

BPRA Committee Reports and Updates for the December 2023 BPRA Board of Trustees Meeting

These updates are distributed to the BPRA Board prior to the monthly meetings and included with the minutes.

1) Pool & Recreational Facilities Committee (Jay Staggs, Chair):

Roof still in discussion to be repaired vs replaced.

Joe fixed the camera that was flooded.

Board is still in discussion regarding break-in.

2) Entertainment and Recreation Committee (Chris Swan, Chair):

Village Activities for December (new)

12/2 Village Volksmarch, 10 am, Matthew Henson Trail, by Bel Pre Elementary School. Meet at the bench by the entrance.

12/4 Cookie Swap to celebrate National Cookie Day, 5:00 pm, Cookie Stagnitto's house Bake and bring a container of your favorite goodies to trade as well as an empty container to fill with new treats to take home.

12/14, Brookside Gardens, Garden of Lights Display (Village event, tentative date)

December, Communitywide Project Suggestion: Spread Cheer

This holiday season, greet some neighbors you don't know well and share your name and contact information. Everyone feels safe and welcome when they have friendly neighbors they can call on.

3) Neighborhood Dispute Resolution Committee (Patrick Welteroth):

- Nothing new to report as of 11/30/2023. Updates on Prior Items below.
- Sandina Wagner of 2405 Dressler Lane decided not to pursue further action with her neighbor Reubin of 2402 Dressler Lane regarding commercial vehicles, RV parked in yard, and trash outside trucks at the end of day. She said that she would try to talk to Reuben again before deciding to call 311.
- Never heard anything more from Dawnyel Pryor of 3016 Beaverwood Lane regarding neighbor who is building a large secondary dwelling/shed type unit in her backyard

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4) Finance Committee (Dave Pullen):

a. Bookkeeper (no change)

Now that the bulk of 2023 Assessment Collections has been realized, I am re-focusing on finding a long-term solution for bookkeeping services, and have reached out to Arrow Bookkeeping, a Silver Spring-based company, to see if they are taking on new clients. If others have recommended providers, please let me know!

b. Assessment Collections

2023 Assessment payments have been received from 97.8% of homeowners as of the end of November. After accounting for “new” referrals to SCHILD, the number of 2023 delinquents stands at 12, (4 “new” referrals, plus 8 multi-year, after resolving one delinquency by payment in full, plus one delinquency under a 5-month payment plan.

c. Overdue Collections/Schild Law Group

3-5 cases are pending for assignment of hearing by the District Court. SCHILD reports that – for whatever reason – requests for court dates for “new” cases appear to be receiving faster scheduling than existing cases.....

d. Assessment Assistance Committee (no change)

One claim was filed with the Committee in 2023; it was denied, as the request (to be excused from the Assessment altogether) is outside the Committee’s scope of authority.

e. Change in BPRA Fiscal Year and “Short Year” Tax Return (no change)

Larry Vaught completed our 2023 Federal tax return and following review by Purdy and Pullen, it was filed electronically by the May 15 deadline.

f. 2023 Guest Pass Purchases

Guest pass revenue ceased as of 9/4 (Labor Day 9/5, the last day of the pool season, allows “free” entry of guests).

g. Audit Coordinator (Mark Foraker)

No updates since the October meeting.

h. Finance Committee (Dave Pullen)

The Committee prepared a draft 2024 Budget, which was delivered to the Board by the August 26 due date. The Committee’s recommended draft was approved for distribution to the membership at the Board’s October meeting. Mailings Unlimited fulfilled the Annual Meeting Notice mailing on time and with no reported failures/issues.

