



Montgomery County Commission on Common Ownership Communities

1401 Rockville Pike, 4th floor, Rockville, Maryland 20852

Filing a Complaint: The Complaint Form and Instructions

Thank you for contacting the Commission on Common Ownership Communities (CCOC). It is very important that you read the information provided here and follow the instructions to completing the form.

The Commission's website at www.montgomerycountymd.gov/ccoc offers a great deal of information on dispute resolution. Please take the time to read and understand the process. Print and read Chapter 10B of the County Code, and Regulation 10B.06 of the Code of Montgomery County Regulations (COMCOR). These are available online through the "Services & Resources" section of the Office of the County Attorney's website, reached through the links below, or through our staff who will mail you a copy upon request.

- <http://www.Montgomerycountymd.gov/cat/services/index.html>
- <http://www.Montgomerycountymd.gov/cat/index.html>

These procedures govern your legal rights and duties if the dispute is set for a public hearing. You should know them. While the Commission's proceedings are informal, they are also quasi-judicial. The Commission must apply state and county laws and all relevant association documents to the facts of the dispute, and their decisions are binding on the parties. All parties have the right to legal representation. Associations may be represented by an attorney or by an officer or authorized member of the board of directors. Members or residents may be represented by an attorney or may represent themselves.

General Information:

The Commission cannot accept complaints involving homes or units located within cities or other towns that have chosen not to participate in the CCOC program. Please contact the CCOC office to see if your association falls within one of these jurisdictions.

Class actions: The Commission cannot accept "class action" complaints. Each person must file his/her own complaint and pay the filing fee, unless they are co-owners or co-residents of a lot or unit, or unless all the complaining parties are represented by the same attorney.

Automatic Stay: Once a dispute is found to exist between an association and its member or resident, the association must notify the member or resident of their right to file the dispute with the Commission and may not take any action to enforce its decision for 14 days after that notification.

When a dispute is filed with the Commission, a community association must not take action to enforce or implement the association's decision, other than filing a civil action in court, until the Commission disposes of the case or lifts the stay.

A party to the dispute may seek to lift the stay by submitting a written request to the Commission. A party to the dispute must serve a copy of its request on any other party named in the dispute, who has 10 days to oppose the request. The request to lift the stay may only be granted if the Commission panel finds that:

- a) enforcing the stay would result in undue harm to the community association, and b) lifting the stay will not result in undue harm to the rights or interests of any opposing party.

Communications: Once the initial complaint is filed, staff will not accept any “confidential” or “private” communications from a party. To avoid the risk of misunderstandings, or legal objections that may invalidate your evidence, all communications must be in writing.

It is the responsibility of each party to ensure that all further communications filed with staff are also copied to the other parties (e.g. complaints and responses, amendments to complaints, documents, or other attachments). All communications should be dated, with proof of delivery.

Mediation: After staff completes its review of the complaint and the response submitted by the other party, each party *must* participate, either in person or through their legal representative, in any mediation scheduled through the Department of Housing and Community Affairs. **If a party refuses or fails to participate in the mediation, staff may either dismiss the complainant's dispute or bar the respondent from appearing at the hearing.**

Instructions for completing the Complaint Form:

The Complaint Form beginning on page 5 can be filled in online, saved, and sent as an email attachment to the CCOC. If you prefer to mail the form with other documents, you can either fill it in online and print it or print it and fill it in off-line. However you choose to do it, **staff prefers that all submissions be typed**.

Your complaint will not be filed if you do not respond to questions #1 – 3. Staff will not be held responsible if incomplete responses, or missing governing documents or filing fees, delay the processing and filing of your complaint.

#1: The law requires that the complaining party exhaust all remedies provided for in the association documents before a complaint can be filed with the Commission. *The complaining party must attach a copy of all documents showing that these guidelines have been followed.*

- a) Associations must follow any written procedures they have for dispute resolution.
- b) If the association has no written procedures, it must first:
 - i. Give the member or resident written notice of the violation,
 - ii. Notify the member or resident of his or her right to a hearing with the board, and hold a hearing if one is requested, and
 - iii. Give the member or resident a written copy of the board's decision on the dispute and notice of their right to appeal that decision to the CCOC.
- c) Members or residents must follow any procedure the association has for dispute resolution and allow the association up to 60 days to resolve the complaint or deny it.
- d) If the association has no written procedures, the member or resident first must give the board (not just the community manager) written notice of the problem and a reasonable time to resolve it before a complaint can be filed with the Commission.

#2: The complaining party must provide a complete set of the association's most current governing documents (declaration, bylaws, & rules), or a web link to those documents. Staff will enter them into the official file (commonly called the “CE1” or Commission Exhibit #1) so all parties can work from the same document.

