



# Overview of the Development Process Common Ownership Communities, Homeowners' Association (HOA) and Resident Guidance Document

**Charles County Government**

---

Department of Planning and Growth Management

Published November 2025



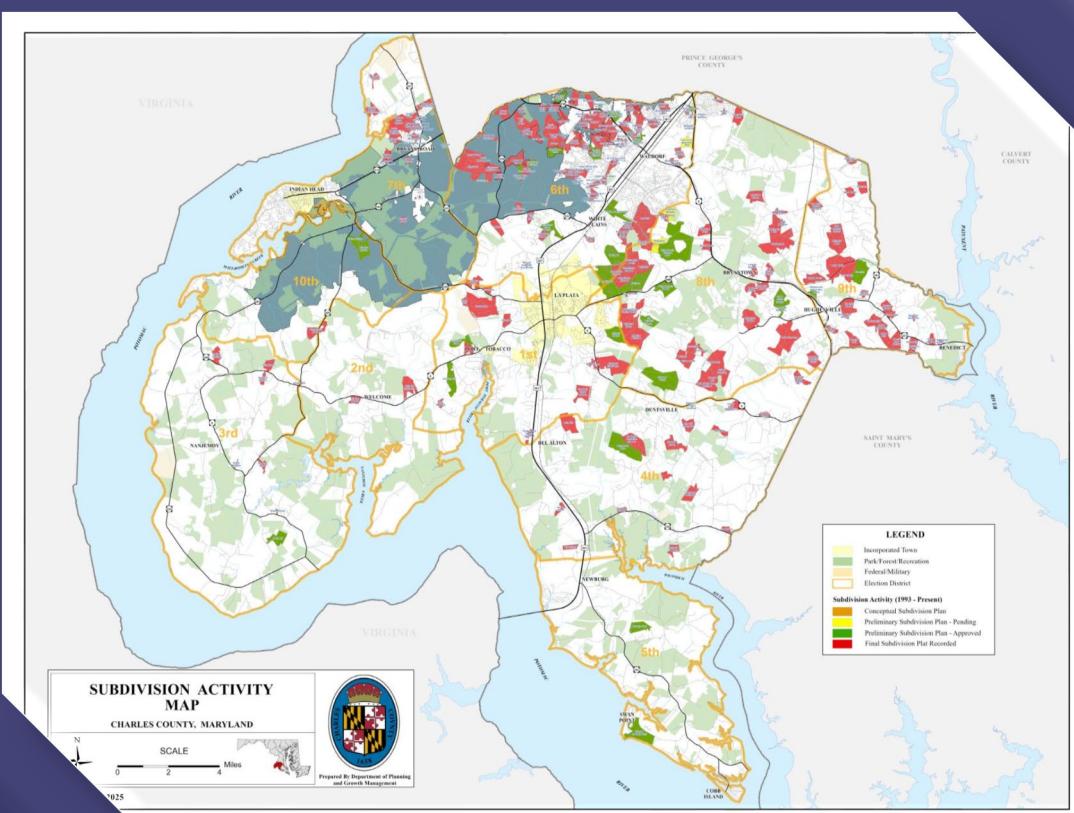
# TABLE OF CONTENTS

Introduction	3
Review of Responsibilities	4
Developer Responsibilities	4
Charles County Responsibilities	5
Homeowners Association Responsibilities	7
Resident Responsibilities	9
Phases of Residential Development: Obtaining Permits and Approvals	10
Planning Review and Approvals	11
Development Services Permitting	14
Bonding for Development Projects	16
Building and Trade Permitting	17
Construction and Inspections Phases	18
Pre-Construction Meeting	18
Substantial Completion Acceptance Inspection	18
Resident/HOA Walkthrough Inspection	19
Final Inspection	20
Warranty Period Inspection	20
Project Completion and Bond Release	20
Stormwater Management Maintenance	21
Resources Listing	24
Frequently Asked Questions	26

# INTRODUCTION

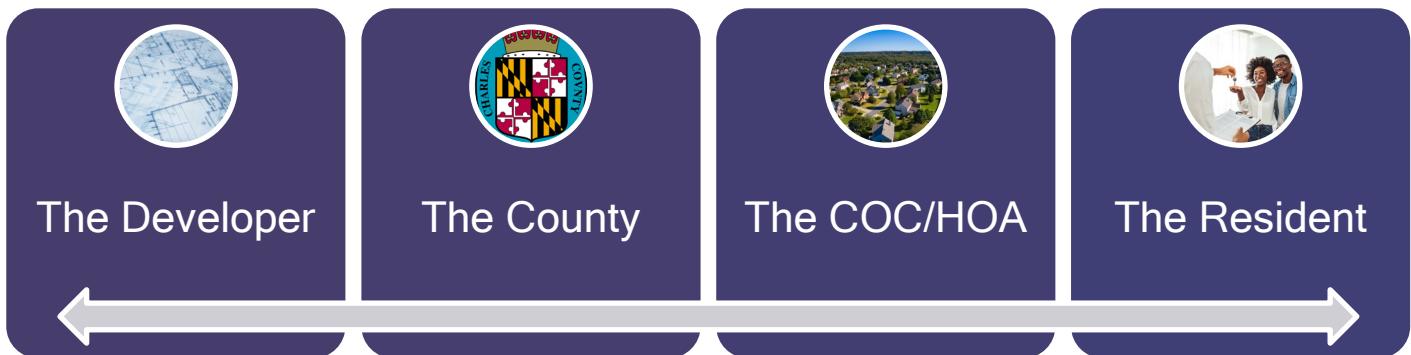
The purpose of this guide is to help residents, Common Ownership Communities (COCs), and Homeowners' Associations (HOAs) understand the roles, responsibilities and interactions between the County, developers, COCs/HOAs, and the community/residents during the development process of a subdivision. As a neighborhood grows and evolves, it's essential for residents to be informed about how development decisions are made, what responsibilities the developer and County holds and how and when the COC/HOA and residents can participate in the development process.

Whether you are a long-term homeowner, new to the community, or a member of your COC/HOA Board, this guide aims to provide clarity on the phases of development, highlight points of communication between developers and residents, and outlines how the COC/HOA serves as a bridge between the residents and the developer. By fostering transparency and collaboration, we hope to support a development process that reflects the shared interests of all stakeholders and contributes to the well-being and sustainability of our community.



# REVIEW OF RESPONSIBILITIES

Multiple parties have a role and associated responsibilities throughout the development process. This section will break out the various responsibilities of the Developer, the County, the residents, and the COC/HOA.



