

2015 MARYLAND LEGISLATIVE & LEGAL UPDATE

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LEGISLATIVE & LEGAL UPDATE**

**COUNTY LAWS AND
CASE LAW OF INTEREST**

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Montgomery County

Montgomery County Bill 44-14 (to be considered on March 3, 2015)

If enacted, this Bill would require a landlord to certify that common ownership community assessments are paid current, prior to obtaining a rental license (similar to laws in force in Prince George's and Howard Counties).

Montgomery County Bill 44-15 (enacted February 3, 2015; effective January 1, 2016).

After January 1, 2016, every person elected to a board of directors of a common ownership community must complete a training course provided by the CCOC, or a third-party course approved by the CCOC.



- **Shader v. Hampton Improvement Association, Inc.**, 217 Md.App. 581 (2014) (Holding that restrictions in a covenant must be considered separately and, a waiver of one portion of a covenant does not operate as a waiver of the entire covenant).



- **Piney Orchard Community Association, Inc. v. Piney Pad A, LLC**, Court of Special Appeals, No. 300, September Term 2013 (filed January 29, 2015) (The doctrine of implied negative reciprocal covenants can be applied to bind property to recorded covenants that was inadvertently omitted. The doctrine can be applied, however, only where the governing documents are unclear).



- **Peters v. Emerald Hills Homeowners Association, Inc.**, Court of Appeals, No. 1364, September Term 2013 (filed February 2, 2015) (Although access easements must generally be created by a deed that complies with Maryland's recording statutes, such an easement can also be created by a subdivision plat, or other written memorandum, provided the Statute of Frauds is satisfied).



- **Fontell v. Hassett**, Case No. 13-2270 (4th Cir. 2014), unpublished (holding that “a property management company ... is not a debt collector [under the Federal Fair Debt Collection Practices Act] where it becomes responsible for collecting the subject debt before it was in default.”)



- **Falls Garden Condominium Association, Inc. v. Falls Homeowners Association, Inc.**, Court of Appeals, No. 30, September Term 2014 (filed January 27, 2015) (A letter of intent executed in an attempt to resolve a dispute over ownership of parking spaces located between two associations was deemed an enforceable settlement agreement, based on the definitive nature of the language used).



Montgomery County CCOC Cases

- **McBeth v. Fountain Hills Community Association, Inc.**, Case No. 52-12 (2014) (“Email discussion among Board members does not constitute a meeting unless an action is taken usually evidenced by a vote to take or authorize a Board action which requires a vote”).
- **Stalbaum v. Ashley Place at Tanglewood Homeowner’s Association**, Case No. 26-14 (2014) (“The board of directors of a common ownership community does not have the authority to adopt rules [such as towing for nonpayment of assessments], beyond the authority granted in the [association’s governing documents]”).



Montgomery County CCOC Cases

- **Parkside Condominium Association v. Lopez-Cayzedo**, Case No. 12-13 (2014) (“[T]he essential purpose of fines is to encourage voluntary compliance with the rules of the association ... where the fines have accomplished their purpose, or where the fines have proven to be ineffective, it is no longer reasonable to continue to accumulate them” (see also Kim v. Montrose Woods Condominium Unit Owners Association, Case No. 28-13 (2014))).
- **Brown v. Americana Finnmark Condominium Association**, Case No. 51-11 (2013); OZAH Referral No. 13-03), affirmed by the Circuit Court for Montgomery County, Case No. 380530V (2014), on appeal to the Court of Special Appeals (Based on Section 11-116 of the Maryland Condominium Association Act, a unit owner is entitled to examine a condominium’s books and records, “including the Association’s delinquency reports, without redaction of the names”).

thank you!