

**COUNCIL OF UNIT OWNERS  
Rock Creek Gardens Condominium  
Silver Spring, Maryland  
COMMUNITY RULES AND REGULATIONS**

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<i>Bylaw Reference(s)</i>		<i>Maryland Condominium Act Reference(s)</i>		
Art. VI Sec 3(d); Art. XI Sec 3(b); Art. XII Sec 1(b)		Section 11-109(d)(2); Section 11-111(d)		

1-1. PURPOSE

The [Board of Directors](#) holds broad authority under provisions of both the [Bylaws](#) and the Maryland Condominium Act to enact and enforce [rules and regulations](#) it considers necessary in the best interests of the community. This rule defines a process and prescribes procedures for establishing necessary and appropriate community rules and regulations.

1-2. POLICY

- a. As an integral part of its governance authority, the Board of Directors shall consider, promulgate, enact, and enforce such community rules and regulations it considers necessary and appropriate to comply with applicable state laws and county ordinances, implement the Bylaws, protect the [general common elements](#), and generally promote the best interests of the community.
- b. In addition to developing and enacting new regulations, the Board of Directors shall continuously monitor existing rules and regulations for applicability and currency and shall amend, modify, revise, or rescind any existing regulation that, in its opinion, are no longer needed, no longer serve a purpose, or no longer serve the best interests of the community.
- c. The Board of Directors shall establish and maintain a standing Rules Committee, comprised of no less than three current unit owners in good standing, to advise and assist the board in carrying out its rulemaking responsibilities. Duties and responsibilities of the Rules Committee shall include:
  - (1) Acquire a working knowledge of the Rock Creek Gardens [governing documents](#), the Maryland Condominium Act, and other state laws and county ordinances that relate to condominium governance, administration, and management.
  - (2) Provide advice and assistance to the Board of Directors as may become necessary in matters pertaining to community rules and regulations.
  - (3) Recommend the enactment of new rules or the amendment or rescinding of existing rules based on changes to applicable state laws and county codes, internal or external circumstances or conditions that affect the quality of life of the community, or other factors that the committee considers to be in the best interests of the community.
  - (4) Coordinate directly with the [management agent](#), government agencies, commercial entities, and similar condominium communities as may be necessary in the research and development of potential new rules or changes to existing rules.
  - (5) Draft new rules or changes to existing rules for consideration by the Board of Directors.
  - (6) Attend meetings or hearings at which proposed new rules or changes to existing rules are on the meeting agenda and be prepared to discuss proposed new rules or changes to the extent necessary.

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<p>d. No new community rule or substantive change may be enacted without first following the rulemaking process prescribed by this rule. A substantive change is one that materially changes the meaning, provisions, or requirements of a rule. Non-substantive changes, such as grammar and spelling revisions, that do not change the meaning or intent of any part of any rule may be made administratively and are not subject to the formal rulemaking process.</p>			
<p>1-3. PROCESS</p>			
<p>a. Upon recommendation of the Rules Committee or on its own initiative, the Board of Directors may approve a proposed new rule or substantive change to an existing rule but may not enact any proposed new rule or substantive change without first notifying each unit owner as provided for in the Bylaws. The written notification of unit owners must be delivered either by postal mail or electronically to those who have consented to receive notices by electronic means. Notice must be delivered at least 15 days in advance of any scheduled hearing or open meeting on the rule is conducted, and must include:</p>			
<p>(1) A copy of the proposed new rule or amendment.</p>			
<p>(2) The proposed effective date of the new rule or amendment.</p>			
<p>(3) An invitation for unit owners to submit written comments on the proposed new rule or substantive change by a specified date for consideration by the Board of Directors.</p>			
<p>b. Prior to making any decision regarding enactment of a new rule or substantive change to an existing rule, the Board of Directors must conduct an open meeting at which any unit owner or tenant may comment on the proposed rule or change. The open meeting may be held as part of a regular meeting or at a special meeting of the Board of Directors called for that purpose. However, the meeting may not be conducted unless the following preconditions are met:</p>			
<p>(1) Each unit owner must receive at least 15 days advance notice of the open meeting in writing or electronically, as described above.</p>			
<p>(2) A quorum of the Board of Directors must be present at the meeting.</p>			
<p>c. After considering written comments submitted in advance and verbal comments received at the open meeting, the Board of Directors, by majority vote, may enact, enact with amendments, or reject the proposed new rule or substantive change.</p>			
<p>d. The effective date of a rule enacted under this process is the date of the vote to enact, unless a different effective date is specified.</p>			
<p>e. Unit owners may appeal any decision by the Board of Directors to enact a new rule or substantively change an existing rule. The following procedures apply:</p>			
<p>(1) Dissenting unit owners must file a petition with the Board of Directors calling for a <a href="#">special meeting</a> of the <a href="#">Council of Unit Owners</a> to reconsider the decision to enact a new rule or a substantive change to an existing rule within 15 days of the vote to enact. Any such petition must include the signatures of 15 percent of the current unit owners in good standing. Signatures of tenants or agents are not valid and shall not be counted.</p>			

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<p>(2) Upon receiving a valid petition, the Board of Directors shall schedule a special meeting of the Council of Unit Owners within 30 days, at which the matter of reconsideration shall be an agenda item. Notification of the special meeting must be provided to all unit owners in writing or electronically, in accordance with the Bylaws, at least 15 days in advance of the date of the special meeting.</p> <p>(3) The quorum defined in Article V Section 5 of the Bylaws (40% of the percentage votes of the unit owners) must be present at any special meeting in order for business to be conducted.</p> <p>(4) Any special meeting called for this purpose must allow for comment by unit owners, tenants, and mortgagees.</p> <p>f. The decision of the Board of Directors to enact a new rule or substantively change an existing rule may be reversed if 50 percent of the unit owners in good standing present and voting at the special meeting disapprove of the proposed new rule or substantive change, and the number of votes to disapprove represent at least 33 percent of the total votes within the Council of Unit Owners.</p> <p>g. Proposed new rules or substantive changes to existing rules enacted by the Board of Directors become effective 30 days after a vote to enact or amend.</p> <p>1-4. EXCEPTIONS</p> <p>a. Any unit owner or tenant may apply to the Board of Directors for an exception that, if approved, would exempt the owner or tenant any or all provisions of any duly enacted rule. Requests for exception must be in writing and must—</p> <p>(1) Identify the specific rule or provision(s) of the rule for which the exception is requested.</p> <p>(2) Include detailed justification other rationale that applies to or supports the request.</p> <p>(3) Be personally signed by the unit owner or tenant requesting the exception.</p> <p>(4) Be received by the on-site office not later than 30 days after the effective date of the rule.</p> <p>b. The Board of Directors will consider the exception request at its next scheduled meeting. Providing that a quorum of directors is present, decisions regarding each request for exception will determined by majority vote.</p>			