## Developer Responsibilities

Throughout the development and construction phases, the developer is responsible for:

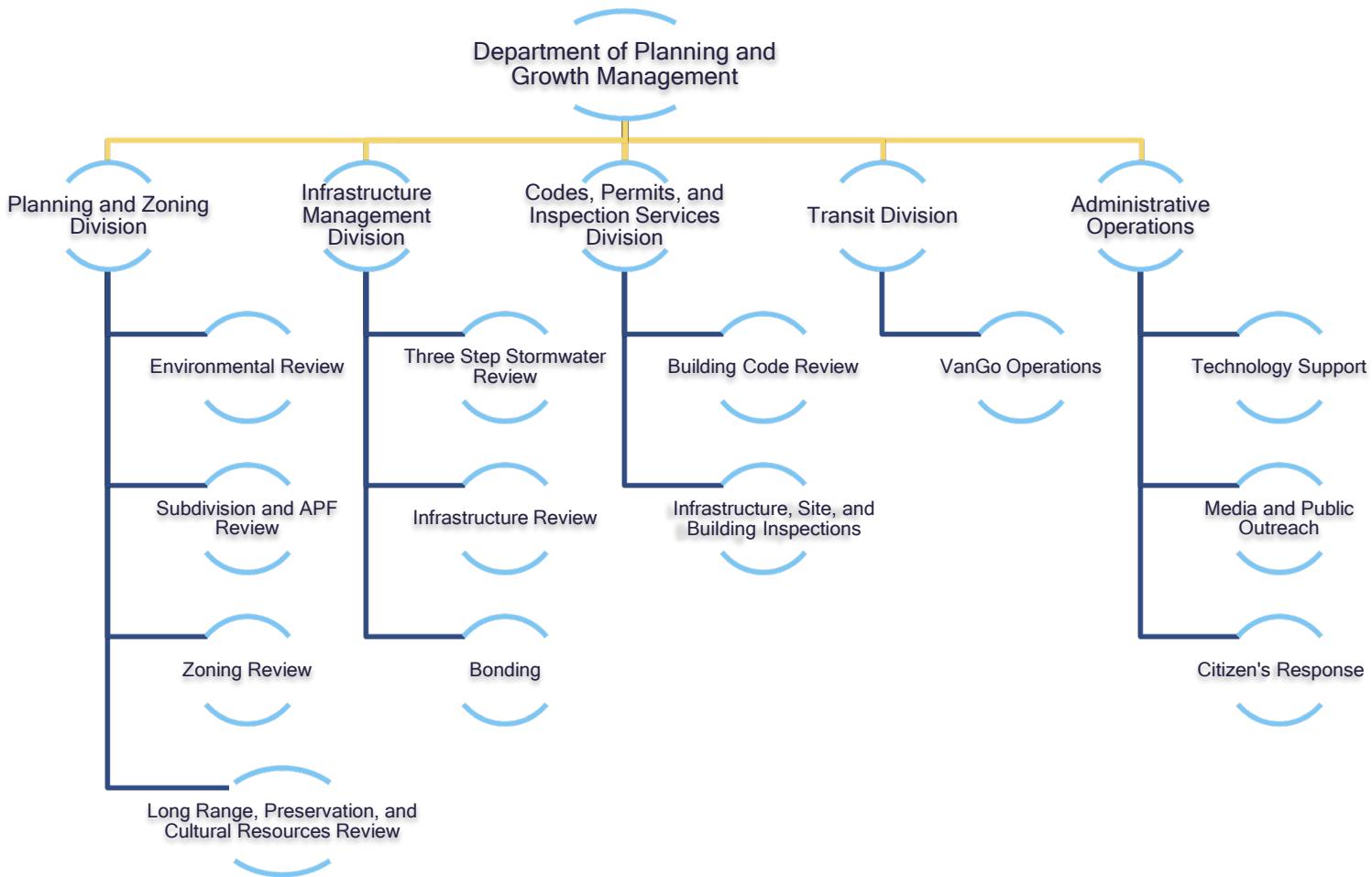
- **Complying with Regulations:** The developer must adhere to local, state, and federal codes and standards, including zoning regulations, building codes, safety, and environmental requirements.
- **Permit Acquisition:** The developer is responsible for obtaining necessary permits for construction and infrastructure.
- **Providing Bonding and Insurance:** The developer must secure bonds and insurance for the protection of the COC/HOA and residents in case of construction defects or incomplete work. The County holds the bond through completion of the permit.
- **Site Preparation and Construction:** This includes all tasks such as clearing, grading, and construction of infrastructure such as roads, sidewalks, utilities, drainage, stormwater management and amenities. The Developer is responsible for the maintenance of these areas until it is transitioned to the COC/HOA.
- **Communication with the COC/HOA:** The developer should keep the COC/HOA informed of the project's status, including timeline updates, inspection results, and finalization.

## County Responsibilities: Department of Planning and Growth Management (PGM)

PGM is responsible for overseeing the development process from start to finish to ensure compliance with all codes, regulations, and policies.

- ✿ **Land Use Planning and Subdivision Review:** The County ensures that proposed developments comply with zoning regulations, including requirements for land use, density, buffers, and open space. Staff review and approve subdivision plans through preliminary and final plat processes, while also evaluating projects for adequacy of public facilities such as roads, schools, and utilities before granting approvals.
- ✿ **Permitting and Site Development Oversight:** This function includes issuing permits for grading, building, and site development, as well as conducting inspections throughout construction to ensure compliance with building code, stormwater, erosion control, utility, and infrastructure standards. The County also manages developer performance guarantees through bonds or letters of credit to secure the timely and complete delivery of required improvements.
- ✿ **Stormwater Management and Environmental Review:** County staff review and approve stormwater management plans consistent with Maryland's Environmental Site Design (ESD) requirements. They ensure developments avoid or mitigate impacts to floodplains, wetlands, forests, and other sensitive environmental areas, and oversee erosion and sediment control measures during construction to protect water quality and minimize runoff.
- ✿ **Infrastructure Acceptance:** After verifying compliance through inspections and as-built plans reviews, the County accepts newly built infrastructure—such as public roads and utility systems. Bond releases are contingent upon successful completion of punch list items and final verification of all development obligations.
- ✿ **Code Enforcement and Complaint Response:** The County enforces compliance with building and zoning codes, investigates construction-related violations, and responds to resident complaints about drainage, grading, and site conditions. It may also enforce property maintenance standards for undeveloped or neglected parcels still under developer control.

- Support for COC/HOA Transition and Providing Access to Public Records: County Staff tracks the transition of subdivision governance from developers to COCs/HOAs, particularly where bonded infrastructure or amenities are involved. Staff also maintains and provides access to public records such as approved plans, permits, inspection reports, and bond agreements. The public may access these documents by submitting a Public Information Act (PIA) request to the County. For more information on submitting a PIA request, see the Resources/Links section.
- Policy Development and Community Planning: The County leads long-range planning efforts, including updates to the Comprehensive Plan, a long-range document that guides a community's future growth and development by outlining its vision, goals, and policies for land use, housing, transportation, and other essential services. The County coordinates with public agencies to ensure alignment between development and capital improvement projects. Community input is solicited through public meetings and other outreach opportunities.



## COC/HOA Responsibilities

The responsibilities of a COC/HOA can vary based on the Declaration of Covenants, Conditions, and Restrictions. This document is recorded in the Land Records of Charles County and is the primary governing document which outlines the rights and obligations of homeowners and the association. The document binds all property owners automatically through the property deed. The COC/HOA may be responsible for:

- **Maintenance of Common Areas:** Responsible for the upkeep of shared spaces as detailed in their governing documents. This may include landscaping, sidewalks, private roads, entrance signage, street lighting, recreational facilities, forest conservation easements, stormwater management and drainage facilities.
- **List/Inventory of Amenities and Infrastructure:** The COC/HOA should keep an accurate record of all amenities and infrastructure such as:
  - Road and sidewalks
  - Parks, playgrounds, and sports courts
  - Clubhouses, pools, and fitness centers
  - Stormwater management systems
  - Forest Conservation Easements
  - Streetlights, signage, and landscaping
- **Rule Enforcement:** COCs/HOAs enforce the Covenants, Conditions & Restrictions and community rules including architectural control, parking restrictions, pet rules, lawn maintenance, and noise or nuisance complaints.
- **Assessment Collection and Budgeting:** The COC/HOA is responsible for collecting dues, preparing and managing the annual budget, maintaining adequate reserve funding for future capital repairs and replacements, and pursuing delinquent accounts.
- **Insurance and Legal Compliance:** A COC/HOA must maintain insurance on common property, liability, directors and officers and ensure compliance with local, state and federal laws. They may also oversee contracts and vendors for services such as landscaping and snow removal, stormwater facility maintenance, etc.

