

# 2001 Silver Firs Phase II Homeowners Annual Meeting



Tracy Barrett

Director of Rules Committee

# The goal of a Homeowners Association is to....

- maintain community; and
- preserve property values.



# Homeowners Associations are governed by....

- Bylaws;
- Declaration of Covenants, Conditions and Restrictions;
- Neighborhood Guidelines; and
- Board policy.

# Some Definitions

- Bylaws define how the Homeowners Association conducts business.
- Covenants are restrictions written by the community's developer.
- Neighborhood Guidelines are written by the board to help clarify rules stated in the CC&Rs and establish expectations for the use of common areas.
- Board Policy deals with how the board agrees to operate and defines behaviors of the Board and Committees.

# The Goals of Rules & Restrictions are to...

- preserve, protect, and enhance a community's property values and assets;
- promote harmonious living; and
- ensure that residents can use and enjoy the property.

# Covenants and rules MUST comply with state and local laws.

1. Federal Law, Regulations, and Court Decisions
2. State Law, Regulations, and Court Decisions
3. City & County Law, Regulations, and Court Decisions
4. Declaration of Covenants, Conditions and Restrictions
5. Bylaws
6. Neighborhood Guidelines
7. Board Policy



# What is a reasonable rule?

- A reasonable rule is logical.
- It addresses a specific problem with a specific solution that is rational and fair.
- It is neither too broad nor too restrictive.
- Example: It is not reasonable to ban pets from common areas but it is reasonable to request leashes and cleaning of pet waste.

# Court's General Test on Reasonableness

- Restrictions should be enforced “unless they are wholly arbitrary, violate a fundamental public policy, or impose a burden on the use of affected land that far outweighs any benefit.”

CA Supreme Court,  
Nabrstedt v. Lakeside Village Condominium Association



# A test for determining if a rule or restriction is unreasonable.

- Is it based on outdated notions?  
(satellite dishes)
- Does it create safety hazards?  
(basketball hoops on sidewalks)
- Does it allow alternatives?  
(use basketball hoops in driveway)
- Is it unenforceable or too intrusive?
- Does it unfairly target a particular group?

# When writing and enacting rules, the board should follow 5 steps.

- Determine if the rule is necessary.  
(Does a problem exist?)
- Conduct research.  
(Check laws and governing documents.)
- Involve residents.  
(Post on website before passing rule.)
- Be specific.
- Communicate the rules.  
(Publicize in minutes and website.)

# An amendment is needed if the documents....

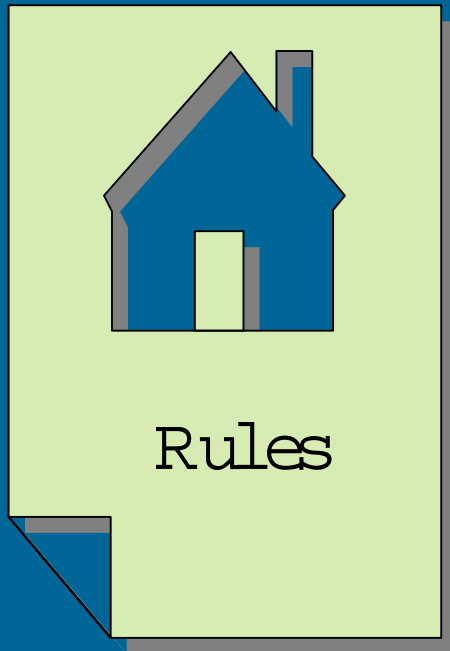
- Do not comply with state law;
- Are ambiguous and difficult to interpret and enforce;
- Contain developer language that is no longer applicable;
- Set unreasonable restrictions on the community.

# REMEMBER:

- Amendments to Silver Firs Phase II Declaration must be approved by members holding at least 2/3 of the total votes in the Association.

---Declaration of CC&Rs; Article X, Section 4

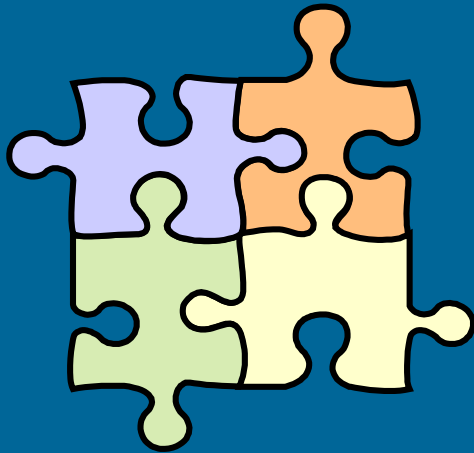
# The Rules Committee is responsible for....



- Interpretation and enforcement of association rules such as Bylaws, CC&Rs, Architectural Control Committee (ACC), Neighborhood Guidelines, and Board Policy.

GOAL:

Update all Rules, Policies, and Procedures.





# How will the Rules Committee do that?

Create a summary of the recorded Restrictions entitled:

Neighborhood Guidelines.

# Ideas for Outline for Neighborhood Guidelines

- I. Association and Board Statements
- II. Association Administration
- III. Rules and Regulations



# I. Association and Board Statements

## A. Possible Association Statement

“Pride of ownership is the only ingredient that will maintain and bolster property values!”

# I. Association and Board Statements

## B. Possible Board Statement

“Our focus and goals are for the good and happiness of the community. We strive to support neighborhood pride, caring, and harmony. We encourage all residents to care and be considerate of others and the community.”

## II. Association Administration:

- A. Property Manager
- B. Administration of Violations
- C. Committees
- D. Board policies



## II. Association Administration

### A. Property Manager

#### i. Contact Information:

CWD Group  
7509 24<sup>th</sup> Avenue NW  
Seattle, WA 98117  
(206) 706-8000

#### ii. Responsibilities:

Assist in the day-to-day affairs of the Association, first contact for all issues related to the Association, advise at board meetings.





## II. Association Administration

### B. Administration of Violations

#### i. Steps for Reporting

(attempt to resolve, contact CWD, board will attempt to confirm violation, CWD send notice.)

#### ii. Violation Notice

(include: restriction, reason for notice, time & method to comply, inform of potential penalties.)

#### iii. Fining Policy

(Need policy.)



## II. Association Administration C. Committees

Statement: To investigate various issues facing the association and make recommendations to the board for decision.



## II. Association Administration

### C. Committees

- i. Communications  
(Responsibilities, Policies)
- ii. Landscape  
(Responsibilities, Policies)
- iii. Operations  
(Responsibilities, Policies)
- iv. Rules  
(Responsibilities, Policies)
- v. Finance  
(Responsibilities, Policies)



## II. Association Administration

### D. Board Policies

Board Policy should be agreed to by the usual process of motion, vote, and documentation.

Create a “Board Policy Log” maintained by Rules Committee. (includes: date policy adopted, originator of policy, policy description, reason for policy.)



# III. Rules and Regulations

- A. Architectural Control  
(lot maintenance)
- B. Common Area Guidelines  
(pet leashes, clean pet waste, litter)
- C. Activities and Actions  
(noise, offensive behavior?, posting of signs on mailboxes)

# VOLUNTEERS NEEDED!!

If you would like to volunteer for the  
Rules Committee, contact:

Tracy Barrett

382-2644 or [tlb.est@gte.net](mailto:tlb.est@gte.net)



# Goals of the Association:



Maintain  
Community



Preserve  
Property  
Values