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5) Governing Documents Committee (Elliot Chabot, Chair):

a. HOA document requests (updated)

Requests for HOA documents, etc. handled by the Chair of the Governing Documents Committee (November 2023):

1. 14008 Beechvue Lane - covenants concerning solar panels
2. 2614 Belle Crest Lane - HOA documents
3. 13813 Bethpage Lane - status of account
4. 5 Broomall Court - HOA documents

b. Authority for video conference meetings and mail ballots (updated)

At the November 16, 2023, annual meeting, the General Membership approved the proposed amendment to the BPRA By-Laws to authorize the Board to resume using the 2020-2022 General Membership meeting and voting rules, starting 2024. Over the next few months, the Governing Documents Committee will prepare a proposed amendment to the BPRA Plan of Organization to implement the By-Laws amendment.

c. Accessory Dwelling Unit (updated)

At its March 7, 2023, meeting, the Board considered a request from the owner of 3212 Beret Lane for approval to renovate and expand their garage in order to convert it into a suite for the owner's mother. The expansion of the garage would be on the back side of his house. The renovation would include adding a kitchen. The homeowner would not charge their mother rent. The Board approved the request, proved that the homeowner agreed to sign a document (that BPRA will prepare) to be recorded in the County Land Records, committing the homeowner and all future owners of the property to only using the the expansion/renovation for members of the homeowner's family and not charging any rent for its use. The Board also directed the Governing Documents Committee to propose a policy to the Board on how to similarly handle any future requests of this type. The Committee plans to have a proposal drafted for the Board's January or February 2024 meetings.

Background: Normally, in the case of such a request from a home subject to land use covenants, we would tell the homeowner that (1) "the primary purpose of the BPRA is to operate and maintain the community's swimming pool and other recreational facilities" [BPRA Plan of Organization § 100], (2) that we do not have a pre-approval process and (3) the homeowner should talk with their neighbors before proceeding because it's the neighborly thing to do and because anyone in Section 21 could sue him in Montgomery County Circuit Court to enforce the covenants. The properties in Section 21 have land use covenants, that among other things, provide that:

- § 1(e) - No dwelling or any part thereof shall be used for any purpose except as a private dwelling for one family or as a professional office of a physician, dentist, [etc.] . . .
- § 1(a) - . . . No building shall be erected, altered, placed, or permitted to remain on any lot other than one detached single-family dwelling . . .

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- § 1(b) - An attached addition to the dwelling may be erected but only on the condition that it shall not project beyond the front wall of the dwelling or structure as originally erected by the Company . . .
- § 2 - No building, structure, dwelling, garage, carport or breezeway shall be erected, nor shall any alteration or addition to or repainting of the exterior thereof be made, unless it shall conform in architecture, material and color to the dwelling as originally constructed by the Company [i.e., by Levitt & Sons].

The difference here was that the Montgomery County Council adopted an ordinance a few years ago that requires that before the County will issue a permit for an Accessory Dwelling Unit, the local homeowners' association must approve it. Without the HOA approval, the County will not issue the appropriate permits and licenses. This appears to be the only instance where the County requires HOA approval before licenses and permits will be issued. The statute is Montgomery County Code §29-19(b)(1)(C) and can be found at https://codelibrary.amlegal.com/codes/montgomerycounty/latest/montgomeryco_md/0-0-0-137028.

The request from 3212 Beret Lane is the first time the BPRA has received a request from a homeowner to approve an Accessory Dwelling Unit. (The County's Department of Housing and Community Affairs website (<https://apps.montgomerycountymd.gov/DHCA-Licensing/Class3/List>) indicates that a ADU license has been issued for 13410 Norden Drive and is pending for 13407 Norden Drive. These properties are both in Section 18 of Strathmore at Bel Pre. SBP Section 18 does not have any land use covenants, so those properties are in compliance with the covenants as long as they pay their annual dues.)

d. Banking and Investment Policies (no changes)

At its March 7, 2023, meeting, the Board adopted interim policies on banking and investments. The Board asked the Committee to review the adopted policies and, if appropriate, make recommendations for updates to the policies.

At the April 11, 2023, Board meeting the suggestion was made that there be an Investment Committee and that consideration be given to limiting who can serve on the committee. At its May 2, 2023, meeting, the Board voted to establish an interim investment committee comprising the four officers of the Board.

The Governing Documents Committee will consider these proposals as part of its review of the Investment Policy or as part of the next update of the Plan of Organization - whichever one comes first.