- **Architectural Review:** Administer architectural guidelines as dictated in the COC/HOA covenants. This may involve providing review and approvals for homeowner request for projects such as additions, fencing, exterior paint colors, decks, etc.
- **Board and Governance:** Operate under bylaws and conduct regular meetings, hold elections for board positions, keep minutes and records, facilitate communication between board and homeowners, and respond to concerns/complaints.
- **Long-Term Planning:** The COC/HOA must engage in proactive, long-term planning for community maintenance and improvement. This includes but is not limited to:
  - Conducting and maintaining reserve studies at least every five (5) years, as required by Maryland law ([HB0107](#)), to assess the condition and projected replacement costs of common elements.
  - Using the reserve study to plan and fund capital improvements responsibly.
  - Periodically reviewing and updating governing documents, policies, and community rules to adapt to the evolving needs of the association and its members.
- **Federal, State and Local Regulations:** COCs/HOAs have a responsibility to stay informed and up to date on federal, state, and local legislation that may impact the governance of their communities.



## Resident Responsibilities

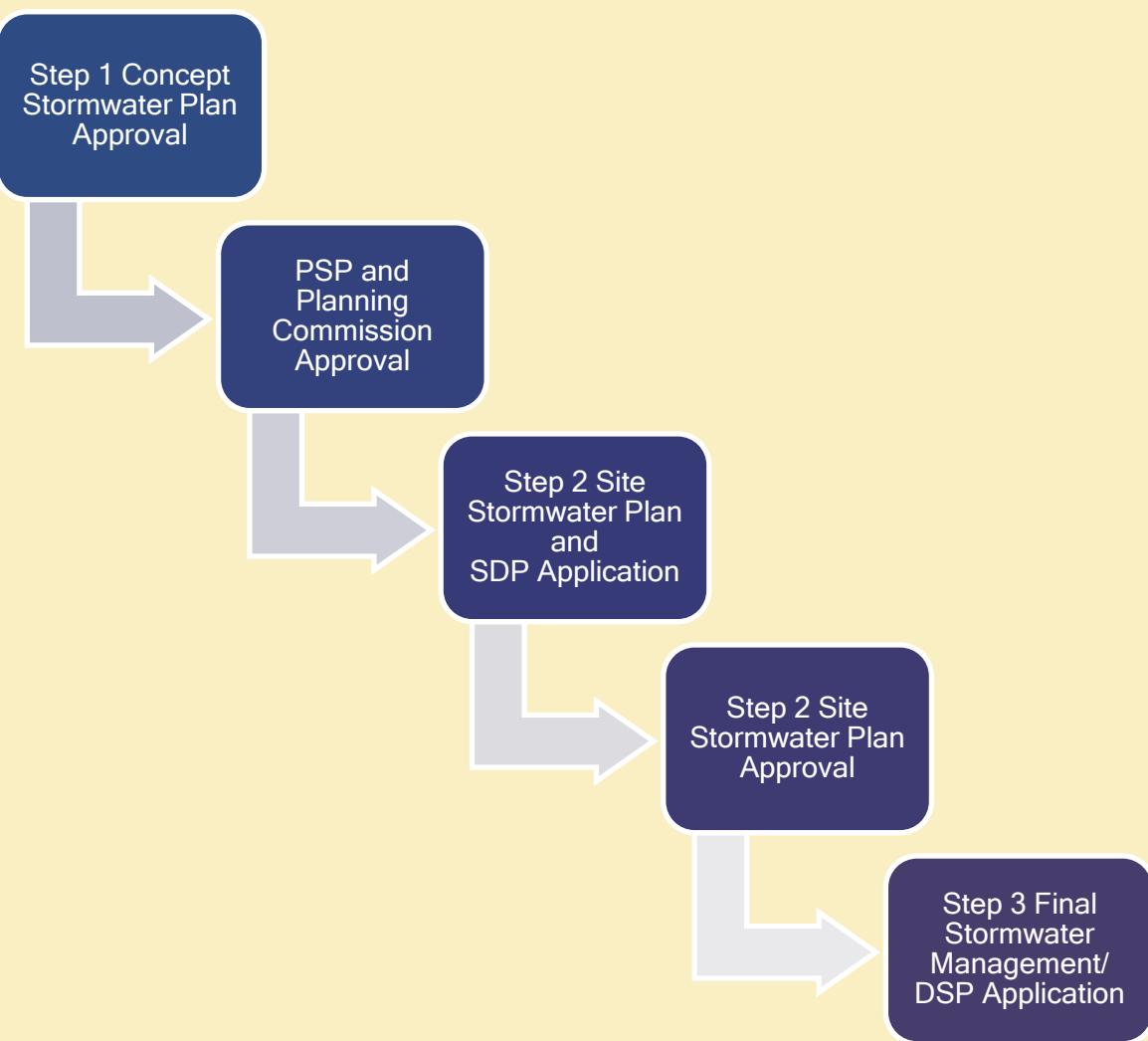
While the COC/HOA assumes ownership and maintenance responsibilities for common areas, residents still have certain responsibilities:

- ❖ **Property Maintenance:** Residents must maintain their private properties, including landscaping, forest conservation easements, stormwater facilities, exterior upkeep, and complying with COC/HOA rules.
- ❖ **Community Engagement:** Residents should attend COC/HOA meetings, vote on important decisions, and remain informed about developments.
- ❖ **Paying COC/HOA Dues:** Residents are responsible for paying their COC/HOA dues, which fund the maintenance of common infrastructure, areas and amenities.
- ❖ **Reporting Issues:** Residents should report any maintenance concerns or issues related to shared infrastructure (such as streetlights or sidewalks) to the COC/HOA.

# PHASES OF RESIDENTIAL DEVELOPMENT: OBTAINING PERMITS

Developing residential properties involves a comprehensive process designed to ensure that new construction aligns with the county's planning objectives, maintains the quality of public services, and complies with applicable regulations and best practices. This process is interconnected with both planning and engineering plan approvals which include the Preliminary Subdivision Plan (PSP), Site Development Plan (SDP), the Development Services Three-Step Stormwater Management Plan (DSP), and recordation of property plats. Many of these processes are interconnected and processed in coordination with each other.

**Phases of the development review and approval process for residential development requiring a Preliminary Subdivision Plan, Site Development Plan, and a Development Services Permit.**



## Planning Review and Approvals

### Preliminary Subdivision Plan Approval

Developers must submit a Conceptual Subdivision Plan that outlines the general layout and design of the proposed development. This plan is presented before the Charles County Planning Commission, providing an opportunity for public input. A list of all comments and concerns are compiled and provided to the developer. Next, the developer must submit a detailed Preliminary Subdivision Plan (PSP) along with a response to all comments and concerns generated during the Conceptual Subdivision's public hearing. The PSP undergoes a thorough review process to ensure compliance with all applicable codes, regulations, and the County's Comprehensive Plan.

If approved, the PSP is valid for four years with the option of two four-year extensions, providing the developer up to 12 years to complete the project. Extensions beyond 8 years from the initial approval require a conformity review and may include updated analyses or revised conditions. The PSP approval does not expire once the project reaches 25% completion. PSPs may be transferable and would require a revision be submitted to the County for approval.

