

**Ordinance to Amend Section 1-8 of the Rockville City Code entitled
 “Application of County Law” so as to allow Chapter 10B entitled
 “Common Ownership Communities” of the Montgomery County Code
 to apply in the City**

Summary of Comments

November 23, 2009 Public Hearing		
Name	Position	Summary of Comments
Gerry Cashin, President, Plymouth Woods Condominium Inc.	Supports	City Mediation Program is helpful but doesn't have teeth. CCOC avoids expense of going to court. CCOC benefits both associations and residents.
Margaret Chao, President, New Mark Commons HOA	Opposes	CCOC does not hear cases re: collection of annual HOA fees. County registration fee has increased and may continue to increase. Don't adopt something residents don't need.
Roxy Chase		Bylaws are not written down. Monthly condo fees increased too much. Can't always make it to condo assoc meetings when decisions are made.
Tom Curtis	Opposes	Described situation in 1991 and his experience as chair of RCOCA. Under RCOCA there was not a need for binding arbitration because issues of dispute were minor. Indicated that King Farm is not supportive.
Martin Green, Trustee, King Farm Citizen's Assembly	Undecided	King Farm Citizens Assembly has not developed a position yet.
Evan Johnson, Montgomery County Dept of Consumer Protection		County Executive is supportive of the legislation. Briefed Mayor and Council on program and answered questions.
Alice Liu	Undecided	Asked a series of questions that are addressed in the agenda sheet.
Joe McClane	Supports	Will help his association's governance. City's Mediation Program is nice but we need more teeth. Suggests the City subsidize the registration fee.
Steven Willard	Supports	Described a situation that he feels his association board of directors inappropriately handled. Power that boards wield is a problem.

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Richard Zeidman	Supports	Good for associations and residents. No impact on HOA because fee is ultimately paid by residents at 25 cents/month. Saves costs of litigation. Provides residents another option.
Written Comments		
Name	Position	Summary of Comment
Lauren Boice, President, Rose Hill HOA	Opposes	Appropriate procedures are already available in HOA governing documents. Unnecessary level of review permits disgruntled homeowner to delay resolving issues w/ their property, exposes the HOA to liability, lowers property values. Would require increasing homeowner monthly fees. Undermines the role of the HOA.
Patricia Brown	Supports	Homeowners feel powerless in any situation between them and a Board.
Gerry Cashin, President, Plymouth Woods Condominium Inc.	Supports	Likes that CCOC requires complainants to try to settle disputes w/ their board first. Their Board has successfully resolved disputes before. Not requiring an attorney in CCOC processes saves both parties money.
Rita Cea	Supports	Only option homeowner has now is mediation and the other party may choose to not participate. Outcome is not binding.
Margaret Chao, President, New Mark Commons HOA	Opposes	CCOC does not hear cases re: collection of annual HOA fees. County registration fee has increased and may continue to increase. Don't adopt something residents don't need. The CCOC is not used much by County residents.
Ron Chiariello	Supports	CCOC offers venue to resolve conflicts in a less costly, less time consuming and possibly less hostile way.
Jeff Cohen, President, Falls Grove HOA	Opposes	Their HOA dispute resolution procedures are already successful. Will hinder HOA's ability to enforce its governing docs in a timely and efficient manner. Time required for CCOC review process means eyesores and safety issues remain in the community longer. Fee to have attorney at CCOC proceedings is not a good use of HOA funds. To pay the County fee, likely to increase assessments to homeowners.

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Tom Curtis	Opposes	Found in 1991 that we did not have problems between HOAs and homeowners that couldn't be resolved through mediation. Most disputes revolve around condo fees, which CCOC doesn't deal with. There's a hidden cost since both parties in dispute will probably hire lawyers. The staff survey was biased in favor of adoption.
Ellen and Michael Glazer	Supports	Opportunity for rational people to hear rules and regulations made by power hungry idiots in charge of condo boards.
John Hansman	Opposes	Residents don't need it and it's another fee.
Nancy Hart, Board Member, Villages at Tower Oaks HOA	Opposes	Prohibits HOAs from enforcing rules in a timely and efficient manner, impacting home values. HOA bylaws, City Mediation and court already provide an appeal process. Could cause unruly residents to upset HOA processes. Time to complete the CCOC process means eyesores and unsafe conditions remain. Unnecessary fee on HOA residents. No option to opt out.
Evan Johnson		County staff submitted answers for the record to questions raised by the Mayor and Council and residents.
Barry Klein	Opposes	Based on experience as a City volunteer mediator, suggests using the Rockville Mediation Program to resolve disputes. If that doesn't work, go to court.
Joe McClane	Supports	Common ownership communities are becoming more common. The CCOC expertise is invaluable. Cost minimal compared to benefits.
Judge Michel Levant	Supports	It's a win-win proposal. Benefits many citizens at no cost to the City.
Beverly Miller	Supports	
Charlie Miller	Supports	HOA is operated by a clique of individuals and if a resident has an issue with the board resident is alienated by the board.
Brigitta Mullican	Opposes	Will not solve association problems and costs money that could be used for more pressing issues.
Kathy Neale	Opposes	
Nancy Nelson	Opposes	Unnecessary intrusion into private matters by City and County.

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Steven Nesbit, President, Fallsgrove Property Owners Association, Inc.	Opposes	May hinder association’s ability to enforce governing documents in timely and efficient manner. Time to move through CCOC means eyesores and unsafe conditions remain. Duplicates existing community processes that are already sufficient. Significant cost to association and homeowners, including legal fees. No option to opt out.
Jon Oberg	Supports	CCOC is important for: training HOA boards and personnel; dispute resolution; better planning and budgeting at the HOA level.
Orange6363@aol.com	Supports	
Torsdon Poon	Opposes	Represents an extra tax on HOA residents but not other residents. Creates undue exposure and burden on his HOA. Redundant of procedures in the HOA documents.
Judith and Stan Rosenthal	Supports	Creates an even playing field when boards see their “job” as choosing favorites to bestow approvals of requests.
Roald Schrack	Supports	Important for HOAs to feel the program is valuable but the benefit to homeowners is most attractive. The HOA is all powerful. With the CCOC, the homeowner has a fair chance of prevailing.
Richard and Kim Smith	Opposes	HOA functions well. Imposes a tax on HOA governed communities and creates an unacceptable increase in HOA dues. Potential for community to be exposed to liability.
Christopher Swann, President, King Farm Citizens Assembly	Opposes	There’s no option for an HOA to ‘opt out.’ Which disputes are covered by CCOC is confusing. CCOC track record needs to be reviewed. Mandatory fee on HOAs could lead to more disputes. Don’t make resolution procedures more complicated.
Jeffrey Szekely	Supports	City has grown substantially in the area of condos/HOAs. Cost is small. Provides due process. Will help relationship between boards and residents.

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Jeff Weber, President, Homes at Falls Grove Owners Association	Opposes	Extra process will prohibit timely enforcement of HOA rules and will impact home values. Appeals processes in HOA documents, City Mediation Program and court already exist to address disputes. Allows unruly residents to upset the HOA processes. Additional cost to HOA residents. Time required for CCOC process means eyesores and safety issues remain. No option to opt out.
Ricke Ziedman	Supports	It's a win-win proposal.