PUBLIC NOTICE
LOCAL LEGISLATIVE PROPOSALS

The Charles County Commissioners will hold a Public Hearing on Tuesday, May 7, 2024, at 6:00 p.m., in a hybrid format, both virtually and in person at the Charles County Government Building, 200 Baltimore Street, La Plata, Maryland, to consider local legislative proposals. A list of submitted local legislative proposals may be viewed at www.charlescountymd.gov. Individuals or representatives of groups wishing to make oral or written comments are encouraged to attend the hearing.

In-person: Speaker sign-up will begin 30 minutes (1/2 hour) prior to the hearing at the Charles County Government Building (200 Baltimore Street, La Plata) and will end at the commencement of the hearing.
Virtually: Call 301-885-2779 between 8 a.m. to 4 p.m. on May 7, 2024, to register to speak. Once registered, individuals will be called between 6 p.m. and 9 p.m. If you are not available to speak when you are called, we have the right to move on to the next caller. Each speaker will be allotted three (3) minutes to speak.

Written or recorded comments on submitted local legislative proposals may be provided in lieu of oral testimony, or to expand upon oral testimony, and will be accepted through 5:00 p.m. on Tuesday, May 7, 2024. The following are acceptable formats for providing comments in advance of the scheduled hearing:

E-Comment: https://www.charlescountymd.gov/government/public-comments/ (web form)

Phone message: call 301-645-0652

Postal Mail/Hand Delivery: Commissioners of Charles County, 200 Baltimore Street, La Plata, Maryland 20646. *Comments sent by mail must be received no later than May 7, 2024.

Those individuals with special needs may contact the Commissioners' Office at voice phone number 301-645-0550 or Maryland Relay Service TDD 1-800-735-2258 for assistance. Additional questions or concerns may be directed to Danielle Mitchell, Office of the County Attorney, 301-645-0555 or mitcheld@charlescountymd.gov.

BY ORDER OF THE CHARLES COUNTY COMMISSIONERS
Reuben B. Collins, II., Esq., President

In the event the notified meeting is canceled due to inclement weather or acts of nature beyond the control of the County, all items scheduled to be discussed or heard at the meeting will be rescheduled to a later date at 6:00 pm in the County Commissioners Meeting Room and/or virtually.

Charles County Government is an Equal Opportunity Employer
Please publish on April 26, 2024 and May 3, 2024

CHARLES COUNTY LOCAL LEGISLATIVE PROPOSALS 2024

****

From: Charles County Government
To: Danielle E. Mitchell; County Attorney
Subject: *NEW SUBMISSION* Legislative Proposals
Date: Monday, April 1, 2024 11:26:30 PM

Legislative Proposals

Submission #:	3106150
IP Address:	100.36.252.239
Submission Date:	04/01/2024 11:26
Survey Time:	5 minutes, 1 second

You have a new online form submission.
Note: all answers displaying "*****" are marked as sensitive and must be viewed after your login.

Public Hearing Comment Form

Questions or More Information 301-645-0555

This form should be used to submit legislative proposals for amendments, additions, or deletions to the Charles County Code or State of Maryland Code. Please submit the completed form online, or print and mail to: County Attorney's Office, 200 Baltimore Street, La Plata, Maryland 20646. Please attach responses to questions that require additional space to answer and indicate the question number on the attachment.

Contact Person Name

Robin Woods

Contact Person Email

[redacted]

Contact Person Phone

[redacted]

Contact Person Address

[redacted]

Proposal Summary (Describe proposal in 1 sentence)

This is a proposal to reform the current process in place to redefine Squatters as Trespassers, and give the legal homeowner increased ability to expedite removal by law enforcement without a lengthy court proceeding.

Code References (List any sections/chapters of the Charles County or State Code that you believe would be impacted by the proposal, if known)

Maryland's current laws pertaining to squatters presently require the legal owner to go through a lengthy legal process to remove squatters. An excerpt from Maryland's current law indicates: " How can a property owner evict

squatters in Maryland? In Maryland, property owners must file a complaint in the District Court of the county where the property is located to begin the eviction process for squatters. The property owner may also need to provide notice to the squatter before filing the complaint..." By passing updated legislation identifying squatters as trespassers and removing squatters right this will allow for a streamlined removal by law enforcement by the legal homeowner.

Problem (Describe the problem the proposal addresses)

Squatting has become a nationwide problem that continues to grow due to outdated laws pertaining to squatters rights. Many squatters are gaming the system and causing legal homeowners mounting bills, and undue stress with little to no support with common sense laws to protect their interest from these law breakers. By reforming squatting laws in Maryland it would make it clear that squatting is a criminal act. It would be a legislative change to finally close a loophole to identify squatting behavior as a criminal act. It is outrageous to think one could just come in and take over a home as squatters with no immediate consequences. Reforming laws pertaining to squatters to make it criminal trespassing so the police can come and take them out of the house is common sense legislation. This is an issue that other states are beginning to address with updated legislation to remove and update to anti-squatter laws.

Solution (Explain how the proposal addresses the problem).

Introducing anti-squatting laws redefining squatters as trespassers will give legal homeowners more rights to have law enforcement remove squatters immediately. Updated legislation to also hold squatters accountable for any property damage, make it a criminal offense for squatters who make up fake rental agreements, and most importantly spare the legal homeowner from a drawn out process that squatters use a loophole to game the system.

Organizational Support (List any organizations that would likely be in support of the proposal, even if not confirmed).

Multiple Homeowners Associations throughout Charles County Maryland

Proposed Draft Language (Provide draft language for the legislation if you have it).

A property owner can request law enforcement to immediately remove a squatter from their property if the following conditions are met: The individual has unlawfully entered and remains on the property; The individual has been directed to leave the property by the owner but has not done so this gives police authority to "swiftly" and "immediately" remove individuals from residential properties "based on a homeowner's sworn complaint and without court involvement of any kind," Persons found to have trespassed into a legal homeowner residence will be held criminally responsible for all damages to said home. If the trespasser presents a forged or fake lease the trespasser will be held criminally responsible for presenting a false document.

Other Information To Note

A property owner can request law enforcement to immediately remove a squatter from their property if the following conditions are met: The individual has unlawfully entered and remains on the property; The individual has been directed to leave the property by the owner but has not done so this gives police authority to "swiftly" and "immediately" remove individuals from residential properties "based on a homeowner's sworn complaint and without court involvement of any kind," Persons found to have trespassed into a legal homeowner residence will be held criminally responsible for all damages to said home. If the trespasser presents a forged or fake lease the trespasser will be held criminally responsible for presenting a false document.

Attachment(s)

Thank you,
Charles County, MD

From: Charles County Government
To: Danielle E. Mitchell; County Attorney
Subject: *NEW SUBMISSION* Legislative Proposals
Date: Wednesday, April 3, 2024 7:56:10 AM

Legislative Proposals

Submission #:	3109575
IP Address:	74.93.203.161
Submission Date:	04/03/2024 7:56
Survey Time:	21 minutes, 33 seconds

You have a new online form submission.
Note: all answers displaying "*****" are marked as sensitive and must be viewed after your login.

Public Hearing Comment Form

Questions or More Information 301-645-0555

This form should be used to submit legislative proposals for amendments, additions, or deletions to the Charles County Code or State of Maryland Code. Please submit the completed form online, or print and mail to: County Attorney's Office, 200 Baltimore Street, La Plata, Maryland 20646. Please attach responses to questions that require additional space to answer and indicate the question number on the attachment.

Contact Person Name

Mark Mudd

Contact Person Email

[redacted]

Contact Person Phone

[redacted]

Contact Person Address

[redacted]

Proposal Summary (Describe proposal in 1 sentence)

Propose that the County grant a tax credit against property tax imposed on real property on which erosion control structures or devices have been installed or for which erosion control procedures have been implemented that halt or retard erosion of shorelines and deposit of eroded sediments in the waters of the State. Propose that a credit of 75% of the cost of the improvement be a credit with the owner responsible for 25%.

Code References (List any sections/chapters of the Charles County or State Code that you believe would be impacted by the proposal, if known)

Section 9-217 of the Tax Property Article of the Maryland Annotated Code provides that County may grant such tax credit.