The following is a detailed list of the required reviewers and approvals of the PSP:

- **PGM:** Planning, Zoning, Environmental, Site Design and Architectural Review, Cultural Resources, Community Planning, Adequate Public Facilities, and Infrastructure Management (Engineering)
- **County Interagency Review:** 911 Addressing, 911 Fire & EMS Communication, Department of Public Works, and Parks, Recreation, Parks, and Tourism
- **Outside Agencies:** Charles County Public Schools, Charles County Health Department, Charles County Soil Conservation District, State Highway Administration, Fire Chief, and SMECO
- **Adequate Public Facilities (APF) Review:** Developers are required to assess the impact of their projects on public facilities, including roads, water supply, sewerage, schools, and fire protection, and provide mitigation when required to offset the negative impacts of the development.
- **Forest Conservation:** Forest conservation plans are integrated in the early stages of planning to ensure that trees and sensitive natural areas are protected

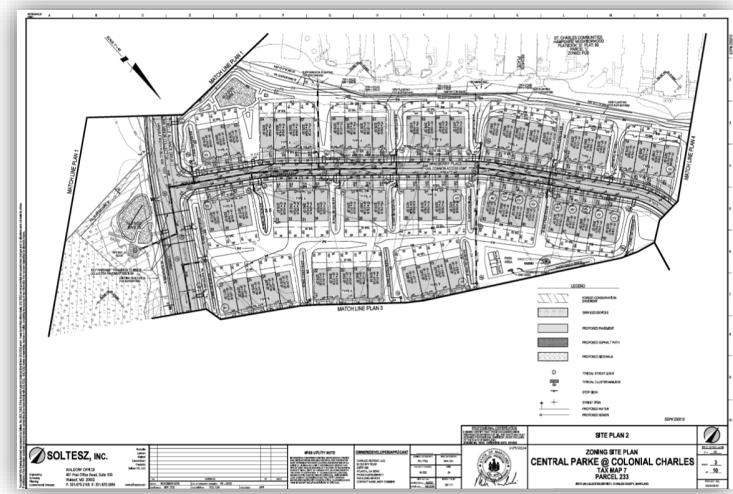
throughout the development process. The Forest Stand Delineation Plan is submitted to the County for review. Approval of a Preliminary Forest Conservation Plan is completed prior to approval of the Preliminary Subdivision Plan.

- ❖ **Amenities, Recreational Facilities & Open Space:** When required, amenities, recreational facilities and open space shall be provided by the developer in accordance with the Zoning Ordinance and Subdivision Regulations. Any changes to approved amenities would require a revision to the plans be submitted to the County for review and approval.
- ❖ **School Capacity Allocation:** Ensuring that local schools can accommodate additional students from new residential developments is a priority. Developers must obtain school capacity allocations from the Director of Planning and Growth Management before proceeding to recordation of lots and issuance of building permits. The annual School Capacity Allocation Committee evaluates factors like current enrollments and projected growth to make these determinations about allocatable capacity.
- ❖ **Water & Sewer Allocation:** Ensures sufficient capacity exists within the public water supply and wastewater treatment systems of the proposed development. Sufficient allocation is required prior to recordation of lots and issuance of building permits. Approvals for private well and septic systems is provided by the Charles County Health Department.

## Site Development Plan Approval

The SDP is a drawing that demonstrates the proposed development's ability to meet all Zoning Code requirements, such as building setbacks, parking, drive aisles, landscaping, stormwater management, water/sewer, etc. It is required for single family attached (townhouses, duplexes, and quadplexes) projects and is submitted concurrently with the Step Two- Site

Stormwater Management Plan and approved Final Forest Conservation Plan. The SDP must receive approval prior to the issuance of the Development Service Permit (DSP), Step 3 of the Three-Step process below.



## Recordation of Lots (Record Plat)

The recordation process for residential subdivisions is the formal step in the land development process where final plats are prepared and recorded in Charles County Land Records, legally creating new lots. Plats are processed by PGM and are reviewed by both internal and external agencies including the Health Department, 911 Addressing, and State Highway Administration. Recordation occurs once performance bonds, associated with the DSP, are in place.

Final Plats are prepared by a Maryland-licensed Land Surveyor. The plats must match the approved Preliminary Subdivision Plan, and provide the following information:

## Permitting Review and Approvals

### Development Services Permit/Three Step Process

The Maryland Department of the Environment (MDE) Stormwater Management (SWM) Three-Step (3-Step) Process was developed to improve water quality and manage stormwater runoff more effectively in response to increased urban development and its impact on local water bodies within the State of Maryland.

MDE delegates the responsibility of enforcing stormwater management regulations to local jurisdictions, such as counties and municipalities, through a permitting process. Local governments are tasked with reviewing and approving stormwater management plans, ensuring that developers comply with MDE's requirements, and overseeing the construction and maintenance of stormwater management systems. This decentralized approach allows for more localized oversight, enabling jurisdictions to tailor stormwater management strategies to the specific needs and conditions of their communities, while still ensuring consistency with state regulations. Local authorities are also responsible for monitoring the effectiveness of implemented practices and ensuring that maintenance is conducted to keep systems functional over the long term.

Furthermore, Charles County is required to have an acceptable stormwater management program to remain in good standing with its National Pollutant Discharge Elimination System (NPDES) municipal stormwater permit and may impose any stormwater management requirement from time to time to assure the County's standing.

PGM works closely with the community, consultants, developers, and engineers during all phases of development, from plan review through inspection and project close-out to assure a mutual goal of quality development in Charles County.

### Overview of the Phases of the Three Step Process

#### Step 1: Concept Stormwater Management Plan

This initial step outlines the overall approach to stormwater management and feasibility of the project. It identifies the site location, existing natural features, water and other sensitive resources such as erodible soil and potential flooding. It provides anticipated location of all proposed impervious surfaces (buildings,

roadways, parking, and sidewalks), utilities, and other site improvements as well as the limits of disturbance.

Provides preliminary estimates of stormwater management requirements, location and practices to be utilized, and location of all points of discharge from site.

## **Step 2: Site Stormwater Management Plan**

This step refines the concept plan (Step 1 Plan), providing more detailed information about all stormwater management practices that will be implemented to address stormwater management for the project. It provides a final site layout, exact impervious surface locations and area, proposed topography, drainage system, and addresses all requirements to meet stormwater management regulations. It also incorporates proposed erosion and sediment control measures along with phasing and construction sequence.

## **Step 3: Final Stormwater Management Plan/ (DSP)**

At this stage, detailed construction-ready plans are reviewed for compliance with all applicable county codes regarding grading, drainage, roads, sidewalk, water and sewer, floodplain, erosion and sediment control, and stormwater management, and compared to prior approvals, such as a Preliminary Subdivision Plan or Site Development Plan, as applicable.

Once the plans are approved, the dedication and easement documents are provided to the County by the developer for review. Bond amounts will be determined to guarantee public improvements as well as stormwater management practices. Once these items are finalized in addition to all other plan approvals (SDP, Final Forest Conservation Plan, and Site Design and Architectural) the DSP will be issued, and the developer will be able to begin construction.

## Bonding for Development Projects

A performance bond (associated with the DSP) is a financial guarantee that ensures all public improvements will be completed in accordance with the approved plans and county standards. The amount bonded for infrastructure items is determined based on the Unit Price list established by the County. The bond amount for recreational amenities is based on the cost estimate provided by the permit holder. The County accepts three types of collateral to secure bonds: Surety, Irrevocable Letter of Credit, and Cash Escrow.

If the developer fails to complete the required infrastructure, the bond may not be released by the County. Required infrastructure as identified with plan approval may include:

- Clearing and grading
- Roads, curb & gutter, and sidewalks
- Stormwater management facilities
- Drainage
- Public water & sewer systems
- Landscaping
- Reforestation
- COC/HOA amenities

After completion of the final inspections, resident walk-through inspection, recordation of all easements and dedication documents, and warranty period (if applicable) the performance bonds are released by the County and the project is closed.