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e. Annual Dues Collection Policy updates (updated)

The Committee hopes to meet in December or January to develop recommendations on the potential amendments to the Annual Dues Collection Policy:

- At the April 11, 2023, Board meeting, it was suggested that the Committee consider recommending rules to deal with habitual non-payers. Possible approach: if a homeowner has already been referred to the BPRA's attorney for collection, and the homeowner fails to pay the next year's annual dues by April 1, automatically refer the additional indebtedness to the attorney for collection.
- Add a provision to the Collections Policy, directing the Treasurer to notify the Montgomery County Department of Housing and Community Affairs of any homeowner who is more than 30 days in arrears. Section 29-19(e) of the Montgomery County Code prohibits the County from issuing a rental license for a property more than 30 days in arrears of their HOA dues; and also allows the HOA to charge up to \$25 for certification.
- The Maryland Homeowners Association Act § 11B-112.1 allows an HOA to impose late fee of up to "one-tenth of the total amount of any delinquent assessment or installment, . . . , provided the charge may not be imposed more than once for the same delinquent payment and may be imposed only if the delinquency has continued for at least 15 calendar days."
 - If the homeowner was up-to-date on payments for prior years, but made only a partial payment for this year, clarify that the 10% late fee only applies to the balance owed.
 - If the homeowner was not up-to-date, the BPRA's Collections Policy provides that any payments are first applied to the oldest debt. Clarify if this should apply to calculating late fees (e.g., if the homeowner owned \$275 from last year and this year pay \$375 to cover the current year's \$375 annual fee, should the homeowner have to pay an additional late fee of \$30?).

f. Plan of Organization updates (no changes)

Items to be considered in the next update of the BPRA Plan of Organization:

- Make the New Neighbor Welcome Committee into a permanent committee.
- Provide for an Investment Committee as a permanent committee. Should there be restrictions on who can be a member?
- The Montgomery County Council recently amended Chapter 10B of the Montgomery County Code (the Common Ownership Communities ordinance). These amendments may call for revisions to BPRA Plan of Organization
 - **§ 321(f)** (Additional Duties of the Treasurer),
 - **§ 330(d)-(e)** (Administrative Assistant),
 - **§ 401(h)** (Elections), and
 - **§ 405(h)** (COVID Era Elections)

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in order for the Plan of Organization to remain consistent with the County Code. Regardless of whether the BPRA amends the Plan of Organization or not, the BPRA is still obligated to follow the County Code. The amendments to the County Code have an effective date of July 3, 2023.

- It has been suggested that the rules governing general membership meetings and committee meetings could be made more consistent.
 - Membership - currently:
 - BPRA members - every person (or legal entity) who is on the deed for a property within BPRA is a member of the BPRA. [BPRA Pool & Assessment Covenants of March 13, 1968, Article III, § 1]
 - Committees - for most of the committees, every person who both (1) is a BPRA member (or who lives in a property within BPRA) and (2) has notified the chair of the committee that they would like to be a member of the committee, is a member of that committee. [BPRA Plan of Organization § 110(c)]
 - Voting rights - currently:
 - General Membership - one vote per lot owned. [BPRA Pool & Assessment Covenants of March 13, 1968, Article III, § 2]
 - Committee - each committee member has one vote. [BPRA Plan of Organization § 110(c)(1)]
 - Notice requirements - currently:
 - General Membership meetings - 30 days written notice for the annual meeting; 15 days written notice for any special meetings. [BPRA By-Laws, Article VIII, § 3]
 - Committee meetings - 48 hours e-mail notice to all committee members (also must be posted 48 hours ahead on the StrathmoreBelPre.Org website). [BPRA Plan of Organization § 110(i)]
 - Quorum requirements - currently:
 - General Membership meetings - owners of 10% of the lots within BPRA (if there is no quorum, then (with proper notice) a meeting can be held 48 hours later with just the owners of 5% of the lots within BPRA). However, with notice published 15 days in advance in a newspaper published in Montgomery County, the quorum is all of the BPRA members who attend the meeting. [BPRA By-Laws, Article VIII, § 5; and Maryland Corporations and Associations Code, § 5-206]
 - Committee meetings - All of the committee members present at a meeting where the notice requirements were met constitute a quorum. [BPRA Plan of Organization § 110(k)]
- Section 10B-18(b) of the Montgomery County Code requires that – unless the governing documents of a homeowners’ association provide otherwise – the Board may not amend the association’s budget without first giving each member of the association 30 days notice. The BPRA’s governing documents set out the procedure