Problem (Describe the problem the proposal addresses)

Shoreline erosion is a significant issue in Charles County, on all of its shorelines. To date, few projects have been completed. A homeowner tax credit will allow many projects, both large and small scale to have a positive long term benefit. Both nonstructural and structural shoreline stabilization measures are necessary to protect our waters and those down stream. Waterfront properties are some of the most highly assessed properties in the County. Allowing those owners to directly and immediately fund and complete projects will have immediate and long term benefits. To date, most projects are part of larger "mitigation" scenarios which are infrequent.

Solution (Explain how the proposal addresses the problem).

Adoption of the homeowner tax credit will allow many homeowner to be part of the larger solution. Even if 10 homeowners per year with 100' of shoreline made improvements, this equates to 1000'LF of shoreline annually. Many larger waterfront farms in Charles County have 100's or 1000's of LF of shoreline. Engaging and providing an incentive and option to the the property owner will jumpstart immediate and significant improvement options for the shorelines in the County. The County can look at the recent improvements along Swan Point and Popes Creek, which were large scale projects.

Organizational Support (List any organizations that would likely be in support of the proposal, even if not confirmed).

Unknown. Would expect all conservation organizations such as Maryland Environmental Trust, Nature Conservancy, Ducks Unlimited, Farm Bureau, Coastal Conservation, Aquaculture, Watermen.

Proposed Draft Language (Provide draft language for the legislation if you have it).

Other County's have adopted in the past, i.e. Dorchester County. Propose that Charles County offer a 75% tax credit. Give the owner the incentive to make a change now for the benefit of the environment.

Other Information To Note

Attachment(s)

Thank you,
Charles County, MD

From: Charles County Government
To: Danielle E. Mitchell; County Attorney
Subject: *NEW SUBMISSION* Legislative Proposals
Date: Wednesday, April 17, 2024 10:04:28 PM

Legislative Proposals

Submission #:	3145100
IP Address:	174.211.225.134
Submission Date:	04/17/2024 10:04
Survey Time:	9 minutes, 53 seconds

You have a new online form submission.
Note: all answers displaying "*****" are marked as sensitive and must be viewed after your login.

Public Hearing Comment Form

Questions or More Information 301-645-0555

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Contact Person Name

Harry A Shasho

Contact Person Email

[redacted]

Contact Person Phone

[redacted]

Contact Person Address

[redacted]

Proposal Summary (Describe proposal in 1 sentence)

Marijuana public smoking

Code References (List any sections/chapters of the Charles County or State Code that you believe would be impacted by the proposal, if known)

Create harsh fines and DWI for public use of marijuana in cars , and public places and allow police to pull over cars by smell again

Problem (Describe the problem the proposal addresses)

Second hand marijuana smoke and smell everywhere The public does not know the laws they think is all legal anywhere Children should not have to smell it on their way to school or shopping it just driving

Solution (Explain how the proposal addresses the problem).

Heavy fines and education

Organizational Support (List any organizations that would likely be in support of the proposal, even if not confirmed).

Sheriff dept Board of education Medical community Commercial property manager

Proposed Draft Language (Provide draft language for the legislation if you have it).

$1000 fine for public use of marijuana Any person smoking or caping any marijuana product is subject to arrest and a fine of $1000 or more

Other Information To Note

Attachment(s)

Thank you,
Charles County, MD

From: Charles County Government
To: Danielle E. Mitchell; County Attorney
Subject: *NEW SUBMISSION* Legislative Proposals
Date: Wednesday, April 17, 2024 10:14:33 PM

Legislative Proposals

Submission #:	3145117
IP Address:	174.211.225.134
Submission Date:	04/17/2024 10:14
Survey Time:	3 minutes, 33 seconds

You have a new online form submission.
Note: all answers displaying "*****" are marked as sensitive and must be viewed after your login.

Public Hearing Comment Form

Questions or More Information 301-645-0555

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Contact Person Name

Harry Shasho

Contact Person Email

[redacted]

Contact Person Phone

[redacted]

Contact Person Address

[redacted]

Proposal Summary (Describe proposal in 1 sentence)

Proposal to remove an elected official for criminal or ethical issues

Code References (List any sections/chapters of the Charles County or State Code that you believe would be impacted by the proposal, if known)

https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/2467978/Removal_Draft_Legislation._Version_2.pdf?fbclid=IwZXh0bgNhZW0BMQABHchJUBcnHqaO2snUcLQhD01UI27c_Fa_9vqf6LtTCE7nkWXswPNLCWu4CA_aem_AQI2s7S7ExEmvkOV0ErxvTNzgwyanA1KT00cShU_t15imLEtP4A44Nl0YPAGTtmoXTk

Problem (Describe the problem the proposal addresses)

We don't have a mechanism to remove an elected office for criminal or ethical issues

Solution (Explain how the proposal addresses the problem).

https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/2467978/Removal_Draft_Legislation._Version_2.pdf?fbclid=IwZXh0bgNhZW0BMQABHchJUBcnHqaO2snUcLQhD01UI27c_Fa_9vqf6LtTCE7nkWXswPNLCWu4CA_aem_AQI2s7S7ExEmvkOV0ErxvTNzgwyanA1KT00cShU_t15imLEtP4A44Nl0YPAGTtmoXTk

Organizational Support (List any organizations that would likely be in support of the proposal, even if not confirmed).

The people of charles county

Proposed Draft Language (Provide draft language for the legislation if you have it).

https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/2467978/Removal_Draft_Legislation._Version_2.pdf?fbclid=IwZXh0bgNhZW0BMQABHchJUBcnHqaO2snUcLQhD01UI27c_Fa_9vqf6LtTCE7nkWXswPNLCWu4CA_aem_AQI2s7S7ExEmvkOV0ErxvTNzgwyanA1KT00cShU_t15imLEtP4A44Nl0YPAGTtmoXTk

Other Information To Note

Attachment(s)

Thank you,
Charles County, MD

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2023 Legislative Session

Bill No. 2023-

Chapter. No. 27

Introduced by Charles County Commissioners

Date of Introduction

BILL

AN ACT concerning

REMOVAL OF AN ELECTED COUNTY COMMISSIONER

FOR THE PURPOSE OF ADDING A PROVISION TO LOCAL LAW TO ESTABLISH A PROCESS FOR REMOVING AN ELECTED COUNTY COMMISSIONER.

BY adding:

Chapter 27-1(C) COMMISSIONERS, COUNTY

Code of Charles County, Maryland

(2022 Edition)

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

* * * * * * * * * * * * *

§ 27-1 (C) REMOVAL FROM OFFICE.

(1) A MEMBER OF THE BOARD OF COUNTY COMMISSIONERS MAY BE REMOVED FROM OFFICE BEFORE THEIR TERM EXPIRES BY THE AFFIRMATIVE VOTE OF NOT LESS THAN FOUR MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS. BY REMOVING A MEMBER FROM OFFICE, THE BOARD OF COUNTY COMMISSIONERS SHALL FIND THE FOLLOWING:

(A) CLAIMS OF WORKPLACE MISCONDUCT BY A CHARLES COUNTY

GOVERNMENT EMPLOYEE WERE SUSTAINED AGAINST THE BOARD MEMBER BY ORDER OF A STATE OR FEDERAL COURT. SUCH CLAIMS OF WORKPLACE MISCONDUCT INCLUDE SEXUAL HARASSMENT, HOSTILE WORK ENVIRONMENT, DISCRIMINATION, RETALIATION, OR WRONGFUL TERMINATION; AND

(B) THE CHARLES COUNTY ETHICS COMMISSION SUSTAINED A VIOLATION OF THE CHARLES COUNTY CODE OF ETHICS AGAINT THE BOARD MEMBER BASED UPON THE SAME OR SIMILAR CLAIMS AS THOSE SUSTAINED BY ORDER OF A FEDERAL OR STATE COURT, AND RECOMMEND REMOVAL OF THE BOARD MEMBER FROM OFFICE TO THE BOARD OF COUNTY COMMISSIONERS.

(2) PRIOR TO THE VOTE FOR REMOVAL, AT LEAST THREE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS SHALL APPROVE SCHEDULING A PUBLIC HEARING TO CONSIDER THE MATTER OF REMOVAL, AND SHALL CONDUCT THE PUBLIC HEARING.

(3) FOLLOWING THE PUBLIC HEARING, AND AFFIRMATIVE VOTE FOR REMOVAL, THE REMOVAL SHALL BE EFFECTIVE IMMEDIATELY.