## Building and Trade Permits

Building and trade permits authorize the construction, alteration, repair, demolition, or occupancy of a building or structure. They ensure compliance with the Maryland Building Performance Standards (MBPS), which include the International Building Code (IBC), Residential Code (IRC), Energy Code, and other applicable state and county codes. As the developer is completing the DSP they may begin obtaining building and trade permits for the construction of homes and amenities. Building and trade permits will not be issued until the DSP is issued. Residents must apply for building permits for any construction activity after the close out of the original building permit for the construction of the home.

### Types of Permits

- Residential: New single-family/townhomes, additions, decks, porches, pools and spas, sheds, detached garages, interior renovations, finishing basements, solar panel installation, and demolition.
- Commercial: As this relates to residential amenities, this may include amenities such as clubhouses, pools, and pavilions.
- Trades: Mechanical, electrical, and plumbing.

### Application

- Applications can be submitted online via the [Citizen Self Service Portal \(CSS\)](#).
- An [online permit guide](#) can be created to provide a customized guide of permit requirements and general information.

### Plan Review & Approvals

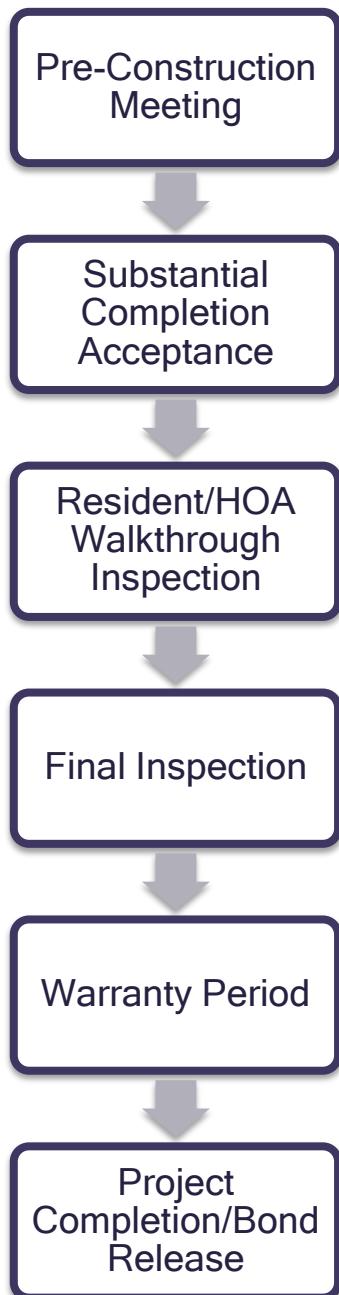
- Application is routed to relevant departments for review (building, trades, stormwater, health, utilities, zoning, forest conservation, etc.).
- Review time of six business days for all residential permits (eight business days for properties located within the Chesapeake Bay Critical Area).

### Issuance & Inspections

- Once plans are approved and fees paid, the permit will be issued.
- Inspections are performed at various stages of construction.
- Upon successful completion of all inspections, the permit is complete, and a Certificate of Use & Occupancy is issued as applicable.

# PHASES OF RESIDENTIAL DEVELOPMENT: CONSTRUCTION AND INSPECTIONS

With all approvals in place, construction can commence. Throughout this phase, the County conducts inspections to verify that the development complies with the approved plans, codes, and meets all regulatory and safety standards. There are several benchmark inspections throughout the process. Most inspections are completed with County Staff, the Contractor and the Developer with the exception of the Resident/HOA Walkthrough Inspection. Below is a listing of the standard inspections that occur with each permit approval:



## Pre-Construction Meeting

This meeting is used as the start date of construction.

During the pre-construction meeting, there will be a complete review of the approved plans with the Developer and/or authorized representative, Contractor, Inspection Supervisor or designee, and the inspectors.

## Substantial Completion Acceptance Inspection

Substantial Completion is met upon acceptance by the County that the project has been constructed in accordance with the approved plans, is sufficiently complete, can be utilized for the purpose for which it is intended, and in addition to the intermediate asphalt layer being complete, all street and traffic control signs/markings/devices must be installed and operational. The County must determine that the site is operational (i.e.: water & sewer system, drainage system, stormwater management, roadway system). The inspection will encompass a complete walkthrough of the site with the Developer and/or authorized representative, Contractor (including personnel to operate water/sewer/drainage/stormwater appurtenances), representative from Charles County Utilities and/or Facilities if applicable, Inspection Supervisor or designee and the Inspectors.

## Resident/HOA Walkthrough Inspection

The Resident Walk-Through Inspection is an important step in the transition from developer to COC/HOA responsibility. The purpose of this inspection is to:

- ⊕ To ensure all infrastructure and amenities are complete and functioning as intended.
- ⊕ To identify any potential defects or incomplete work that need to be addressed before the COC/HOA assumes responsibility.

This inspection is performed with the established COC/HOA and all property owners within the permitted phase of the development being invited to review the parcels being conveyed to the COC/HOA for maintenance through Charles County Code of Ordinances and Resolutions Section 278-65B of the Subdivision Regulations, and Annotated Code of Maryland, Real Property Article 11B. Any structures permitted through a building permit are not included in the walk-through inspection.

### What is Involved in the Inspection?

- ⊕ Inspection of Common Areas: A detailed review of roads, sidewalks, landscaping, amenities, forest conservation easements, and utilities.
- ⊕ Inventory Check: A list of all amenities and infrastructure (i.e., parks, playgrounds, drainage systems, stormwater management, sidewalks, roadways) that may be transferred to the COC/HOA.
- ⊕ Punch List: Any remaining issues that need to be resolved, such as landscaping improvements or small construction defects.

### How is the Inspection Scheduled and how are residents notified?

- ⊕ This inspection shall not be scheduled until all applicable items to be reviewed have been completed and inspected by the County.
- ⊕ The inspection is to be scheduled by the Developer who will coordinate with the County Inspection staff. The Developer must mail a notification letter to each property owner providing at least two weeks' notice of the scheduled inspection. This is to allow time for all property owners within the limits of the subject permit to be able to attend the walk-through.
- ⊕ A copy of the notification letter provided to residents by the Developer and proof of mailing in the form of a signed affidavit of service must be provided to the County prior to the scheduled inspection. The notification letter provided must

contain a list of all parcels, facilities, forest conservation easements, and amenities to be inspected as part of this inspection.

- At the inspection, a complete As-built plan set to include all sheets applicable to the construction and maintenance of all items to be conveyed to the COC/HOA, shall be provided to the COC/HOA representatives by the Developer.
- The developer shall provide a statement of Rights and Responsibilities and a Facilities Inventory to the COC/HOA.

### **Final Inspection**

The Final inspection will encompass a complete walkthrough of the site with the Developer and/or authorized representative, Contractor (including personnel to operate water/sewer/drainage/stormwater appurtenances), representative from Charles County Utilities and/or Facilities if applicable, and Inspection Supervisor or designee and the Inspectors. Upon successful completion of the Final Inspection and if all applicable dedication documents are completed, the project will be issued a Certificate of Final Acceptance and placed into a warranty period.

### **Warranty Period Inspection**

The warranty period is for all improvements that have been conveyed to the County (i.e. public roads, water & sewer system, drainage and stormwater facilities). The warranty inspection is scheduled for one year after the final inspection passes. The warranty applies to materials and workmanship of all products furnished to the County, stating that these items shall be free from any defects for a period of one year from the date of Final Completion Acceptance, unless otherwise agreed to in writing by the County. In the event any defects shall become apparent within one year from the date of Final Completion Acceptance, repairs shall be completed within 30 days of the written notice provided by the County. Infrastructure or improvements that are privately owned or maintained by the COC/HOA are excluded from the warranty period and remain the sole responsibility of the COC/HOA.