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for adopting the annual budget, but do not currently address how the annual budget can be amended. Consider developing such rules.

g. Recreational Facilities Policy updates (no changes)

Items to be considered in the next update of the Recreational Facilities Policy:

- Revise **§ 216** (Summer Entertainment Series and Summer Community Affairs Forum Series) to implement the Board's April 5, 2022, decision that guest fees be waived for anyone while attending Summer Entertainment Series events. Possibly also include Summer Community Affairs Forum Series events.
 - What should happen when a member of the community invites the general public as their guests (as more or less happened with the July 23, 2023, concert)?
 - Clarify whether **§ 208** (Guest Lists) should apply.
- In **§ 606** (Attendance Limits) - replace "Fifty Plus Club" with "Over 60 Club"
- Section 607 (Guest List) uses the word "guest" two different ways. To avoid ambiguity, replace "expected guest list" with "expected attendees list".
- In **§ 609** (Fees) - replace "Fifty Plus Club" with "Over 60 Club"
- For review after the end of the 2023 season as a possible permanent policy change: On June 6, 2023, the Board approved extending **§ 207A** (Guest Fees - Scout Lifesaving Badge Tests) to cover some additional Scout activities at the pool during the 2023 season.
- For review after the end of the 2023 season as a possible permanent policy change: On June 6, 2023, the Board approved a request from the SPB Village Group to extend these privileges for their events for the summer of 2023:
 - waiver of pavilion deposit
 - waiver of guest fees for non-BPRA members
 - allow SBP Community Members and other Village affiliated participants that are not BPRA members to attend the event without being the guest of a specific BPRA member. Guest attendees would not have pool privileges.

h. Documents Retention Policy (no changes)

The Governing Documents Committee last worked on the Documents Retention Policy on July 29, 2021. The Committee has agreed on minimum retention dates for documents (by category) and come to at least preliminary agreement on how each type of document should be stored and in what format. The Committee will resume work on drafting this policy when time permits.

i. Covenant enforcement (no changes)

The next big project for the Committee will be drafting the Land Use Covenant Enforcement Policy. Issues to be examined include:

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- Pool and Assessments Covenants vs. Land Use Covenants
- Funding covenant enforcement
- Cost of enforcement litigation
- Fairness in use of BPRA resources
- What is the level of community support for expanded covenant enforcement?
- Is traditional HOA enforcement of land use covenants adversarial?
- What is the enforcement tradition in our community?
- How does BPRA's tax status impact covenant enforcement?
- Practicality of enforcement
- Property values and covenant enforcement
- Right of individual members to enforce by law suit
- Right of neighborhoods to amend the land use covenants
- Comparison of the Land Use Covenants in different Sections within Strathmore at Bel Pre and what is the overlap between the land use covenants and current county, state, and federal laws
 - In the 2021 session of the State Legislature, the Legislature placed restrictions on the authority of HOAs to regulate:
 - Composting - Maryland Homeowners Association Act § 11B-111.9
 - Electric vehicle charging equipment – Maryland Homeowners Association Act § 11B-111.8
 - Low-impact landscaping - Maryland Real Property Code § 2-125
 - Portable basketball apparatus - Maryland Real Property Code § 2-124
 - Other county, state, and federal laws specifically limit HOAs authority to regulate:
 - Antennas - FCC Over-the-Air Reception Devices Rule (47 C.F.R. § 1.4000)
 - Clotheslines - Maryland Real Property Code § 14-130
 - Facilities for individuals with disabilities and group homes – Fair Housing Act (42 U.S.C. § 3601, et seq.); and Fair Housing Act Regulations (24 C.F.R. part 100)
 - Family day care homes and no-impact home-based businesses – Maryland Homeowners Association Act § 11B-111.1
 - Political signs - Maryland Homeowners Association Act § 11B-111.2
 - Roof materials - Montgomery County Fire Safety Code § 22-98
 - Solar panels and other renewable energy devices – Maryland Real Property Code § 2-119(b); and Montgomery County Code § 40-3A
 - U.S. flag - Freedom to Display the American Flag Act of 2005 (4 U.S.C. § 5 nt., Pub. L. 109-243, 12 Stat. 572); and Maryland Real Property Code § 14-128
- Did Levitt & Sons intend that the BPRA enforce the Land Use Covenants?
- Who are the successors to Levitt & Sons?
- What should be BPRA's role in Land Use Covenant enforcement?