(4) REMOVAL CREATES A VACANCY IN THE OFFICE OF COUNTY COMMISSIONER THAT SHALL BE FILLED IN ACCORDANCE WITH §9-402 OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

* * * * * * * * * * * * *

SECTION 2. *AND BE IT FURTHER ENACTED*, THAT THIS ACT SHALL TAKE EFFECT FORTY-FIVE (45) DAYS FROM THE DATE IT BECOMES LAW.

ADOPTED this _____ day of _____,2023.

COUNTY COMMISSIONERS
CHARLES COUNTY, MARYLAND

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

_____
Ralph E. Patterson, II, M.A., Vice President

_____
Gilbert O. Bowling, III

_____
Thomasina O. Coates. M.S.

_____
Amanda M. Stewart, M. Ed.

ATTEST:

_____
Carol A. DeSoto, Clerk to the Commissioners

From: Charles County Government
To: Danielle E. Mitchell; County Attorney
Subject: *NEW SUBMISSION* Legislative Proposals
Date: Friday, April 19, 2024 3:32:26 PM

Legislative Proposals

Submission #:	3149109
IP Address:	72.83.86.186
Submission Date:	04/19/2024 3:32
Survey Time:	8 minutes, 31 seconds

You have a new online form submission.
Note: all answers displaying "*****" are marked as sensitive and must be viewed after your login.

Public Hearing Comment Form

Questions or More Information 301-645-0555

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Contact Person Name

Ann Waters

Contact Person Email

[redacted]

Contact Person Phone

[redacted]

Contact Person Address

[redacted]

Proposal Summary (Describe proposal in 1 sentence)

Removal of sitting Board of Commissioners member

Code References (List any sections/chapters of the Charles County or State Code that you believe would be impacted by the proposal, if known)

Senate Bill 863 2021 Maryland Statutes Election Law Title 2 - Powers and Duties of the State and Local Boards Subtitle 2 - Local Boards Section 2-207 - Local Board Employees 2021 Maryland Statutes Local Government Division III - Counties Title 9 - General and Administrative Provisions Subtitle 3 - Code Counties Section 9-308 - Power to

Enact Public Local Laws 2021 Maryland Statutes Local Government Division III - Counties Title 9 - General and Administrative Provisions Subtitle 4 - Code Counties and Commission Counties Section 9-405 - Ethics 2021 Maryland Statutes Local Government Division III - Counties Title 12 - Other Powers of Counties -- Generally Subtitle 1 - County Officers and Employees Section 12-101 - Appointment and Removal

Problem (Describe the problem the proposal addresses)

Currently, the County Board of Commissioners has no way to consider the potential for the recall of a sitting member, even though state and federal law, guidance, policy, and precedent allow and even require, such actions in certain situations.

Solution (Explain how the proposal addresses the problem).

Existing law, statute, and legislation (approved and in draft) all allow and/or proposes the enactment of, the ability of a locally elected body to recall (not impeach) a sitting member. The Charles County Board of Commissioners should acknowledge several things: -- Maryland Ethics statutes applied to home and commission counties require Commissioners that violate such statutes to forfeit their office. This likely means that Charles County ALREADY HAS the ability to require a local official to forfeit their position in certain cases. -- Under the State Constitution, there is an already existing process for removing a State or local elected official. --Maryland statutes specify that an employee of a local board is a county employee and “shall be appointed and removed subject to the personnel regulations of the county in which the local board is located” and "the governing body of a county may provide for the removal of any county officer or employee". -- It is the policy of Charles County to provide equal employment opportunity to all persons regardless of race, color, sex, age, national origin, religious or political affiliation or opinion, disability, marital status, sexual orientation, genetic information, gender identity or expression, or any other status protected by law. This means that ANY violation of this policy by a local elected official is likely grounds for either recall and/or requiring said official to forfeit their county employment. Beyond locally, a violation of these provisions has potential federal implications. After these acknowledgments, the Board should confirm whether the ability to recall a local elected official already exists in our current form of government. If so, the Board should determine what exactly is required to document this ability in existing personnel regulations and/or documentation relative to the Board of Commissioners and make these findings public in an expedited manner.

Organizational Support (List any organizations that would likely be in support of the proposal, even if not confirmed).

Anyone who believes elected officials should be transparent and ethical in the performance of their duties.

Proposed Draft Language (Provide draft language for the legislation if you have it).

I defer the drafting of the precise language to county legal and governmental employees.

Other Information To Note

This type of legislation is long overdue. Thank you!

Attachment(s)

Thank you,
Charles County, MD

From: Charles County Government
To: Danielle E. Mitchell; County Attorney
Subject: *NEW SUBMISSION* Legislative Proposals
Date: Wednesday, April 17, 2024 8:11:42 PM

Legislative Proposals

Submission #:	3144909
IP Address:	76.106.65.180
Submission Date:	04/17/2024 8:11
Survey Time:	11 minutes, 29 seconds

You have a new online form submission.
Note: all answers displaying "*****" are marked as sensitive and must be viewed after your login.

Public Hearing Comment Form

Questions or More Information 301-645-0555

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Contact Person Name

Deborah Johnson

Contact Person Email

[redacted]

Contact Person Phone

[redacted]

Contact Person Address

[redacted]

Proposal Summary (Describe proposal in 1 sentence)

Provide a way to remove an elected official for misconduct / ethics violations.

Code References (List any sections/chapters of the Charles County or State Code that you believe would be impacted by the proposal, if known)

Unknown

Problem (Describe the problem the proposal addresses)

There needs to be a clear path to remove a Commissioner who has ethics issues and/or criminal charges

Solution (Explain how the proposal addresses the problem).

Create legislation to remove a commissioner

Organizational Support (List any organizations that would likely be in support of the proposal, even if not confirmed).

Most citizens of Charles County

Proposed Draft Language (Provide draft language for the legislation if you have it).

It would be better prepared by a legal professional. I understand that numerous solutions have been previously proposed.

Other Information To Note

I vote

Attachment(s)

Thank you,
Charles County, MD

From: Charles County Government
To: Danielle E. Mitchell; County Attorney
Subject: *NEW SUBMISSION* Legislative Proposals
Date: Friday, April 19, 2024 1:57:26 PM

Legislative Proposals

Submission #:	3148810
IP Address:	73.132.36.229
Submission Date:	04/19/2024 1:57
Survey Time:	19 minutes, 43 seconds

You have a new online form submission.
Note: all answers displaying "*****" are marked as sensitive and must be viewed after your login.

Public Hearing Comment Form

Questions or More Information 301-645-0555

This form should be used to submit legislative proposals for amendments, additions, or deletions to the Charles County Code or State of Maryland Code. Please submit the completed form online, or print and mail to: County Attorney's Office, 200 Baltimore Street, La Plata, Maryland 20646. Please attach responses to questions that require additional space to answer and indicate the question number on the attachment.

Contact Person Name

Debra Jones

Contact Person Email

[redacted]

Contact Person Phone

[redacted]

Contact Person Address

[redacted]

Proposal Summary (Describe proposal in 1 sentence)

Legislation that will allow for the removal of an elected official who violates the county's ethics code, who harasses or retaliates against an employee, or commits similar acts of malfeasance.

Code References (List any sections/chapters of the Charles County or State Code that you believe would be impacted by the proposal, if known)

I believe these have been well-researched by staff over the past year.

Problem (Describe the problem the proposal addresses)

1) The citizens of Charles County currently have no means of redress when an elected official commits the aforementioned acts. 2) An elected official can currently continue wrongdoing without consequence from the citizens of Charles County until the next election, further exacerbating the problem.

Solution (Explain how the proposal addresses the problem).

1) Revive and revisit the prior local legislative proposals for removal of an elected official, and allow them to go to public hearing (which was not permitted last time). 2) Propose & advocate for state legislation that will allow for recall of an elected official with a reasonable number of signatures by the electorate. In both cases, a logical and multi-step process should be incorporated to ensure that the process is reasonable and to minimize the opportunity to use it for purely political purposes.

Organizational Support (List any organizations that would likely be in support of the proposal, even if not confirmed).

Citizens of Charles County

Proposed Draft Language (Provide draft language for the legislation if you have it).

Review draft legislation from prior proposals and other jurisdictions.

Other Information To Note

This type of legislation was the most-requested by the Citizens of Charles County in 2023 and needs to be made a priority by our elected officials.