### **Project Completion and Bond Release**

After completion of the final inspections, resident walk-through inspection, recordation of all easements and dedication documents, and warranty period (if applicable) the performance bonds are released by the County and the project closed.

# STORMWATER MANAGEMENT MAINTENANCE

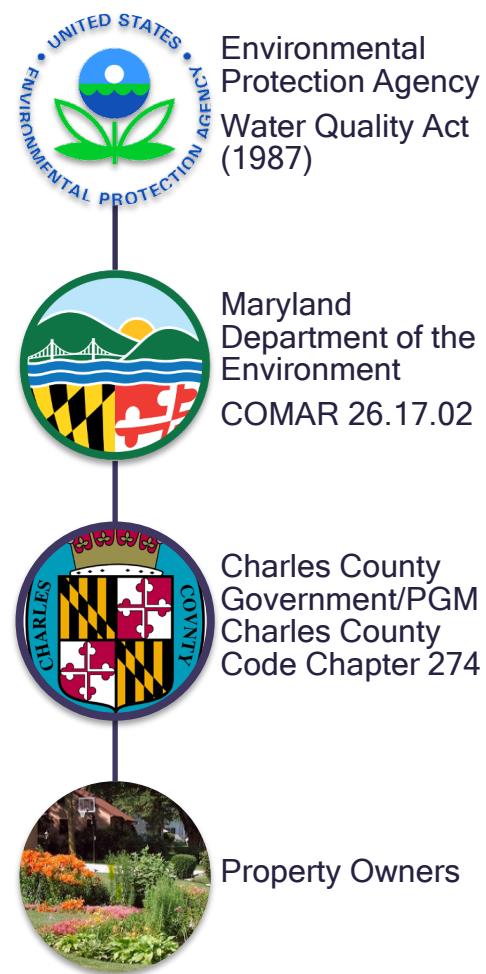
Stormwater management is not only a local requirement but also part of a larger federal and state effort to protect water quality and reduce flooding. The Water Quality Act 1987 (amendments to the Clean Water Act), administered by the U.S. Environmental Protection Agency (EPA), requires local governments to manage stormwater to reduce pollutants entering streams, rivers, and the Chesapeake Bay.

The State of Maryland issues a Municipal Separate Storm Sewer System (MS4) permit to Charles County under the National Pollutant Discharge Elimination System (NPDES) program. This permit requires the County to maintain and enforce stormwater management systems to ensure compliance with water quality standards.

The Maryland Department of the Environment (MDE) has adopted regulations codified in COMAR 26.17.02. Specifically, COMAR 26.17.02.11 requires the PGM, as the responsible agency for Charles County, to ensure preventive maintenance through inspection of all stormwater management systems. These requirements are also reflected in Charles County Code, Chapter 274 Stormwater Management, Article XII.

Stormwater facilities are a critical piece of community infrastructure. Proper upkeep reduces localized flooding and property damage. It protects water quality by filtering pollutants before they reach streams and rivers and supports the health of the Chesapeake Bay. These facilities help the County maintain compliance with federal and state water quality mandates, which in turn protects residents from costly enforcement or corrective actions.

## Stormwater Management Hierarchy of Responsibility



## Stormwater Management Maintenance Inspections

To ensure stormwater facilities are functioning properly, PGM must conduct routine inspections on an ongoing basis. All newly constructed facilities are inspected within the first year after the facility is placed into operation. Ongoing Inspections will then occur at least once every three years thereafter. If an inspection identifies maintenance or repair needs, the COC/HOA or homeowner, for on-lot facilities, is responsible for completing the corrective actions within the timeframe specified by the County. Failure to correct deficiencies can result in enforcement actions or penalties under the County Code.

## COC/HOA Responsibilities of Stormwater Management Facilities

Most stormwater management facilities, such as ponds, swales, infiltration areas, and bioretention facilities, are located on COC/HOA-owned common property. The COC/HOA is responsible for:

- **Routine Maintenance:** This includes regular mowing, vegetation management, and trash/debris removal, maintaining embankments, slopes, access areas are in safe condition, and ensuring inflow and outflow structures (pipes, weirs, risers) remain clear and operational. During initial construction of the facilities the developer or property owner is responsible for maintenance.
- **Recordkeeping:** Maintaining logs of inspections, routine maintenance, and repair work and providing the records to PGM when requested.
- **Access and Coordination:** Ensuring County inspectors have access to stormwater management facilities and coordinating with licensed contractors when repairs or significant maintenance are required.

## Residential Lot Owner Responsibilities of Stormwater Management Facilities

Many subdivisions include stormwater management facilities directly on individual lots owned by the homeowner. Stormwater facilities may include rain gardens, micro-bioretention areas, dry wells, or underground infiltration systems. Homeowners are responsible for:

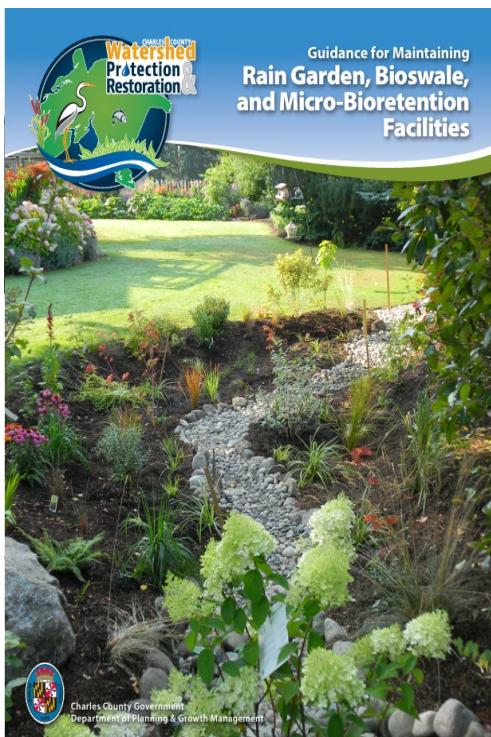
- **Maintaining Functionality:** Keeping inlets and drains free of leaves, sediment, and yard waste. Ensuring vegetation within the rain gardens or landscaped

features remains healthy and functional while avoiding compaction of soils that reduces infiltration capacity.

- **Respecting Easements:** Many community infrastructure services are constructed in easements, including electric, water, sewer and storm drainage. Easements documents state property owners (including COCs/HOAs) cannot construct any building, fence or other structure in the easement without obtaining prior written approval from the County. Construction includes sheds, fences, patios, pools, or other structures that interfere with the purpose of the easement. If a structure is in an easement, the County will require removal of the structure from the easement area at the property owner's expense.
- **No Unauthorized Alterations:** Altering, filling, or removing stormwater features without County approval is prohibited and may result in enforcement actions.

## Stormwater Management Resource Guides

PGM offers a variety of resources on their Stormwater Management Facilities website. This site answers frequently asked questions and offers links to helpful guidance documents.



# RESOURCES LISTING

The resources and links below provide general information for COCs/HOAs and property owners on a variety of topics and services provided by the County.

**Public Information Requests and Accessing Permit Documents:** Residents can access permit documents by using the Search Public Records feature on the [Citizens Self Service Portal](#). Residents can use the directions on [How Search Public Records](#) to assist in their search for construction drawings, issued permits, Certificates of Use and Occupancy, and other documents. If documents are not available on the Citizens Self Service Portal a [Public Information Act Request](#) may be submitted.

