East Mountain Frequently Asked Questions 1/18/02

Q. What's the purpose of a homeowners' association?
A. A homeowners' association (HOA) exists mainly to help preserve a neighborhood's quality of life, and particularly to maintain the neighborhood's property values. You can think of it as a neighborhood council, with authority to make rules about certain aspects of property ownership (such as upkeep, construction, renting, common areas, etc.) and to issue fines to owners who don't comply with the rules.

Q. What sort of things is a homeowners' association concerned with?
A. The HOA is primarily concerned with such issues as:

- Neighborhood safety and character
- Property maintenance and beautification
- Upkeep and regulation of commons areas
- Compliance with the CC&Rs

Q. What are CC&Rs?
A. "CC&R" stands for "Covenants, Conditions and Restrictions." This is a legal document that every owner of a property in the East Mountain development signed when they closed on their property. The CC&Rs basically list the obligations of the property owners, the property developer, and the HOA. Every property owner in the East Mountain development is *legally bound* by the terms of the CC&Rs, and may be fined or have other legal action taken against them if not in compliance with them.

Q. What are the major rules in the CC&Rs that I have to be aware of?
A. The following are some of the rules that seem to apply to many cases:

a. Renting part of a house is prohibited (6.03 c).
b. Houses are for single families only—no occupancy by multiple families (6.03 a, b)
c. Satellite dishes or antennas must not be visible from the street the house is on (6.03 f).
d. Landscaping must be completed on the side and rear yards within 12 months of occupancy of the house. Weeds should be kept under control and yards should be well maintained at all times (6.05).
e. HOA dues must be paid by the 10th of each month regardless of whether notice has been received (12.01).
f. The Architectural Control Committee must approve plans for architectural and landscaping improvements or additions *before* they are performed (7.02).

Q. What if I don't agree with some part of the CC&Rs?
A. First of all, remember that you're legally bound by the CC&Rs, so it's wise to comply even if you don't like or agree with some part of them. That said, however, it's expected that people will have different opinions about the usefulness or fairness of a particular rule. The best approach is to discuss your concerns with the HOA or its board or presidency. If you still have concerns, get involved with the HOA. Run for a board position. Attend city government meetings to find out how similar issues are dealt with in other neighborhoods. Don't hesitate to try to change something you don't like; but just remember to follow the established processes, and stick to the rules until you can get them changed.

Q. What happens if I don't comply?
A. The CC&Rs provide for the HOA to issue fines according to various infractions. Before issuing fines, however, the HOA board will first notify the property owner of an infraction and provide a certain amount of time for the owner to come into compliance. After this grace period is over, fines will be issued.

Q. How do I register a complaint about a CC&R violation?
A. Complaint forms may be obtained from the HOA president or secretary. The complaint is written out on the form and then returned to the HOA board, which then addresses the issue with the person who is the subject of the complaint. It's a good idea, though, to try to resolve the issue directly with the offending party. The HOA shouldn't be the judge and jury for all of the petty disputes and offenses that are a normal part of living among real, imperfect people.

Q. Who are the board members?
A. Currently the board members are:

- Bryan Welton, president
- Alfred McLain, vice president
- DarEll Hoskisson, secretary
- Amber Telaroli, treasurer
- Thom Kerby
- Jeremy Neish
- Alan Wessman

The board members serve for three-year terms on a staggered basis, so usually at least one board position opens up every year. Vacancies can also happen when board members move or become unable to perform their duties. When vacancies occur, elections are held at the next open homeowners' association meeting.

Q. When do homeowners' association meetings happen?
A. The board meets monthly. Open meetings, where all homeowners are welcome to attend, are held once every quarter. Look for announcements in the monthly newsletter.

Q. How can I get involved?
A. Attend the quarterly HOA meetings. Volunteer for a position on the board when elections occur. Volunteer for the Architectural Control Committee. Talk to a board member about your concerns, ideas, and so forth.

Q. Where does the money from the dues go?
A. Over half of the funds from the monthly dues are used to maintain the landscaping of the neighborhood boundaries and common areas. Utility costs are also a significant factor, as are insurance, taxes, legal consultation, CPA fees, holiday displays, and various neighborhood improvements.

Q. What's the deal with the lien held on my title by the HOA?
A. The non-legally-binding answer is that the lien allows the HOA to make sure that the owners have paid off all outstanding dues, fees, and penalties before the property can be sold or the mortgage refinanced.

Q. What are the boundaries and main areas of the East Mountain neighborhood?
A. The neighborhood governed by the HOA is all homes on Tennessee, Texas, and Alaska Avenues and Mountain View Parkway, as well as all of the newer homes on Dakota Avenue (from the southern end of Dakota up to—and including—the twin homes near the northern end of Dakota).

Q. What rules govern use of the commons areas?
A. Take good care of them, be courteous to those whose homes are next to the commons areas, clean up after yourself, and enjoy them!

Q. I'm planning on improving my landscaping and house exterior this summer. Do I have to clear it with anybody first?
A. Yes. You need to submit a proposal to the Architectural Control Committee, and have it approved, for any planned work that will significantly alter the look of your property. This proposal should detail the changes to be made, estimated time of completion, and how the property will appear afterward (sketches, blueprints, and maps are very useful for this). For large projects such as additions to your house, you may need a building permit from the city as well. If you don't clear your project with the Architectural Control Committee before you start, you may face fines or the prospect of having the changes undone at your expense. If you're not sure whether a project needs to be cleared with the committee, contact one of its members and make sure, just to be safe.

Q. How do I contact the Architectural Control Committee?
A. The current committee chair is Alan Wessman; his phone number is on the neighborhood list. You can also find out who else is on the committee from any HOA board member in case the chair is not available.