Attachment(s)

Thank you,
Charles County, MD

From: Charles County Government
To: Danielle E. Mitchell; County Attorney
Subject: *NEW SUBMISSION* Legislative Proposals
Date: Friday, March 22, 2024 1:48:30 PM

Legislative Proposals

Submission #:	3084514
IP Address:	3.84.173.94
Submission Date:	03/22/2024 1:48
Survey Time:	3 minutes, 11 seconds

You have a new online form submission.
Note: all answers displaying "*****" are marked as sensitive and must be viewed after your login.

Public Hearing Comment Form

Questions or More Information 301-645-0555

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Contact Person Name

Douglas Paul

Contact Person Email

[redacted]

Contact Person Phone

Contact Person Address

[redacted]

Proposal Summary (Describe proposal in 1 sentence)

Removal of sitting Board Of Commissioners member

Code References (List any sections/chapters of the Charles County or State Code that you believe would be impacted by the proposal, if known)

Senate Bill 863 2021 Maryland Statutes Election Law Title 2 - Powers and Duties of the State and Local Boards Subtitle 2 - Local Boards Section 2-207 - Local Board Employees 2021 Maryland Statutes Local Government Division III - Counties Title 9 - General and Administrative Provisions Subtitle 3 - Code Counties Section 9-308 - Power to Enact Public Local Laws 2021 Maryland Statutes Local Government Division III - Counties Title 9 - General and

Administrative Provisions Subtitle 4 - Code Counties and Commission Counties Section 9-405 - Ethics 2021 Maryland Statutes Local Government Division III - Counties Title 12 - Other Powers of Counties -- Generally Subtitle 1 - County Officers and Employees Section 12-101 - Appointment and Removal

Problem (Describe the problem the proposal addresses)

Currently, the County Board of Commissioners has no way to consider the potential for the recall of a sitting member, even though state and federal law, guidance, policy, and precedent allow and even require, such actions in certain situations.

Solution (Explain how the proposal addresses the problem).

Existing law, statute, and legislation (approved and in draft) all allow and/or proposes the enactment of, the ability of a locally elected body to recall (not impeach) a sitting member. The Charles County Board of Commissioners should acknowledge several things: -- Maryland Ethics statutes applied to home and commission counties require Commissioners that violate such statutes to forfeit their office. This likely means that Charles County ALREADY HAS the ability to require a local official to forfeit their position in certain cases. -- Under the State Constitution, there is an already existing process for removing a State or local elected official. --Maryland statutes specify that an employee of a local board is a county employee and “shall be appointed and removed subject to the personnel regulations of the county in which the local board is located” and "the governing body of a county may provide for the removal of any county officer or employee". -- It is the policy of Charles County to provide equal employment opportunity to all persons regardless of race, color, sex, age, national origin, religious or political affiliation or opinion, disability, marital status, sexual orientation, genetic information, gender identity or expression, or any other status protected by law. This means that ANY violation of this policy by a local elected official is likely grounds for either recall and/or requiring said official to forfeit their county employment. Beyond locally, a violation of these provisions has potential federal implications. After these acknowledgments, the Board should confirm whether the ability to recall a local elected official already exists in our current form of government. If so, the Board should determine what exactly is required to document this ability in existing personnel regulations and/or documentation relative to the Board of Commissioners and make these findings public in an expedited manner.

Organizational Support (List any organizations that would likely be in support of the proposal, even if not confirmed).

Anyone who believes elected officials should be transparent and ethical in the performance of their duties.

Proposed Draft Language (Provide draft language for the legislation if you have it).

I recognize that the draft language likely has to be formatted in a certain way reflective of all the legal and ethical elements that I've summarized here. As such, for now, I'd prefer to defer the drafting of the precise language to county legal and governmental employees. I'll go into more detail at a public forum in the future.

Other Information To Note

This is also a watershed moment for this community. We can either -- as a people -- move to selectively condemn racist and corrupt behavior and those who attempt to weaponize unfounded racial allegations, or we can send the message that this type of thing will not be condemned here. This is simple, in my opinion, and my submission is part of the record of who supports or opposes such a simple line in the sand.

Attachment(s)

Thank you,
Charles County, MD

From: Charles County Government
To: Danielle E. Mitchell; County Attorney
Subject: *NEW SUBMISSION* Legislative Proposals
Date: Friday, April 19, 2024 4:12:51 PM

Legislative Proposals

Submission #:	3149258
IP Address:	71.114.16.106
Submission Date:	04/19/2024 4:12
Survey Time:	37 seconds

You have a new online form submission.
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Public Hearing Comment Form

Questions or More Information 301-645-0555

This form should be used to submit legislative proposals for amendments, additions, or deletions to the Charles County Code or State of Maryland Code. Please submit the completed form online, or print and mail to: County Attorney's Office, 200 Baltimore Street, La Plata, Maryland 20646. Please attach responses to questions that require additional space to answer and indicate the question number on the attachment.

Contact Person Name

Faithe Davis

Contact Person Email

[redacted]

Contact Person Phone

[redacted]

Contact Person Address

[redacted]

Proposal Summary (Describe proposal in 1 sentence)

Upon petition, a circuit court and/or voters may remove from office any elected officer or officer who has been appointed to fill an elective office, residing within the jurisdiction of the court: 1. For neglect of a clear, ministerial duty of the office, misuse of the office, or incompetence in the performance of the duties of the office when that neglect of duty, misuse of office, or incompetence in the performance of duties has a material adverse effect upon the conduct of the office; upon conviction of a misdemeanor; violation of any ethics laws; conflicts of interests; appearance of impropriety; manufacture, sale, gift, distribution, or possession with intent to manufacture, sell, give,

or distribute a controlled substance or marijuana or any other drugs/drug paraphernalia; Possession of any controlled substance or marijuana and such conviction under subdivision a, b, or c has a material adverse effect upon the conduct of such office; misdemeanor involving hate crimes; misdemeanors involving sexual crimes of any nature. The petition must be signed by a number of registered voters who reside within the County. 1,500 signatories (750 for purely local matters).

Code References (List any sections/chapters of the Charles County or State Code that you believe would be impacted by the proposal, if known)

Currently, in Maryland elected officials - removal from office - Crimes Chapter 147 of 2012 (House Bill 211) This proposed constitutional amendment changes the point at which an elected official charged with certain crimes is suspended or removed from office. Under the State Constitution, there is a two-step process for removing a State or local elected official who, while in office, is convicted of or pleads nolo contendere (a plea stating that the defendant will not contest the charge but does not admit guilt or claim innocence) to a crime that is (1) a felony; or (2) a misdemeanor that is related to the elected official's public duties and responsibilities and involves moral turpitude, and for which the penalty may be imprisonment ("disqualifying misdemeanor"). First, if the elected official is convicted or pleads nolo contendere, the elected official is suspended from office. During the suspension, the elected official may not receive pay or benefits and the office is filled temporarily. Second, if the conviction is not appealed or is affirmed on appeal, the elected official is removed from office. If the conviction is reversed or overturned, the elected official is reinstated automatically for the remainder of the term, if any, and all pay and benefits are restored. Under current law, a "conviction" occurs upon sentencing. Thus, an elected official who is found guilty or enters a guilty plea may continue in office until the official is sentenced for the crime, which may be months later. This proposed constitutional amendment establishes that a State or local official who is found guilty is suspended immediately upon the finding of guilt. A State or local official who pleads guilty or nolo contendere would be removed from office immediately without the possibility of reinstatement. Also see Constitution of Maryland Article XV, Section 2.

Problem (Describe the problem the proposal addresses)

Currently, three of the five County Commissioners voted against introducing legislation to remove a County Commissioner, which leaves the taxpayers voiceless again. We, the taxpayers, are the employers of the Commissioners and we have a right to have our voices heard. Unfortunately, individuals exist who use the power of office to abusively advance personal agendas. Uncertainty and lack of clarity in accountability in the face of these actions compromise governmental legitimacy. Further clarity and strengthening of checks and balances are necessary.When systems of governance fail to provide clear and comprehensive guidance on revoking this consent, then the very premise of democracy is compromised. Currently, many question the legitimacy of our nation’s institutions. Society has a sacred duty to strengthen democracy through the process and the rule of law.

Solution (Explain how the proposal addresses the problem).

This act will establish procedures for removing a county commissioner or any local/state elected official without stringent reasons such as one having to commit a crime or be found guilty of a misdemeanor or felony before removal.

Organizational Support (List any organizations that would likely be in support of the proposal, even if not confirmed).

Unknown at this time other than voters who seek fairness and change.