**Stormwater Management Maintenance:** Guidance on how to maintain stormwater management facilities.

- [Guides and Process Manuals | Charles County, MD](#)
- [Stormwater Management on My Property](#)
- [Stormwater Education and Programs](#)

## Inspections Contacts:

Inspection Type	Phone	Email
Building Code	301-645-0692	PGMBCInspections@charlescountymd.gov
Infrastructure	301-645-0700	CCGInspections@charlescountymd.gov
Stormwater Management	301-645-0700	StormwaterMaintenance@charlescountymd.gov
Planning and Zoning	240-776-6707	PZInspections@charlescountymd.gov
Nuisance Related	240-776-6707	PZInspections@charlescountymd.gov

**Mapping Services/Geographic Information System (GIS):** PGM offers [Mapping Services](#) with digital maps that provide various layers such as satellite imagery, roads, property boundaries, zoning classifications, environmental features, etc.

**Traffic Safety Committee:** The [Traffic Safety Committee](#) will review concerns related to requests to add new signs, signals, traffic markings, crosswalks and turning lanes; changes to traffic signal operations, intersection control and turning lanes; or concerns regarding safety, general traffic flow, unresolved speeding problems, or other types of safety related issues.

**SeeClickReport:** [SeeClickReport](#) is an easy-to-use tool to report non-emergency issues directly to Charles County Government. Items include potholes, broken signs, sidewalk concerns, park maintenance, nuisance issues, drainage and construction concerns.

#### Department of Public Works Contacts:

- [Utilities for Water and Sewer Information](#)
  - Phone: 301-609-7400
- [Environmental Services Division for Trash and Recycling Information](#)
  - Phone: 301-932-3599
- [Roads Division](#)
  - Mainline: 301-932-3450
  - Snow Removal: 888-460-7669
  - Pothole Hotline: 800-595-7623

**Code of Charles County Maryland:** The [Code of Charles County](#) is the official set of local laws and ordinances enacted by the Charles County Commissioners to govern areas such as land use, building regulations, public safety, health, environmental protection, and more within the county.

**Annotated Code of Maryland:** This is the official compilation of all permanent laws currently in force in the State of Maryland. It organizes state laws by subject into separate articles and includes annotations (notes, case law summaries, and cross-references) to help interpret and apply the law. The [Annotated Code of Maryland, Real Property Article 11B](#): (Maryland Homeowners Act) covers how COCs/HOAs must operate, rights and responsibilities of homeowners, financial transparency, Reserve Studies requirements, access to records, and required disclosures during the sale of a home. All state statutes are searchable on the Maryland General Assembly website under Laws / Statutes at [Maryland General Assembly Laws and Statutes](#).

# FREQUENTLY ASKED QUESTIONS

## Stormwater Management Related Questions

### **What is the purpose of the Resident/HOA Walkthrough inspection?**

The walkthrough allows the County, developer, COC/HOA representatives, and residents to review the amenities and infrastructure built for the subdivision. It verifies that required improvements are complete and functioning before they are transferred to the COC/HOA or accepted by the County.

### **Who is responsible for maintaining stormwater management (SWM) facilities (ponds, swales, rain gardens, infiltration trench, bioretention, etc.)?**

The responsibility for maintaining SWM facilities depends on who owns the facility and how it was approved or permitted. Generally, it falls into one of these categories:

- 1. Private Property Owners / COCs/HOAs:** If the stormwater facility is located on private property and was required as part of a development project, the property owner(s) and/or COC/HOA, depending on its location, are responsible for its inspection, upkeep, and repair.
- 2. Commercial / Institutional Owners:** For commercial sites, shopping centers, or institutional campuses (schools, hospitals, etc.), the owner of the parcel is responsible for ongoing maintenance.
- 3. Local Government / Public Works:** If the stormwater facility is dedicated to and accepted by the county/municipality, then the County is responsible.

For further assistance in determining the responsible parties for the maintenance of stormwater facilities in Charles County, contact [StormwaterMaintenance@charlescountymd.gov](mailto:StormwaterMaintenance@charlescountymd.gov).

### **What happens if a COC/HOA does not maintain stormwater facilities properly?**

The County will notify the COC/HOA if an inspection finds deficiencies. If the COC/HOA does not take corrective action, enforcement measures may follow. These measures may include fines or corrective action be performed at the COC's/HOA's expense.

⊕ **Do individual property owners have to maintain drainage features on their property?**

Yes. Swales, drains, or other grading features located on private lots are the property owner's responsibility. These must remain unaltered to allow water to drain properly. Blockages or modifications can cause flooding and may lead to enforcement action.

⊕ **How do I know if my property is in a drainage easement?**

Check your property plat or contact PGM. Structures, sheds, or fences typically cannot be placed in drainage easements.

⊕ **What should I do if I see erosion, flooding, or drainage problems?**

Residents should report the issue to their COC/HOA first. If it involves public infrastructure or stormwater facilities under County oversight, the County should be notified as well. To report an issue to the County, email [StormwaterMaintenance@charlescountymd.gov](mailto:StormwaterMaintenance@charlescountymd.gov).

## COC/HOA/Resident Related Questions

⊕ **When does ownership of common areas officially transfer to the COC/HOA?**

Ownership typically transfers once the developer records the deeds and the amenities are accepted as complete by the County. The declaration of covenants outlines the legal responsibilities and timing of the transfer.

The [Annotated Code of Maryland, Real Property Article 11B](#), Real Property Article is the central statute for homeowners associations in Maryland, defining “declarant,” “common areas,” “development,” and setting various obligations for the transition.

⊕ **What is the Declaration of Covenants, Conditions, and Restrictions (CC&Rs)?**

This is the governing document recorded with the subdivision that outlines the rights, responsibilities, and restrictions for the COC/HOA and its members. It defines how the COC/HOA operates and what maintenance obligations exist for the community.

 **What is the COC/HOA responsible for?**

Maintenance of private roads, stormwater facilities on COC/HOA property, landscaping in common areas, recreational amenities (clubhouse, pools, trails, etc.), and enforcement of COC/HOA covenants.

 **Does the County get involved in COC/HOA covenant enforcement?**

No, the County enforces subdivision, zoning, and environmental regulations. The COC/HOA is responsible for enforcing its own covenants and community rules.

 **When will the COC/HOA be required to hold elections for the board of directors?**

State law and the community's governing documents set requirements for turnover. Typically, once a certain percentage of homes are sold, residents gain representation on the COC/HOA board, with full turnover occurring once development is substantially complete.

 **How can residents address issues outside the scope of the County inspection?**

If issues arise that are related to private agreements, warranties, or COC/HOA governance (such as clubhouse rules, construction quality, or disputes between residents), those must be addressed with the developer, COC/HOA board, or through private legal channels.

 **Who do residents call if they're unsure whether an issue is the County's responsibility or the COC/HOA's?**

Start with the COC/HOA. If the issue involves public infrastructure (roads, water/sewer, County-maintained drainage), then PGM should be contacted.

 **How do I know what the COC/HOA fees cover?**

The COC/HOA budget, adopted annually, outlines what dues cover (e.g., landscaping, snow removal on private roads, amenities, insurance, stormwater maintenance). Homeowners can request a copy of the budget and governing documents.

 **What happens if my COC/HOA fails financially?**

The COC/HOA is still legally responsible for maintenance. In severe cases, residents may need to pursue legal remedies or establish special tax districts. The County does not assume COC/HOA responsibilities.

- What happens if I have a dispute with my COC/HOA? What resources are available to me?

Charles County provides the [HOA Dispute Resolution Board \(HOADRB\)](#) whose primary purpose is to help resolve conflicts between property owners and their governing Homeowner's Associations.

Additionally, [the Legal Resource Center & Public Law Library](#) provides access to local, state, and federal legal resources in print and in online format. Legal reference and research assistance is available with access to court forms, online and print legal information resources, and access to free limited legal advice.

