

Bill No. 19-13
Concerning: Common Ownership
Communities – Administrative
Hearing – Attorney's Fees
Revised: October 22, 2013 Draft No. 4
Introduced: June 18, 2013
Enacted: October 22, 2013
Executive: November 4, 2013
Effective: February 3, 2014
Sunset Date: September 1, 2016
Ch. 29, Laws of Mont. Co. 2013

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Leventhal

AN ACT to:

- (1) modify the authority of the Commission on Common Ownership Communities to award attorney's fees to a party in certain disputes; and
- (2) generally amend the law governing common ownership communities.

By amending

Montgomery County Code
Chapter 10B, Common Ownership Communities
Section 10B-13

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Section 10B-13 is amended as follows:**

2 **10B-13. Administrative hearing.**

3 * * *

4 (d) The hearing panel may award costs, including [a] reasonable attorney's
5 [fee] fees, to [[any prevailing party if]] any party if the other party:

6 (1) [another] [[any party if the]] [[losing]] [[other party:]]
7 [(1)] [(A)] filed or maintained a frivolous dispute, or filed or
8 maintained a dispute in [other than good] bad faith;

9 (2) [(2)] [(B)] unreasonably refused to [accept] participate in
10 mediation of a dispute, or unreasonably withdrew from ongoing
11 mediation; or

12 (3) [(3)] [(C)] substantially delayed or hindered the dispute
13 resolution process without good cause[.] [[; or

14 (2)] [The hearing panel may also award costs or attorney's fees if] [[an
15 association document so requires and the award is reasonable
16 under the circumstances; or

17 (3) the]] [[to a prevailing party]] [[is an owner or occupant of a
18 dwelling unit]] [[who filed the dispute to enforce the association
19 documents or a State or County law regulating common
20 ownership communities]].

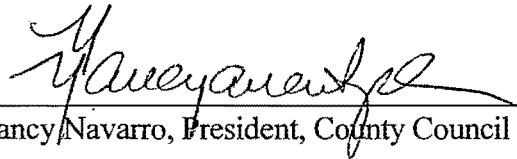
21 The hearing panel may also require the losing party in a dispute to pay
22 all or part of the filing fee.

23 * * *

24 **Sec. 2.** The Amendments to Section 10B-13 contained in Section 1 of this Act
25 apply to any dispute filed with the Commission after the date this Act takes effect.

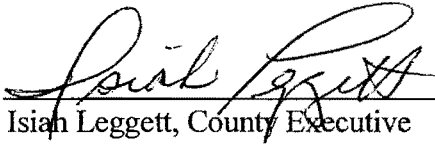
26 **Sec. 3.** The Amendments to Section 10B-13 contained in Section 1 of this Act
27 expire on September 1, 2016.

28 *Approved:*

29  10/23/13

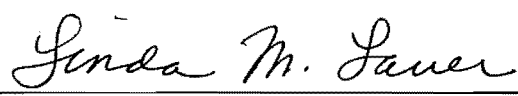
Nancy Navarro, President, County Council Date

30 *Approved:*

31  NOV 4, 2013

Isiah Leggett, County Executive Date

32 *This is a correct copy of Council action.*

33  11/5/13

Linda M. Lauer, Clerk of the Council Date