Proposed Draft Language (Provide draft language for the legislation if you have it).

The county commissioner who is named in the petition shall have held office for at least 2 months; and the recalled commissioner shall not be a candidate in a special election to fill the vacancy created by his or her recall. Under this act, in order to recall a county commissioner, a petition containing a written statement providing the grounds for recall must first be filed with the county election authority within 60 days of receiving its first signature. The petition must receive signatures from eligible voters equal to at least 5% of the County's registered/eligible voters. Within 10 days of the date the petition is filed, the county election authority will determine whether the petition is signed by the requisite number of voters. If the petition is deemed insufficient, the election authority will attach a certificate

to the petition stating the petition is insufficient. The petition may be returned to the person who filed the petition and may be amended within 10 days of the issuance of the certificate. Once the election authority deems the petition sufficient, the election authority shall submit the petition to the commission without delay, and the commission shall order the question to be submitted to the voters of the county. Following the order by the commission, a special election will be held on the recall petition as soon as practicable. If a majority of the votes cast in the election are against recalling the commissioner, then the commissioner shall serve out the remainder of the term he or she was elected to serve. However, if a majority of the votes cast in this election are in favor of recalling the commissioner, then a vacancy shall exist in such office. Said vacancy can't be filled by family member, friends, cohorts, business partners or acquaintances of the elected official(s) being removed per bias and ethical reasons.

Other Information To Note

Attachment(s)

Thank you,
Charles County, MD

Removal Recommendation Proposal:

- Allow residents to petition 20% of the registered voters within a Commissioner's district for a special ballot referendum to, if approved, send the Council a non-binding recommendation to hold a public hearing and vote on the removal of the Council member or Executive cited in the petition.
    - Once the 20% threshold has been reached and approved by the Charles County Board of Elections the Commissioners shall have 30 days to schedule a special ballot referendum on the removal recommendation.
    - The special ballot referendum shall be no more than 90 days after the petition threshold has been reached and approved by the Board of Elections.
    - The special election shall be conducted by means of mail-in vote and shall only be voted upon by the residents of the Commissioner's district.
    - All petitions shall be compliant with the manner prescribed by the Maryland constitution.
- If the removal recommendation fails no action is taken and no petition to remove the cited Commissioner may be filed with the Board of Elections for 180 days.
- If the removal recommendation is approved by voters, within 30 days from the certification of the special ballot referendum results, the Board of Commissioners shall receive a non-binding letter of recommendation to hold a public hearing on the removal of the cited Commissioner.
    - The non-binding letter shall be made public on the Charles County government website and social media pages.
- If a Presidential general election is scheduled within 180 days of a petition being filed and approved by the Board of Elections, the Board of Commissioners may vote to add the removal recommendation to the general election ballot.
- No removal recommendation petitions may be filed within 180 days of the Gubernatorial general election.
- The Charles County Attorney's office shall create a template removal recommendation template petition form that shall be posted on the Charles County government website.

Term Limits legislative proposal summary:

- Prohibiting Commissioners from serving more than two, four year, terms.
- Any Commissioner currently serving more than two terms would be able to finish their current term, but shall be prohibited from running for another Commissioner seat.

Ceasefire Resolution proposal summary:

- Affirming that Charles County supports a permanent ceasefire in the Israel-Palestine conflict

Community Town Hall requirement legislative proposal summary:

- Require each district Commissioner to conduct at-least one community town hall per quarter in their district. With at-least one of the town halls being virtual and one being in-person.
- Require the Commissioner President to conduct at-least one community town hall per quarter. With at-least one of the town halls being virtual and one being in-person.
- The Commissioner President shall conduct at-least one community town hall in each commissioner district per year.
- Once a year the entire Board of Commissioners shall conduct a community town hall at the Charles County Government Building.
- All town halls shall be recorded and live streamed virtually.

Lead Fuel Ban legislative proposal summary:

- Prohibiting the use, purchasing, or sale of leaded fuel within Charles County starting January 1, 2025.

Air Conditioning Mandate Legislative Proposal Summary:

- Require all single-family and multi-family residential rental property owners to provide and maintain air conditioning service for rental housing units located in the County.
- Each property owner of a single-family or multi-family rental housing unit where cooling is under the control of the tenant must provide an air conditioning system capable of maintaining a temperature of no more than 75 degrees Fahrenheit (75° F.) in each habitable space including bathrooms, toilet rooms, and hallways at a distance of 3 feet above floor level.
- Each property owner of said single-family and multi-family rental housing where cooling is not under the control of the tenant must maintain a temperature of no more than 75 degrees Fahrenheit (75° F.) in each habitable space including bathrooms, toilet rooms, and hallways at a distance of 3 feet above floor level.
- Property owners shall be given 24 months following the passage of this mandate to make any maintenance upgrade to be in compliance with the legislation. Extensions may be given to property owners who provide information stating the reason for the extension that is signed by a licensed contractor to the Charles County Housing Authority. Extension may not exceed 1 year from the initial deadline.
- The Charles County Housing Authority shall be responsible for issuing fines and penalties if a rental property is not in compliance.
- The Charles County Housing Authority shall create a centralized in-person and online process for residents to submit claims of rental units not in compliance.
- Tenants shall be permitted to use non-compliance of air conditioning mandate to withhold rental payments through the escrow process.

Special Election legislative proposal summary:

- A special election shall be held within 180 days after a Commissioner has resigned, been removed, or deemed ineligible to hold office.
- The special election shall be conducted in the manner prescribed by the Maryland constitution.
- If the vacancy occurs within 180 days of a general election. The special election shall be placed on the general election ballot.

Special Interest Prohibition legislative proposal summary:

- Prohibiting Commissioner candidates from receiving direct or in-kind campaign contributions from;
    - Developer companies,
    - Utility companies,
    - Companies that contract with the County government,
    - Political Action Committees (PACs).
- Commissioner candidates are prohibited from receiving direct or in-kind donations from companies that have an open contract or previously have had a contract with the Charles County Government or Charles County Public Schools for 5 years.
- The County Attorney's office shall create a centralized list of companies that currently have or have had contracts with the Charles County Government or Charles County Public Schools for the last 5 years, to be displayed on the County government website.
- The County Attorney's office shall create a centralized process to receive and investigate claims of a Commissioner candidate’s campaign that receive prohibited donations.
- Once the County Attorney's office has completed the investigation and determined the candidate received prohibited funds, the County Attorney's office shall send the candidate a letter and email notifying them that they have 15 business days to provide proof of donation(s) repayment.
- If a Commissioner candidate's campaign does not repay funds within the 15 day limit the County Attorney’s office shall provide written notice to the Board of Elections stating the Commissioner candidate shall be disqualified from running in the incoming Commissioner (district or president) primary or general election.
- Candidates who are disqualified from the next Commissioner primary or general election may run for subsequent non-Commissioner office in the incoming primary or general election.
- Written notice of a Commissioner candidate's disqualification shall be published on the County Government’s website and social media pages.

Ballot Referendum legislative proposal summary:

- Allow residents to petition 5% of Charles County registered voters to put a ballot referendum on the general election ballot.
    - A petition shall include a proposed law pursuant to Charles County, with the following exemptions;
        - A law imposing a tax;
        - A law appropriating government funds;
        - A law redistricting commissioner districts;
        - A law affecting Commissioner salaries or benefits
        - A law affecting County government staff positions or hiring
    - All petitions shall be compliant with the manner prescribed by the Maryland constitution.
    - Once the 5% threshold has been reached and approved by the Charles County Board of Elections. The Commissioner shall vote in the affirmative to put the proposed law on the next regularly scheduled general election ballot for a full vote by all Charles County voters.
- If the ballot referendum fails no action is taken
- If the ballot referendum is approved by voters, the law shall take effect 30 days after the certification of the general election results.
- The County Attorney's office shall create a centralized process for receiving resident legislative ideas and provide reasonable assistance to residents in drafting the proposed law.
- A downloadable copy of blank petition forms shall be posted on the Charles County government website.