#3: The \$50.00 filing fee covers administrative costs. A check or money order made out to "Montgomery County, MD" must be mailed to the CCOC. In order for the staff to match your fee with the emailed complaint form, please enter the name on the check, and the check number where indicated.

The filing fee is usually refunded only if staff determines at the outset that the complaint is not within the Commission's purview.

#4: If the Complainant is a resident or unit owner:

- List *all* residents or owners of the property involved in the dispute.
- Enter the principal Complainant's address (if different from the property under dispute), telephone number(s), and email address. All correspondence will be directed to that individual.
- Enter the address of the property under dispute if different from the Complainant's address.
- *All complaints filed by members or residents must be against the association, not the community manager.*

#4: If the Complainant is an association:

- Enter the full legal name of the association. *We do not accept complaints from community managers.*
- Enter the name, address, telephone number(s), and email address of the board president or board member authorized to act for the board.

#5: Check the box to indicate the Complainant's status.

#6-#7: Enter the full legal name of the association, and check the box to indicate the association's status.

#8: If the Respondent is a resident or unit owner:

- List *all* residents or owners of the property involved in the dispute.
- Enter the principal Respondent's address (if different from the property under dispute) and provide telephone number(s), and email address.
- Enter the address of the property under dispute if different from the Respondent's address.

#8: If the Respondent is an association:

- Enter the full legal name of the Association. *We do not accept complaints against community managers.*
- Enter the name, address, telephone number(s), and email address of the board president or board member authorized to act for the board.

#9: Check the box to indicate the Respondent's status.

Your responses in sections #10-12 will be used by the Commission when deciding if they have jurisdiction over your complaint. If the dispute goes to a hearing, the Complaint Form and your attachments are the first things the hearing panel will read. Make sure they can understand what your complaint is about, and what you want the other party to do.

#10: This Complaint Involves: Check the boxes that pertain to your complaint. These are the only kinds of complaints the CCOC can accept. They involve either a) the legal authority of the association to do (or not do) something, or b) the failure of the association to do something.

#11: Summary of Complaint: Briefly describe the conditions or events that you believe to be a violation of law or of your governing documents. Check the box if you are providing more detail in a separate (typed) attachment,

stating clearly and concisely the history of the problem. Pay special attention to showing that the complaint involves an action or a failure to act.

- Describe the problem in date order and refer to the relevant named or numbered documents.
- Attach those documents, highlighting, boxing, circling, underlining, or otherwise pointing out the specific rule violated.
- Attach dated, color, photographs, if relevant.
- Do not use staples, tabs, or dividers.

#12: Desired Actions: The hearing panel's decision can only relate, if proven, to the basis for your complaint as indicated in #10. What do you want the other party to do to satisfy your complaint?

#13: Accommodation: Please note any accommodation requests you will need to participate in this process, especially if your complaint proceeds to a hearing. This may include issues related to hearing, speech, vision, mobility, and/or language.

Keep a copy of the complaint form and all supporting documents for your records.

**E-mail, mail by USPS, or otherwise deliver the complaint form,
attachments, governing documents, and filing fee to:
Commission on Common Ownership Communities
Department of Housing and Community Affairs
1401 Rockville Pike, 4th Floor
Rockville, MD 20852
Email: ccoc@montgomerycountymd.gov**

CCOC October 2023



COMMISSION ON COMMON OWNERSHIP COMMUNITIES

COMPLAINT FORM

CASE NO.
(Office use only)

Your complaint will not be filed if you do not respond to questions #1 -3:

1. Exhaustion of Remedies:

a) **If the complaining party is an association:**

Does your community's governing documents provide a procedure or remedy for resolving a dispute of the kind raised in this complaint and have you followed that procedure?

(If yes, attach a copy of the procedure and the documents used.) Yes No N/A

b) If your association has no written procedures for the resolution of this type of dispute, has the association done the following: i) given the member or resident written notice of the alleged violation and of the right to a hearing with the board of directors; ii) held a hearing with the board of directors if one was requested; and iii) given written notice of the board's decision on the dispute together with notice of the member or resident's right to appeal the decision to the CCOC?

(If yes, attach a copy of the notices and other correspondence.) Yes No N/A

c) **If the complaining party is a member or resident:**

Does your association have a written procedure for resolving your dispute and, if so, have you used those procedures and given the association at least 60 days to resolve your dispute or reject it?

(If yes, attach a copy of the procedures and correspondence involved.) Yes No N/A

d) If your association has no written procedures for resolving this type of dispute, have you given written notice of your dispute to the board of directors and a reasonable time to resolve it?

