COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2011 Legislative Session
Legislative Day # 4

BILL NO. 2011-04

Introduced by: Charles County Commissioners

Homeowners' Associations

Date introduced: 05 / 03 / 2011

Public Hearing: 06 / 15 / 2011 @ 6:00 p.m.

Commissioners Action: 06 / 15 / 11

Commissioner Votes: CK: Y, RC: Y, KR: Y, DD: Y, BR: Y

Pass/Fail: Pass

Effective Date: 07 / 30 / 2011

Remarks:

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2011 Legislative Session

Bill No. 2011-04

Chapter. No. 247

Introduced by Charles County Commissioners

Date of Introduction May 3, 2011

BILL

AN ACT concerning

HOMEOWNERS' ASSOCIATIONS

FOR the purpose of

Providing for the enforcement of Orders issued by the Homeowner's Association Dispute Review Board with equitable relief.

BY repealing and reenacting, with amendments:

Chapter 247. Homeowners' Associations.

Section 247-7(H). Administrative hearing.

Code of Charles County, Maryland

(1994 edition, 2006 supplement)

SECTION 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as follows:

A. The Board shall hold a hearing on each dispute that is properly filed unless the Board finds that:

(1) The dispute is essentially identical to another dispute between the same parties on which a hearing has already been held under this section; or

(2) The dispute is clearly not within the jurisdiction of the Board.

B. The Board shall give notice to the parties to a dispute by either personal delivery or by certified mail restricted delivery, return receipt requested. Said notice shall be received by the parties at least 14 days prior to the public hearing regarding the dispute, and shall give notice of the time and place of the hearing and a description of the dispute.

C. At any hearing, a party or a witness may be advised by counsel.

D. Each participating Board member must not have any interest in the dispute to be heard.

E. If any party, after proper notice, does not appear at the scheduled hearing, the Board may order any relief to another party that the facts on record warrant.

F. The Board must apply state and County laws and all relevant case law to the facts of the dispute. At the close of all of the evidence, the Board shall deliberate, and, within 14 days, the Board shall issue its written decision and order.

G. A decision of the Board authorized under this article is binding on the parties, subject to review only by the Circuit Court for Charles County upon a petition for judicial review filed pursuant to the Maryland Rules of procedure by any party aggrieved by the decision within the time prescribed for petitions for review of administrative agency decisions by such rules of procedure.

H. [Failure to comply with a lawful order of the Board issued under this article is a civil infraction under Article 25B, Section 13C of the Maryland Code. Each day that a person does not comply with a Board order is a separate offense.] ENFORCEMENT OF ORDERS.

(1) FAILURE TO COMPLY WITH A LAWFUL ORDER OF THE BOARD ISSUED UNDER THIS ARTICLE IS A CIVIL INFRACTION UNDER ARTICLE 25B, SECTION 13C OF THE MARYLAND CODE, SUBJECT TO A FINE ~~OF $210~~ <u>UP TO $500</u>.

(2) THE BOARD SHALL ALSO HAVE THE ABILITY TO SEEK EQUITABLE RELIEF IN THE DISTRICT COURT FOR CHARLES COUNTY, MARYLAND, TO ENFORCE OUTSTANDING ORDERS.

SECTION 2. BE IT FURTHER ENACTED, that this Act shall take effect [FORTY-FIVE (45)] calendar days after it becomes law.

COUNTY COMMISSIONERS
CHARLES COUNTY, MARYLAND

Candice Quinn Kelly, President

Reuben B. Collins, II, Esq., Vice President

Ken Robinson

Debra M. Davis, Esq.

Bobby Rucci

ATTEST:

Denise Ferguson, Clerk to the Commissioners

NOTICE
Enactment of Bill 2011-04

Homeowners' Associations

The Charles County Commissioners enacted Bill 2011-04, concerning Homeowners' Associations on June 15, 2011. The Bill provides for the enforcement of Orders issued by the Homeowner's Association Dispute Review Board with equitable relief. Bill 2011-04 becomes effective on July 30, 2011.

Please publish in the Maryland Independent 3 times

Send bill to: Denise Ferguson, Clerk
Charles County Commissioners
P.O. Box 2150
La Plata, MD 20646