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- How should the BPRA respond to individual requests for BPRA enforcement or for certification of compliance?
 - General rules
 - Complaints concerning discrimination by race, color, religion, sex, etc.
 - Accessory dwelling unit licenses
 - Duplexes and other multi-family construction

j. Opt-In Homes and Other New Memberships (no changes)

When time permits, the Committee will attempt to codify and update the policy that the Board adopted May 2, 2017, on how homes within Strathmore Bel Pre that are not currently within the BPRA can join the BPRA. Also, the committee will look at what the process should be for homes that are just outside of Strathmore Bel Pre, but want to join (e.g., the Layhill Village homes on Village Lane, Heritage Lane, and Rippling Brook Drive; and the Georgian Forest homes on Verona Court).

- 2604 to 2709 Village Lane (11 homes)
- 14100 to 14128 Heritage Lane (13 homes)
- 14100 to 14217 Rippling Brook Drive (23 homes)
- 3100 to 3117 Verona Court (8 homes)

In July of 2023, we received a membership inquiry from the owner of 13329 Foxhall Drive, which is about 2 blocks south of Strathmore at Bel Pre Section 16.

k. Special Projects (no changes)

- Resumed identifying the section number for each street address within the BPRA. Currently working on Burning Bush Lane.

Initially, this is being used to update the “Streets within SBP” webpage.

Once all the homes in SBP have been done, the list can be used to greatly simplify the process of responding to HOA document package requests.

- History project - we now have a nearly complete set of copies of the BPRA minutes from:
 - September 19, 1966 (the first meeting of the Board of Directors) to January 22, 1976
 - January 27, 1978 to April 30, 1986
 - October 22, 1990 to December 6, 1993
 - February 22, 1999 to December 20, 2004
 - August 22, 2005 to the present (missing Board minutes for 8/2/16, 9/10/16, 3/18, 4/18 monthly meeting, and 4/18 property walk-through; and annual meetings for 2016-19)

Some of the copies of the BPRA minutes are missing attachments that are referenced in the main text of those minutes.

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The Strathmore Bel Pre Civic Association has an almost complete set of *The Bugle* (the only major gap is July 1969 to April 1970). The Civic Association also has a reasonably complete set of SBPCA Board minutes from the late 1980s to the present.

The long-term plan is to post all of the BPRA and SBPCA minutes and all of the issues of *The Bugle* on the StathmoreBelPre.Org website.

6) Nominating Committee Report (Mark Foraker, Chair) (no change):

BPRA Board of Trustees Elections were held at the Annual Meeting on November 16, 2023. Three Trustees were elected. KP

7) Long Term Planning Committee (Karen Purdy, Chair):

The Draft 5 year plan was approved by the Board at the October 3, 2023 meeting.

8) Grounds and Landscaping Report (Ted Bechtol, Chair):

The second round of turf fertilizer was applied in November, fertilizer was also applied to all planting beds and small trees.

Pavilion and Bathhouse roofs were blown off and drains cleared, second time.

Kollins will complete fall leaf cleanup the first week in December. TRB

9) Tennis & Pickleball Courts Committee (no change)

At its September meeting, the Board approved ordering/acquiring additional signage advising members that pets are not allowed within the tennis/pickleball courts enclosure. Appropriate signage to that effect will be displayed at the two entry gates.