(If yes, attach a copy of the notices and correspondence involved.) Yes No N/A

Dates on which you notified the association of your dispute:

2. Have you provided a complete set of the association's most current governing documents? Yes No

What format are you using to provide these documents?

A paper copy is enclosed.

A .pdf has been attached to an email dated: sent from:

They can be found at the following web address:

Password, if necessary to retrieve documents:

3. Are you mailing a check for the \$50.00 filing fee, made out to "Montgomery County, MD". Yes No

Name on Check or Money Order:

Check #:

4. COMPLAINING PARTY (the party filing the complaint, i.e. "Complainant")

Complainant's Name:

Complainant's Address:

Address under dispute if different:

Home Phone:

Office Phone:

Extension

Email:

Fax:

5. Complainant's status (please check one):

Association

Unit Owner

Lot Owner

Member

Resident/Occupant

6. FULL LEGAL NAME OF THE ASSOCIATION:

7. Association's status (please check one):

Condominium

Cooperative

Homeowners' Association

8. RESPONDING PARTY (the party against whom the complaint is being filed, i.e. the "Respondent"):

Responding Party's Name:

Responding Party's Address:

Address under dispute if different:

Home Phone:

Office Phone:

Extension

Email:

Fax:

9. Respondent's status (please check one):

Association

Unit Owner

Lot Owner

Member

Resident/Occupant

Your responses in sections #10-12 will be used by the Commission when deciding if they have jurisdiction over your complaint. If the dispute goes to a hearing, the Complaint Form and your attachments are the first things the hearing panel will read. Make sure they can understand what your complaint is about, and what you want the other party to do.

10. THIS COMPLAINT INVOLVES: (Check as appropriate)

a) The authority of a governing body, under any law or association document, to:

- require any person to take any action, or not to take any action, involving a unit or a common element
- require any person to pay a fee, fine, or assessment
- spend association funds
- alter or add to a common area or element

b) The failure of a governing body, when required by law or an association document, to:

- properly conduct an election
- give adequate notice of a meeting or other action
- properly conduct a meeting
- maintain or audit books and records
- allow inspection of books and records
- properly adopt a budget or rule
- maintain or repair the common element if that results in damage to person or property
- exercise its discretion in good faith concerning the enforcement of any rule against any person who is subject to that rule

11. SUMMARY OF COMPLAINT:

Are details of the complaint being provided in a separate email attachment or mailing? Yes No

12. DESIRED ACTIONS: What do you want the other party to do to resolve your complaint?

13. ACCOMMODATION: (Please be as specific as possible) In order to participate in this process, I am requesting the following accommodation:

I understand that I will be expected to participate in mediation sessions, investigative inquiries, and/or hearings, and am prepared to participate fully as requested by staff and the Commission.

I hereby certify that the statements in this form and in any attached documents are true and complete to the best of my knowledge, information and belief.

Signature

Print Name

Date

Position on Board of Directors (if applicable)

If you do not have a digital signature, type your name here in lieu of signing for e-mail submission. This facsimile signature confirms your agreement to the statements above.

If the Complainant is an association, this form must be signed by the president or vice-president of the board of directors. Property managers may not sign a complaint on behalf of the association.

Automatic Stay: Once a dispute is found to exist between an association and its member or resident, the association must notify the member or resident of their right to file the dispute with the Commission and may not take any action to enforce its decision for 14 days after that notification.

Once a member or resident files a complaint with the Commission, a stay of the Association's action is automatically imposed, and the association may not take any action to enforce its decision, other than filing a civil action in court, until the Commission disposes of the case or lifts the stay.

The association may seek to lift the stay by submitting a written request to the Commission. The association must serve a copy of its request on any other party named in the dispute, who has 10 days to oppose the request. The request to lift the stay may only be granted if the Commission panel finds that:
a) enforcing the stay would result in undue harm to the community association, and b) lifting the stay will not result in undue harm to the rights or interests of any opposing party.

Communications: Once the initial complaint is filed, staff will not accept any "confidential" or "private" communications from a party. To avoid the risk of misunderstandings, or legal objections that may invalidate your evidence, all communications must be in writing.

It is the responsibility of each party to ensure that all further communications filed with staff are also copied to the other parties (e.g. complaints and responses, amendments to complaints, documents, or other attachments). All communications should be dated, with proof of delivery.

E-mail, mail by USPS, or otherwise deliver the complaint form, attachments, governing documents, and filing fee to:

Commission on Common Ownership Communities

Department of Housing and Community Affairs

1401 Rockville Pike, 4th Floor

Rockville, MD 20852

Email: ccoc@montgomerycountymd.gov