follow traditional association leasehold approval processes, making it easier for them to benefit from clean energy investments.

“The Green Bank strongly supports distributed renewable energy investments and believes that condos are an important market to serve. PPAs offer a valuable tool for condos to quickly experience operational savings, which can help prevent fee increases and special assessments,” says Montgomery County Green Bank CEO, Stephen Morel. “We are especially thankful for Delegate Lorig Charkoudian for her leadership on this legislation.”

PPAs are particularly attractive to nonprofit organizations, condo associations, and other entities that desire the operational savings delivered by clean energy but lack the upfront capital or capacity to own and operate a system. This is particularly important for predominantly low- to moderate-income communities, where every dollar saved makes a significant difference. By enabling condos to approve PPAs in a more expedient fashion, Maryland can demonstrate strong environmental and economic benefits.

Tom Deyo, former CEO of the Montgomery County Green Bank, states, “I applaud the state for taking action to allow condos to more easily place solar on their properties. This will allow thousands of families to get the benefits of renewable energy while directly participating in addressing climate change.” Tom was a strong advocate for the new changes to the bill.

The revisions brought about by HB 0216 to the Maryland Condo Act will significantly benefit condo associations by enhancing their ability to approve leases for clean energy equipment. By reducing the approval requirements and streamlining the process, condo owners will have

greater access to clean energy solutions such as solar panels and electric vehicle charging stations. This not only benefits individual condo owners but also contributes to Maryland's efforts in promoting renewable energy and reducing carbon emissions.

About the Montgomery County Green Bank

The Montgomery County Green Bank is an independent, 501(c)(3) nonprofit dedicated to helping businesses and residents affordably implement energy efficiency, clean energy, and climate-resilient solutions. The Montgomery County Green Bank supports Montgomery County, MD by driving investment into energy efficiency and clean energy through lending and investment partners in the region. These efforts include working with homeowners, renters, nonprofits, and commercial entities of all varieties. For more information, visit www.mcgreenbank.org.

[EV Charging for Common Ownership Communities!](#)



Montgomery County Department of Environmental Protection (DEP) wants to know about your community's plans and perspectives on installing Electric Vehicle (EV) charging. The EV market is growing quickly in Montgomery County – EVs make up over 20% of new vehicle registrations in the last 12 months. Most EV drivers prefer to charge at home, so many common ownership communities have installed or considered installing EV charging. The County is exploring ways to help common ownership communities with technical support and pilot programs to reduce costs and complexity. Please respond to this [survey](#) by June 30, 2024, to provide input on the development of County programs. In addition, check out the [Guide to EV Charging for Apartments, Condos, and Townhomes](#) to learn more about your options and the process for installing EV charging.

Do You Know Your Building's Benchmarking Compliance Status?



Not sure if your building is covered? Is your building covered and you want to check if the report has been completed? Check our [Covered Buildings Inventory](#) or reach out to Sheena Oliver, Multifamily Energy Program Manager at sheena.oliver@montgomerycountymd.gov. Reports were due on Monday 6/3/24 and extensions are being granted up to 30 days for first time benchmarkers.

With the last group of buildings (multifamily properties 25k-250k gross square feet) having reported for the first time this year, many property owners and managers are left asking what's next? We've benchmarked, now what? The short answer to that is, keep benchmarking! Benchmarking is the beginning of the process and sets the property up to determine if there is anything that needs to be done in order to reduce your emissions and to meet the target EUI. The EUI is a measure of the energy used (kWh of electric and/or therms of natural gas) divided by the gross floor area of the building. For multifamily properties, the proposed EUI target is 37. Note that this target is **proposed** at this time and is currently in the hands of the County Council to make a final decision.

To view a presentation that was presented for multifamily properties, visit [Multifamily Benchmarking Webinar](#) (Passcode: LhdqFE2.) It's about 45 minutes long and goes over the process for completing your report.

[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 \(montgomerycountymd.gov\)](#)- 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

Office of Common Ownership Communities

1401 Rockville Pike, 4th Floor

Rockville, MD 20852

[Email](#) or call 311 (240) 777-0311



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