10) Administrative Assistant's Report:

This position is vacant. No report is being produced. kp

11) Pavilion Scheduler/Pool Pass Coordinator/Tennis Court Keys Distributor:

Jim Eaton is responsible for tennis/pickleball court key distribution.

Carmen Wong is Pavilion Scheduler.

Karen Purdy has been taking care of eSoft Planner issues.

12) MapMaster Report (Paul Spelman):

No change since January 2023.

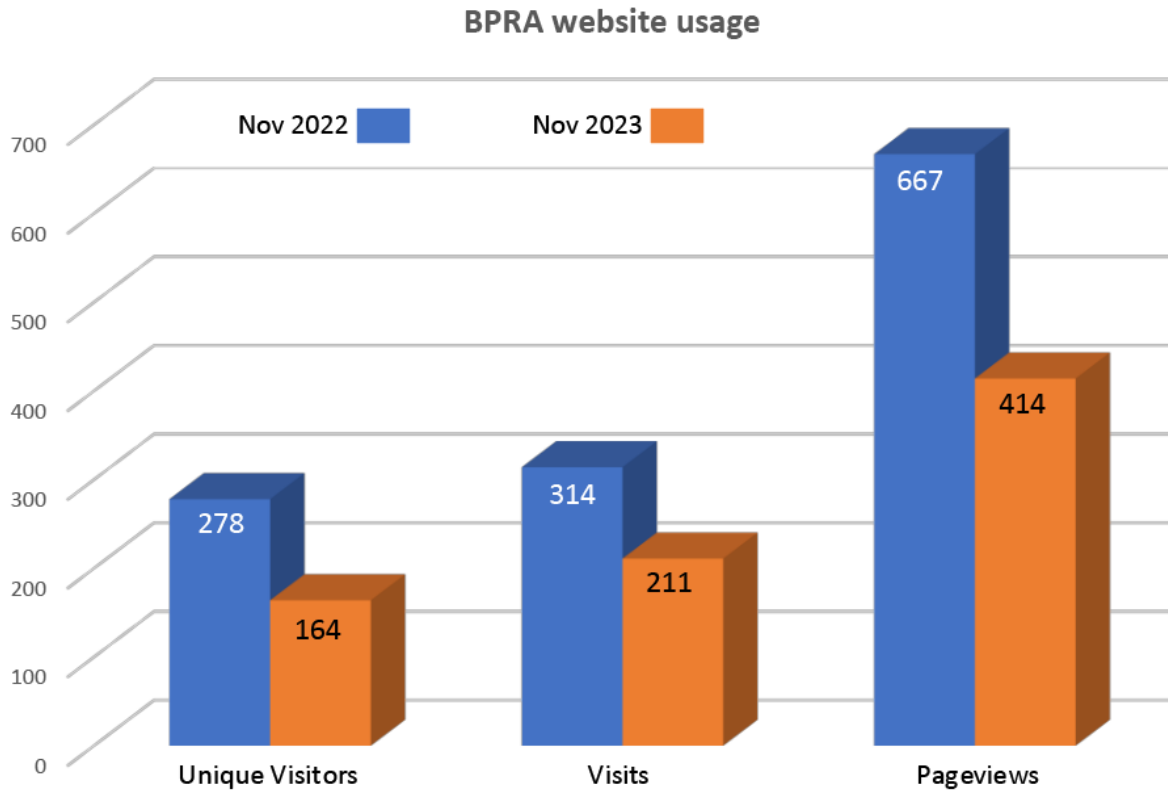
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13) New Member Recruitment Report (Dave Pullen)

At the November Board meeting, I propose that the Board discuss whether a more aggressive, organized “membership drive” be undertaken to grow the number of BPRA member-properties, and with what limitations (if any). This is discussion only; no vote will be sought until the “new” Board is in place.

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14) Web Master Report (Billy Ruppert):



| Visits by Device | Nov 2022 | Nov 2023 |
|------------------|----------|----------|
| Desktop | 258 | 139 |
| Mobile | 55 | 72 |
| Tablet | 1 | 0 |