Waldorf Municipality Board Referendum legislative proposal summary:

- Put on the 2024 general election ballot, for all Waldorf residents, a referendum to create a Waldorf Municipal Board, which would be tasked with creating a Waldorf municipal charter in the manner prescribed by the Maryland constitution.
- If approved by Waldorf voters, within 90 days the board shall be made up of 7 Waldorf residents and 3 alternates, who will be chosen at random after submitting an application.
- The board shall determine the chair and vice chair
- The board shall hold 8 town hall meetings at-least 4 per year
- The board shall be staffed by the Office of the County Attorney and County Administrator or designee, seek expert advice as they deem necessary, and seek public comment regarding the proposed municipal charter throughout the drafting process and at each public meeting.
- The board shall review charters and seek advice from municipalities around the state to determine best practices for Waldorf.
- The board shall have 2 years to draft the municipal charter, upon completion the charter will be sent to the County Commissioners for a public hearing, and then put on the next gubernatorial or presidential general election ballot for only Waldorf voters.

From:	Charles County Government
To:	Danielle E. Mitchell; County Attorney
Subject:	*NEW SUBMISSION* Legislative Proposals
Date:	Friday, April 19, 2024 3:49:37 PM

Legislative Proposals

Submission #:	3149181
IP Address:	192.76.82.122
Submission Date:	04/19/2024 3:49
Survey Time:	21 minutes, 34 seconds

You have a new online form submission.
Note: all answers displaying "*****" are marked as sensitive and must be viewed after your login.

Public Hearing Comment Form

Questions or More Information 301-645-0555

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Contact Person Name

HOA and Civic Association Alliance

Contact Person Email

[redacted]

Contact Person Phone

[redacted]

Contact Person Address

[redacted]

Proposal Summary (Describe proposal in 1 sentence)

On behalf of the Charles County HOA and Civic Association, we present a package of enhancements aimed at consumer and County protections, HOA education and empowerment.

Code References (List any sections/chapters of the Charles County or State Code that you believe would be impacted by the proposal, if known)

Several; see attachment.

Problem (Describe the problem the proposal addresses)

Several; see attachment.

Solution (Explain how the proposal addresses the problem).

Several; see attachment.

Organizational Support (List any organizations that would likely be in support of the proposal, even if not confirmed).

Common Ownership Communities throughout Charles County, the Charles County HOA and Civic Association, comprised of HOA leaders, developers and an engineer from 30 different communities representing thousands of Charles County citizens.

Proposed Draft Language (Provide draft language for the legislation if you have it).

We feel it is best to defer to County attorneys for this, however we have provided an extensive basis to build from.

Other Information To Note

Attachment(s)

HOACA Alliance - Charles County Legislative Proposals 4-19-24.pdf

Thank you,
Charles County, MD

Dear Commissioners,

We are reaching out on behalf of the Charles County HOA and Civic Association Alliance to share a series of proposed legislative changes. These recommendations aim to enhance the protection of County and citizenry interests while elevating the standard of living for all Charles County residents.

Our proposals stem from collaborative efforts involving HOA leaders from over 30 communities, as well as input from stormwater management experts, engineers, and developers.

Attached are the following legislative proposals:

1. Enhanced Bond Computation Process for Subdivision Recreational Amenities
2. Amendment to County Code, Chapter 278-65 Homeowners Associations, Subsection B, Transfer of homeowners' association facilities to residents
3. Amendment to County Code 274-48- Developer's Responsibilities Amendment to County Code Chapter 278-65 Homeowners Associations, Section B Transfer of homeowners' association facilities to residents - Deliverables Amendment to Chapter 122-2 New Home Construction, "Disclosures"
4. Amendment to County Code Chapter 278-65 Homeowners Associations, Section B Transfer of homeowners' association facilities to residents - Deliverables
5. Amendment to Chapter 122-2 New Home Construction, "Disclosures"
6. Stormwater Responsibility Transfer to County
7. HOA Fiduciary Improvements
8. HOA Board Selection Process
9. Public Roads Regulatory Updates in Newly Established Communities
10. Create a How to Guide from Developer Transition to HOA Owned
11. Establish a Charles County Common Ownership Communities Program
12. Homeowner Association and Civic Association Board Member Education
13. Modify the terms of Docket 90 as it relates to the Planning and Design Review Board (PDRB)

We appreciate your consideration of these proposals and hope for their adoption to benefit our community and quality of life in Charles County, Maryland.

Sincere regards,

Founders

Ayana Moore, Eileen Lynch – Britt and Lauretta Miles

PROPOSAL #1 ENHANCED BOND COMPUTATION PROCESS FOR SUBDIVISION RECREATIONAL AMENITIES

Proposal Synopsis: Amend **the County Bond Computation Process** to include subdivision recreational amenities.

Code References: Chapter 244-22 Article VI, Bonds. *Additionally, this would affect the Planning and Growth Management Bond and Development Agreement Process.

Problem:

There is an immense amount of residential subdivision development in our County. Currently, recreational amenities in subdivisions are not separately bonded, and there is no warranty period for infrastructure that is turned over from the developer to the HOA. This can lead to a situation where administratively approved amenities are simply not constructed or not constructed as plans outline, and the County has no bond money to assure the project's proper completion. This scenario played out in Worthington subdivision, where the County approved a $10,000 bond for $500,000 community center, and it was not built. Variations of this is happening all over the county, and citizens are left victimized by what are essentially "bait and switch" tactics. Moreover, subpar and/or limited amenities suppresses the appeal and value of home developments in Charles County.

Solution:

- Tie the full cost of the amenity to the bond for subdivision phase in which the amenity will be built.
- Build amenities before any reductions to said bond.
- No bond release until the amenity is complete.

*The above removes the need for a developer to acquire a separate bond for recreational amenities.

PROPOSAL #2 AMENDMENT TO COUNTY CODE, CHAPTER 278-65 HOMEOWNERS ASSOCIATIONS, SUBSECTION B, TRANSFER OF HOMEOWNERS' ASSOCIATION FACILITIES TO RESIDENTS

Proposal Synopsis: Amend the **notification process** during the turnover inspections in newly developed communities.

Code References: Article VI, Recreational Facilities, Open Space and Homeowners Associations. Chapter 278-65 Subsection B, Transfer of homeowners' association facilities to residents

Problem:

Currently, the onus is on the developer to notify residents of County walkthrough inspections that are for the purposes of turnover from the developer to the HOA. Invariably, residents aren't consistently notified and often miss the opportunity to take part in neighborhood inspections. This can create a situation where residents miss the opportunity to address critical neighborhood deficiencies.

Solution:

· Keep the current statute that mandates that the developer mails out notifications to homeowners in said parcel.

- Require that the developer install 3x4 colored double side signs that inform homeowners that there is an impending inspection. Signs should include date, time, parcel location and streets affected.
- Require that planning and growth management also make at least three attempts by email and one by certified mail to the HOA to notify the HOA before scheduling said inspection.

PROPOSAL #3 AMENDMENT TO COUNTY CODE 274-48- DEVELOPER'S RESPONSIBILITIES

Proposal Synopsis: Amend the notification process during the turnover inspections in newly developed communities.

Code References: Article XI, Construction Inspection, and Enforcement Chapter 274-48 Developer's Responsibilities, Subsection B, Item (1)

Problem:

As it stands, the current bill states: "The developer or their representative shall provide additional inspection, testing, and/or reports as field conditions may warrant, as determined by the Department." However, under the existing code, unless explicitly specified in the subdivision plans or a Docket referencing the subdivision Master Plan, developers are not conducting adequate soil specification preparation and testing before installing sod, trees, or hydroseeding in common areas within HOA Parcels, and stormwater systems. Consequently, these areas often contain excessive amounts of gravel and, at times, large pieces of aggregate, leading to poor plant health and eventual deterioration.

This deterioration accelerates erosion and imposes unjust costs on homeowners and their HOAs to rectify the situation. This impacts the quality and performance of installed storm water system facilities.

Solution:

Mandate that developers furnish the following prior to scheduling a parcel turnover between Planning and Growth Management Inspectors and members of the HOA Community:

1. Provide certification from a Maryland licensed Landscape Architect that all trees and plant materials have been planted as plans specify.
2. Provide soil specification testing results.

Along with the As Built Maps that are to be provided during the transition walkthrough inspection, the developer must provide the certification from a Maryland Certified Landscape Architect and soil specification report to the HOA and County for record keeping.

