



Hunters Creek Home Owners Association (HOA)  
Compliance Process  
Revised  
18 October 2016

**I. General**

1. By building or purchasing a home in Hunters Creek, owners have agreed to comply with and be bound by the Association covenants and restrictions. The covenants and restrictions are legal documents and enforceable under state laws. A legitimate question is “Why do we have restrictions?” A 2005 study, which appeared in the Cato Institute’s “Regulation” magazine, compared a group of Washington, D.C., area HOA properties with similar homes without community benefits — a total of about 12,000 homes. The HOA house values were found to be 0.54% higher. That’s \$969 on the average U.S. home value of \$179,500. Besides keeping home values up, the restrictions ensure a neat, clean, safe and welcoming community.

2. These rules were written to address a shortfall in management of your HOA. There was no process to force compliance of violations besides involving legal counsel and turning to small claims court or file a lien against your property. To avoid the expense to both the HOA and home owners alike, an escalation notification process was developed to help ensure compliance.

3. All restrictions for all phases of Hunters Creek are posted on the association web site at <http://webpages.charter.net/hcreekhoa/> under Documents. All homeowners need to be aware of what those restrictions are to comply with the rules themselves and to also help the association enforce the rules.

4. The restrictions and covenants for each phase of Hunters Creek state they shall continue and be in full force and effect for 35 years and then automatically extended an additional 10 years unless changed. There are procedures for changing the restrictions and the board does have some leeway in approving waivers on a case by case basis.

a. If you wish to change an existing rule, submit your request in writing to the HOA Board of Directors. The board will review your request, determine its merits and provide a ruling. If the board denies the request, you may petition all voting units in the affected phase and present the board the results of your petition. All voting units in the phase affected must approve of the change. If the board agrees with the change, they will help facilitate coordination of the change with all voting units in your phase.

b. You may also make a written request to the board for a variance of a rule. A variance gives you permission to be the exception to the rule, but does not change the rule for other

homeowners. A variance to the rules will be reviewed on a case-by-case basis and must provide adequate justification for the board to decide. You may expect the board to approve very few variances. A compromise to a variance request is a more likely outcome with the board approving a variance for a limited amount of time.

## II. Procedures

1. Enforcement of the HOA restrictions rightly belongs to all association members and not just the association board. The board cannot possibly see all violations. If you spot an issue, you should first attempt to correct the situation yourself, especially if it is a neighbor in violation. If your actions do not get the intended result, or if you are reluctant to address the issues yourself, you should contact a member of the board. The following actions will then be taken:

- a. The HOA President will verbally address the issue with the home owner, pointing out specifically what restriction they are violating. The home owner has 7 days to comply. If the homeowner violates the same restriction again within a 30 day period, an automatic \$100 fine will be assessed.
- b. After 7 days, the HOA board will provide written notice of the violation to the homeowner warning they have an additional 7 days to comply or face a daily \$25 fine from the time they receive written notification until they comply.
- c. After 44 days from the initial verbal notification, the board, acting on behalf of the Hunters Creek HOA members, will engage the association law firm to compel compliance. The complaint will ask for compliance, payment of all association legal fees as well as the cumulated fines.

2. The home owner, in good faith, may request a variance or a change in the restrictions in accordance with paragraph 4 above.

a. If the request is received within the first 7 days after being verbally notified of the violation, and the board rejects the request, the home owner will have 7 days after being notified of the rejection to comply.

b. If the request is received within 7 days after written notification of the violation is received, and the board rejects the request, the home owner will have 7 days after being notified of the rejection to comply or face a daily \$25 fine from the time they received notification of the rejection.