## Roads and Streets Related Questions

- How do I know if my street is public or private?

Road names ending in Street, Court, Lane, or Drive are typically public county-maintained roads. Road names ending in Place are typically privately owned and maintained. In Charles County, private road signs include a small diamond symbol, usually found in the corner of the sign. The Roads Division with the Department of Public Works maintains a [listing of roads](#) and who owns and maintains the road.

- When will my road be accepted by the County?

Roads must meet County standards and pass inspections before acceptance. Until that time, the developer is responsible for repairs, snow removal, and safety.

- How can we get traffic calming devices or request assistance with speed concerns in public/private streets?

Charles County Sheriff's Office (CCSO) is the main point of contact. You can request increased patrols, radar enforcement, or even a speed trailer (portable electronic sign that shows driver speeds).

The Charles County Traffic Safety Committee will review traffic calming requests. They typically require a petition or request from residents before considering new measures. Sometimes they will conduct a traffic study to see if the problem meets the threshold for physical changes.

If you live in a neighborhood with private roads (maintained by the COC/HOA), your COC/HOA may also have some authority to install speed humps, post additional signage, or coordinate directly with the County/Sheriff's Office.

For streetlight requests the COC/HOA can make arrangements with [SMECO](#) to install streetlights. Individual property owners can also contact SMECO to have one installed on their property. The lights must be placed on private property and not be located within the County's Right of Way.

#### Who is responsible for snow removal in my neighborhood?

Plowing generally begins when one to three inches of snow has fallen, and the temperature indicates there will be no melting. After the storm, roads are cleared down to bare pavement. However, the type of snow, as well as the wind and temperature may delay clearing of roads. Even after plowing, snow that has been hard packed by traffic often remains on the street and the plows are unable to completely remove it. Salt and/or sand may be used to provide adequate traction.

If the subdivision is still under control of the Developer, then it is their responsibility to provide snow removal. They should be the first point of contact. If there are concerns, contact PGM who will be monitoring these subdivisions during weather events to ensure roads are cleared by the Developer.

Once the road is accepted by the County and becomes a public road the Department of Public Works, Roads Division is responsible for snow removal.

Private roads remain the responsibility of the COC/HOA or Developer.

#### How do I report concerns such as potholes, broken streetlights, or traffic signs?

[SeeClickReport](#) is an easy-to-use tool for residents to report **non-emergency issues** directly to Charles County Government. From potholes and broken signs to sidewalk concerns and park maintenance, this platform helps the County work with residents to keep our communities safe and well-maintained.

## Permitting Related Questions

### ⊕ Can I make changes to my property, such as adding a fence or deck?

Most COCs/HOAs require approval from an Architectural Review Committee before any modifications can be made. Additionally, permits may be required from the County depending on the project.

### ⊕ Does the County inspect homes for construction quality before settlement?

The County inspects all homes in order for the developer to receive a Certificate of Use and Occupancy. This inspection is for building code compliance and adherence to permitting requirements. Cosmetic items are not a part of this inspection process. Homeowners are encouraged to obtain a home inspection as a part of their purchasing process.

### ⊕ What happens if the developer doesn't finish amenities before leaving the project?

Developers are required to provide bonds or other financial guarantees to ensure completion of the project per the approved plans associated with the Development Services Permit.

### ⊕ Are community entrance signs to be provided by Developer?

Community entrance signs are often provided by the Developer but are not a requirement. COCs/HOAs can apply for permits through PGM to have community entrance signs constructed for their communities.

## Miscellaneous Questions

### ⊕ When will my mailbox kiosk be turned over to the COC/HOA?

The U.S. Postal Service owns and maintains the cluster mailbox units (CMUs). The COC/HOA is typically responsible for upkeep of the surrounding area, such as landscaping and snow removal.

### ⊕ How do I find out when recycling pickup starts in my neighborhood?

The Environmental Services Division with the Department of Public Works provide an [online tool](#) to look up your address to find your days of service. If your area is not listed, contact the Environmental Resources Division to confirm service schedules.

 **When will school bus service begin in a new neighborhood?**

Charles County Public Schools determines bus routes and stops. Service generally begins once homes are occupied, and roads are surface paved.

 **How should I maintain my yard, soil, and landscaping?**

Maintaining your yard, soils, and landscaping is partly about keeping your yard attractive, but it is also about protecting soil health, stormwater quality, and your property value. The [University of Maryland Extension](#) program offers many tips for yard and garden maintenance. PGM recommends the following:

- Test your soil every two to three years.
- Add organic matter like compost or shredded leaves to improve soil structure, moisture retention, and nutrient balance.
- Avoid compaction - don't drive or park cars on your yard and aerate turf if it gets compacted.
- Mow high (3-4 inches). Taller grass improves root depth, and reduces irrigation needs.
- Use native plants - they require less watering, resist pests, and provide habitat for pollinators.
- Don't overuse chemicals (pesticides, herbicides, fertilizers).

 **Are playgrounds, trails, or open space areas public or private?**

Most amenities within subdivisions are COC/HOA-owned and maintained. Unless specifically dedicated as public parks, they are private and for resident/guest use only.

 **What community services does the County provide?**

County Services: Public Road maintenance for County-accepted public roads, recycling collection, police, fire and EMS, schools, and public water/sewer if applicable to the neighborhood.

 **What is an Illicit Discharge?**

Illicit discharges pollute water, harm aquatic life, and can violate state and federal law. Maryland Department of the Environment (MDE) and most MS4

(Municipal Separate Storm Sewer System) programs define an illicit discharge as any discharge to a stormwater system that is not composed entirely of stormwater, except for those discharges specifically allowed by permit. Stormwater does not go to a treatment plant; it flows directly into local streams, rivers, and the Chesapeake Bay.

Allowed discharges include rainfall runoff, water from fire-fighting activities, and certain dechlorinated swimming pool discharges (if permitted).

Common Examples of Illicit Discharges include automotive fluids (oil, antifreeze) leaking into storm drains, dumping paint, cleaning chemicals, or solvents onto streets or into drains, grass clippings, leaves, or yard waste dumped into ditches or streams, sewage or greywater from a house or business, and car wash wastewater flowing into streets or storm drains

#### **What is the Resiliency Authority?**

The [Charles County Resiliency Authority](#) is a nonprofit organization that, as a government instrumentality, is operated for the public purpose of responding to the impacts of climate change in communities across Charles County and the State.

# CHARLES COUNTY COMMISSIONERS



*Equal Opportunity County*

## Charles County Government

200 Baltimore Street, La Plata, MD 20646

301.645.0550 • 301.870.3000

MD Relay Service: 711 • Relay TDD: 1.800.735.2258

**[www.CharlesCountyMD.gov](http://www.CharlesCountyMD.gov)**



**Mission Statement** — The mission of Charles County Government is to provide our citizens the highest quality service possible in a timely, efficient, and courteous manner. To achieve this goal, our government must be operated in an open and accessible atmosphere, be based on comprehensive long- and short-term planning, and have an appropriate managerial organization tempered by fiscal responsibility. We support and encourage efforts to grow a diverse workplace.

**Vision Statement** — Charles County is a place where all people thrive and businesses grow and prosper; where the preservation of our heritage and environment is paramount; where government services to its citizens are provided at the highest level of excellence; and where the quality of life is the best in the nation.

**Americans With Disabilities** — The Charles County Government welcomes the participation of individuals with disabilities. We comply fully with the Americans With Disabilities Act in making reasonable accommodations to encourage involvement. If you require special assistance and would like to participate in our programs, please contact Charles County Government directly.