PROPOSAL #4 AMENDMENT TO COUNTY CODE CHAPTER 278-65 HOMEOWNERS ASSOCIATIONS, SECTION B TRANSFER OF HOMEOWNERS' ASSOCIATION FACILITIES TO RESIDENTS - DELIVERABLES

Proposal Synopsis: Amend the **deliverables required** during the turnover inspections in newly developed communities to HOA Boards

Code References: Division 2: Code of Ordinances and Resolutions/ Part II: General Legislation / Subdivision Regulations

Article VI, Recreational Facilities, Open Space and Homeowners Associations. Chapter 278-65, Subsection B. Transfer of homeowners' association facilities to residents, Item 3

Problem:

As per the code, developers are required to provide a statement of Rights and Responsibilities, Developers Certification, and Facilities Inventory. However, these essential items are not being provided during walkthroughs. Additionally, HOAs are unfairly burdened with the responsibility for stormwater systems and infrastructure that may hold substantial value, sometimes reaching millions of dollars.

Solution:

· Mandate that developers provide the following during transition of parcels and assets the following deliverables:

1. Deeds to the common areas
2. Articles of incorporation, declaration, and all recorded covenants, plats, restrictions, and any other records of the primary development and of related developments
3. By laws and rules of the primary development and of other related developments as filed in the depository of the county
4. The minute books, including all minutes.
5. All books and records, including financial statements, minutes of any meeting of the governing body, and completed business transactions.
6. Policies, rules, and regulations
7. The financial records from the date of creation to the date of transfer of control, including budget information regarding estimated and actual expenditures by the homeowner's association and any report relating to the reserves required for major repairs and replacement of the common areas.
8. All contracts to which the homeowner's association is a party.

9. The name, address, and telephone number of any contractor or subcontractor employed by the homeowner's association.
10. Any insurance policies in effect.
11. Any permit or notice of code violations issued to the homeowners' association by the county, local, State, or federal government.
12. Any warranty in effect and all prior insurance policies
13. The homeowner's association funds, including operating funds, replacement reserves, investment accounts, and working capital.
14. The tangible property of the homeowner's association
15. A roster of current lot owners, including their mailing addresses, telephone numbers, and lot numbers, if known
16. Individual member files and records, including assessment account records, correspondence, and notices of any violations.
17. Drawings, architectural plans, or other suitable documents setting forth the necessary information for location, maintenance plans, and repairs of all common areas.
18. All filed tax reports
19. Copies of all cost analysis related to all installed storm water systems

PROPOSAL #5 AMENDMENT TO CHAPTER 122-2 NEW HOME CONSTRUCTION, "DISCLOSURES"

Proposal Synopsis: Require specific disclosures when purchasing in new home developments.

Code References: Division 2: Code of Ordinances and Resolutions/ Part II: General Legislation / Subdivision Regulations

Problem:

New Home sales representatives should be mandated to clearly inform potential buyers that planned amenities are subject to change at the developer's discretion. Homeowners all over the county are making what could be the largest purchase of their lifetime under the belief that they will have very specific amenities. This is because many of them, though not yet constructed, have been administratively approved by the County, promised by the developer and extensively touted by new home sales agents. What is occurring too often is that these amenities simply don't come to fruition: Fieldside neighborhood homebuyers were promised a pool based on subdivision plans. They will not receive a pool. Worthington subdivision residents expected a community center, again based on subdivision plans, two Planning Commission hearings where the developers request to remove it was denied and promises of sales agents. The community center was not built. This is just two flagrant examples of a pervasive County problem. This bait-and-switch tactic in home sales leaves homeowners feeling duped, frustrated, and unhappy.

Today, residents of District 4's Stonehaven community are facing a similar situation. They purchased homes believing that the elementary school and middle school would be located near one another. However, they are now learning about the potential relocation of one of the schools. The only reason they are hearing about this relocation is due to a request from the developer to the county government for approval to relocate to another area. This new location would require children to be bused to school, causing further inconvenience and disruption for families in the community.

Solution:

Enforce a mandate requiring all new home sales representatives to adhere to a strict code of conduct and ethics regarding amenities planned but yet to be built. Implement a process where disclosures are provided during the contractual process and ensure visibility by placing a 3'x3' sign on the wall of the sales office. This will guarantee that potential buyers have easy access to read the full disclosures, and an understanding that the plans for neighborhood layouts, amenities etc., may indeed change.

PROPOSAL #6 STORMWATER RESPONSIBILITY TRANSFER TO COUNTY

Proposal Synopsis: Create legislation to have the County take over maintaining stormwater facilities in Charles County Community common areas.

Code References: Prince Georges County, Subtitle 32 – Water Resources Protection and Grading Code, Subdivision 3 – Inspections, Maintenance and Enforcement - Sec. 32-194. - Ownership and Maintenance of Stormwater Management Facilities.

Problem:

Given Charles County's rapid growth and the presence of environmentally sensitive land, maintaining our stormwater management infrastructure is crucial. Recent discussions with County HOA leaders and a review of the Resiliency Authority's report card on many stormwater management (SWM) facilities within residential areas have highlighted concerning deficiencies. Many HOAs lack the resources to address these issues, leaving us vulnerable to the escalating impacts of climate change.

According to the County's NPDES MS4 FY 2023 Report, a significant percentage of SWM facilities on private residential lots have failed inspections. Additionally, upcoming state regulations may require individual homeowners to install and maintain SWM solutions on their properties, further increasing costs and responsibilities.

Given these challenges, we propose that the County, with support from the State, assume responsibility for SWM infrastructure maintenance. This would ensure consistent upkeep and enable the establishment of uniform best practices to meet NPDES MS4 permit requirements. I also recommend exploring funding options for this initiative.

Solution:

Given these challenges, we propose that the County, with support from the State, assume responsibility for SWM infrastructure maintenance. This would ensure consistent upkeep and enable the establishment of uniform best practices to meet NPDES MS4 permit requirements. I also recommend exploring funding options for this initiative.

PROPOSAL #7 HOA FIDUCIARY IMPROVEMENTS

Proposal Synopsis: Create legislation to improve developer fiduciary responsibility to residents County government.

Code References: n/a

Problem:

In our conversations with HOA leaders across the county, we've uncovered a concerning trend in communities transitioning from developer control to resident-controlled homeowner associations (HOAs). Due to developers neglecting their fiduciary responsibilities, these communities frequently struggle to collect HOA fees that accurately reflect neighborhood amenities or expenses.

This disparity can mislead residents into purchasing homes based on low HOA fees, only to face substantial increases after the developer turnover. As a result, new homeowner HOA Boards are left stressed to handle the burden of increasing fees due to developers' lack of proper planning and collection efforts, leaving communities financially strained and on the brink of bankruptcy.

Furthermore, we have uncovered that developers are using HOA funds to perform maintenance activities on parcels that have not been legally conveyed to the HOAs and are still under the purview of the developer. These activities are egregious and need to halt immediately. Additionally, we have discovered that developers are not creating reserve accounts as mandated by State law.

Despite Maryland House Bill 107 establishing statewide reserve study and funding requirements for condominium associations, cooperatives, and homeowners' associations, unfortunately, the developer, particularly in Stonehaven Community D4 and Oliver's Crossings Community D1, failed homeowners.

Solution:

When developers are establishing HOA subdivisions, they should be required to create an Estate Account with a designated banking center. The account should have up to three authorized signatories: one developer representative, one homeowner representative, and one county representative. To access any funds for maintenance, the developer must provide receipts for reimbursement only, and these expenses must be clearly justified and approved by all signatories.

PROPOSAL #8 HOA BOARD SELECTION PROCESS

Proposal Synopsis: Create legislation to mandate that developers host an election to ensure homeowner representation on the HOA Board exists.

Code References: n/a

Problem:

It constitutes a conflict of interest for developers to serve as the sole voting members of an HOA Board with no representation from homeowners until the state requirement of turnover has been met: 80% of home units within a community completed. 80% buildout takes a long time to achieve. This has resulted in instances where the developer makes lasting fiduciary decisions that negatively impact homeowners once the HOA has been transferred over.

Solution:

Mandate that developers hold an election to ensure homeowner representation on the HOA Board exists after the 5th house in a development has been transferred to the new homeowners. This assures homeowner participation and input is not delayed for years while 80% buildout is reached.

PROPOSAL #9 PUBLIC ROADS REGULATORY UPDATES IN NEWLY ESTABLISHED COMMUNITIES

Proposal Synopsis: Create legislation to develop a task force that works with newly establish communities to ensure that there is an evaluation of roads signs, parking and emergency vehicle accessibility on the roads.

