

CONSUMER'S EDGE

CONSUMER PROTECTION DIVISION, MARYLAND OFFICE OF THE ATTORNEY GENERAL

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COMMON OWNERSHIP COMMUNITIES

A Montgomery County resident had her shutters and doors repainted a different color. She received a letter from her homeowners association that she had to change the color back to its original state because the new colors are not allowed under the HOA's rules and she had not received prior approval. After arguing with her HOA for a month, she was forced to return the shutters and doors to the original color.

A Baltimore condominium owner was concerned that the board of the condominium association was spending an excessive amount to repair the building's roof. After the board refused her request to examine records concerning the repairs, the owner filed a complaint with the Consumer Protection Division. The board made the records available to her after the Division told the board they were legally required to do so.



All condominium owners and many homeowners are members of residential associations referred to as Common Ownership Communities (COCs). Although both associations are formed with a similar goal in mind, there are differences between the two regarding association responsibilities, procedures and regulations.

In all COCs, the association is legally responsible to maintain, repair, replace, and manage the

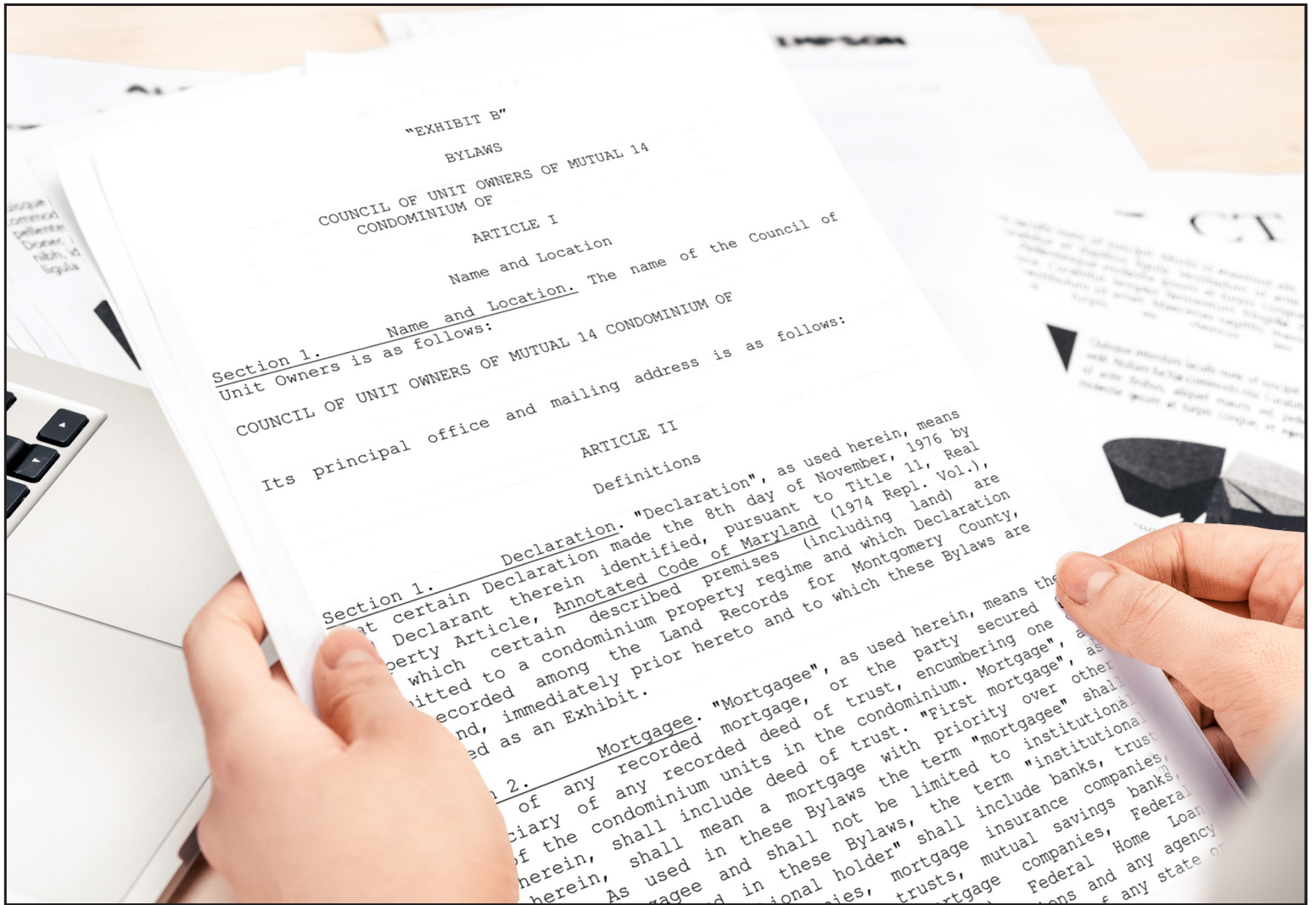
common grounds and elements as well as having the authority to adopt and enforce rules and regulations for the members' use of the common grounds and elements. With the purchase of a property or residential unit, association membership, rights, and regulations are automatic and mandatory. This mandate is tied to the property or unit, and automatically transfers to the new owners each time it is sold. New owners cannot waive or void mandatory membership. In return for the common expense fee, members have the right to use common facilities and grounds. The COC is legally entitled to assess and collect fees from members, enforce regulations, and provide governing documents.

All consumers who are looking at purchasing a unit or piece of property that is part of an association should read all documents very carefully before signing. Many buyers run into problems with their associations after signing the documents.

A common consumer problem associated with COCs are architectural guidelines. Many COCs have regulations that limit the architectural modifications an owner can make to their property as well as requiring a certain level of upkeep. COC community residents often complain about maintenance and administrative costs imposed by their association or feel their association is not living up to its responsibilities by taking care of the common elements.

A savvy consumer always reads contracts before signing. The consumer should also read any disclosure statements for the COC because they may raise issues that could cause the consumer to rethink purchasing the home or condominium. The seller is required to provide a purchaser with information about the COC, including fees for which the purchaser may be responsible. A purchaser should carefully review this information and talk to members of the community to learn about potential problems.





Another way to make sure your COC understands your concerns is to attend association meetings and know who is making decisions on behalf of your community.

If you have a complaint against your COC that pertains to records access, fair elections, or open meetings, please file it with the Consumer Protection Division at www.marylandattorneygeneral.gov or call 410-528-8662 (toll-free in Maryland: 1-888-743-0023). The Consumer Protection Division can help mediate your complaint. However, complaints involving day-to-day operations of your association, bylaws violations, or liens should be resolved through your COC, the judicial process, or community mediation.

HOW TO CONTACT US

Consumer Protection Division

200 St. Paul Place, 16th Fl., Baltimore, MD 21202

- **General Consumer Complaints:** 410-528-8662
Toll-free: 1-888-743-0023 TDD: 410-576-6372
En español: 410-230-1712
9 a.m. to 3 p.m. Monday-Friday
www.marylandattorneygeneral.gov/Pages/CPD/
- **Health Consumer Complaints:** 410-528-1840
Toll-free: 1-877-261-8807 TDD: 410-576-6372
9 a.m. to 4:30 p.m. Monday-Friday
www.marylandcares.org
- **For information on branch offices** in Largo, Salisbury, Hagerstown, and a full list of offices across Maryland, visit: www.marylandattorneygeneral.gov/Pages/contactus.aspx

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