Code References: n/a

Problem:

In our conversations with HOA leaders across the county, we've noticed a troubling trend in communities transitioning from developer control to resident-controlled homeowner associations (HOAs). One pressing issue is parking, as many homeowners own more than four vehicles, leading to congested roads. This congestion not only disrupts residents' daily lives but also poses challenges for emergency vehicles and school buses navigating through densely populated areas.

Solution:

Develop a task force that works with County HOAs to perform a study with law enforcement, emergency services and the public school system to make recommendations to the roads division on changes or updates to parking, signage and traffic calming measures.

PROPOSAL #10 CREATE A HOW TO GUIDE FROM DEVELOPER TRANSITION TO HOA OWNED

Proposal Synopsis: Ensure Planning and Growth Management creates a Standard Operating Procedure (SOP) on Developer to HOA transition, and the County's role.

Code References: Division 2: Code of Ordinances and Resolutions/ Part II: General Legislation / Subdivision Regulations

Problem:

In our discussions with HOA leaders across the county, we've collectively voiced our frustrations regarding the transition of parcels from developers to HOAs with Planning and Growth Management. Currently, the county takes a hands-off approach to this matter, yet it strongly expects HOAs to possess proper funding, documentation from the developer, and engineering expertise to comprehend the requirements for maintaining large quantities of land and stormwater infrastructure.

Solution:

Mandate that Planning and Growth Management develop a guide for HOAs on the transition process, the expectations and obligations of the HOAs to the county. Have this guide posted and accessible on the county's website. Have PGM review the guide every two years for accuracy.

PROPOSAL #11 ESTABLISH A CHARLES COUNTY COMMON OWNERSHIP COMMUNITIES PROGRAM

Proposal Synopsis: Creation of a program entitled Common Ownership Communities.

Code References: Prince Georges County Maryland Code of Ordinances, Subtitle 13, Housing and Property Standards, Division 11, Common Ownership Communities Program.

Problem:

Charles County is facing significant issues with respect to the lack of management and oversight as it relates to Common Ownership Communities. (i.e. Homeowners Associations) There is a lack of homeowner education with regard to the real estate process, governance, enforcement procedures, and resolution of disputes; that there exists a misunderstanding amongst homeowners of the responsibilities of the developer/builder as it relates to the establishment and direction of an efficiently operated homeowner association/Common Ownership Communities in our County.

Solution:

- To establish a program to assist in addressing the needs of Common Ownership Communities by providing education, training and dispute mediation services through the Common Ownership Communities Program. This program shall be led by a Director and will be authorized to execute the following:
- Research, assemble, analyze and disseminate pertinent data and educational materials about activities and programs which assist Common Ownership Communities; plan and conduct educational and other programs, meetings and conferences to promote the operation of Common Ownership Communities.
- Maintain a master roster of Common Ownership Communities, their leadership, and their professional management companies if applicable.
- Develop and maintain an information, assistance, and referral system for all services in the County related directly to Common Ownership Communities and recommend other services when needed.
- Maintain a collection of Common Ownership Community association documents for use as a model and for reference.
- Develop an education program for residents in a Common Ownership Community that includes but is not limited to governance of a Common Ownership Community, rights and duties of residents in a Common Ownership Community, and dispute resolution; develop an education program for Common Ownership Community governing bodies that includes but is not limited to adoption and enforcement of rules, transition from developer control, conduct of elections, and selection of community management and other professional services; and operate a dispute mediation process.

Value added: (#10 cont.)

The existing Charles County HOA dispute resolution board can align with and support this division's annual goals and overall mission. This alignment will enable the newly established program to access resources effectively, engage in additional educational efforts with HOAs, and evaluate the effectiveness of our installed Stormwater Infrastructure through the Storm Water Resilience Authority who currently provides guidance to our government.

Moreover, there are currently State delegates who do not represent Charles County, Maryland, attempting to propose a law to mandate a "State" version of this division type. Establishing our own division proactively will be in Charles County's best interest, ensuring it reflects the needs, concerns, and oversight of our jurisdiction and maintains our local authority.

Registration Revenues:

Community Manager: $100 Annual Registration. Must include all communities they oversee.

HOA Training: $100 yearly Per HOA Board up to 5 Board Members. Certification and training access is valid and free for up to three years. $20 yearly Per Person cost for each additional member. This training also includes any developer that is a voting member and/ or currently in control of a HOA board due to it being a newly established subdivision.

NAME: #12 HOMEOWNER ASSOCIATION AND CIVIC ASSOCIATION BOARD MEMBER EDUCATION

Proposal Synopsis: Statutorily required HOA and Civic Association Board member training

Code References: Prince Georges County Maryland Code of Ordinances, Subtitle 13, Housing and Property Standards, Division 11, Common Ownership Communities Program.

Problem:

HOA and Civic Association board members are responsible for making vital decisions that tangibly affect community members' lives. To be savvy decision-makers, board members need to be educated on a wide variety of topics, including responsible governance, budgetary decisions, community and stormwater infrastructure maintenance, reserves and audits, to name a few. Properly onboarding new board members sets them and the community up for success and allows members to make pragmatic decisions alongside their property management company if they have one. We have found that there is a need to bolster the education of Board volunteers as currently there are no educational requirements or universal information resources.

Solution:

Within 90 days of being appointed or elected to the governing body of a common ownership community for the first time, members must complete training of the following topics:

- Maryland Homeowners Association Act
- Board Roles & Responsibilities
- Fiduciary Duty
- Responsible Governance Policies
- Legal Structures and Guidelines
- Reserves and Audits
- Meeting Procedures and Requirements
- Handling Disputes
- Insurance and Bonding
- Community Maintenance
- Records
- State and local resources for governing bodies

Additionally, each member of the governing body shall certify in writing that he or she has read the association's declaration of covenants, bylaws, articles of incorporation and any written rules and policies. There are currently resources at the County's disposal that can be used to aid in the development and execution of the proposed training curriculum. The County currently facilitates a Citizens Academy. It is possible that training for governing body members could be an offshoot of this initiative, via online video instruction or virtual meetings. Upon satisfying the

training requirement a certificate of completion will be issued, which is valid for the uninterrupted tenure of the director on the board. A director who does not timely satisfy the education requirements shall be suspended from the board until he or she complies with the requirement. The board reserves the right to temporarily fill the vacancy during the period of suspension. Any director who does not comply with this ordinance is potentially subjected to a fine of $500. The association shall retain each director's written certification or educational certificate for inspection by the members for 5 years after the director's election. The County will ensure compliance via random inspections. As referenced above, Prince George's County has a similar ordinance in place, as does Montgomery County.

NAME: #13 MODIFY THE TERMS OF DOCKET 90 AS IT RELATES TO THE PLANNING AND DESIGN REVIEW BOARD (PDRB)

Proposal Synopsis: To remove the authority of St. Charles LLC and the Planning Design Review Board (PDRB) led by Maredith Management to review architectural requests and enforcement of the St. Charles Guideline

Code References: Docket 90 Amendment adopted 9/9/2014 Footer(7141269v10)

Problem:

All Villages Smallwood, Westlake, Fairway, Wooded Glen, and soon-to-be Piney Reach are subjected to decisions made by a board that County staff claim to have little knowledge about. However, all homeowners and businesses within these Villages are subject to their authority, oversight, and enforcement.

Docket 90 Amendment, adopted on 9/9/2014, Article III, C, Architectural Design, stipulates that the Charles County Planning Commission or their designee, as defined in Paragraph II (L), shall approve the architectural design of all buildings, excluding school buildings, within the development, whether private, commercial, or industrial. The Planning Commission's designate shall be a member of the Architectural Board established by the restrictive covenants applicable to the community. Additionally, the county shall appoint two voting members to the PDRB for the Villages that are still under development and have not yet been turned over.

There are three distinct issues we would like to present:

1. This board, despite an official request in 2020 for additional information, does not host any public meetings, public elections, or appointments.
2. Furthermore, this board lacks representation from members who reside within the communities it oversees.
3. Finally, this board is led and managed by Maredith Management. Many HOA homeowners not only have to secure approvals from their HOA Board in their respective communities but also from an additional company that has little experience overseeing their specific HOA community, thereby confirming they have no pulse and it constitutes a conflict of interest in their oversight.

Solution:

Transfer the authority of the Planning Design Review Board (PDRB) from its current oversight to the County Government to enhance transparency and accountability. This transfer should involve the selection and appointment of community members to serve on the board, ensuring that the voices and perspectives of residents are directly represented in oversight and all decision-making processes.