

## CC&Rs Questions & Answers – Catherine Craig, HOA President

We had a meeting on March 12<sup>th</sup> for residents to voice their questions and complaints about the draft CC&Rs. We also got a multitude of questions via email. Some people reported not getting the mailing at all. Board members Marty & Olivia did post a notice on both the Website and Nextdoor. If you did not receive the mailing/notice of the meeting, please send updated contact information to <https://www.cliffrosehoa.org/contact-info-change-form>.

Based on feedback from our members our lawyer sent us revisions to the proposed CC&Rs. For the past few months the board has been having “discussions” via email to clear-up some statements and clarify others. Below is a sampling of questions submitted and how we are looking to address them. There are other questions that I did not have time to add here – but rest assured that we are close to publishing our next iteration of Proposed CC&Rs to our website.

I would like to thank those members who were involved in the meeting by either showing up in person or by sending emails to [ContactCliffRose@gmail.com](mailto:ContactCliffRose@gmail.com) . We appreciate your input.

- 1) **Question:** Can we post ARC approvals (address only) to the website so that neighbors know the work they see going on is already approved?  
**Answer:** This requires too much coordination between ARC and web master. Too onerous for the Board to do for little benefit. If you are not sure if your neighbors work is approved, please feel free to contact [CliffRoseARC@gmail.com](mailto:CliffRoseARC@gmail.com) or give a call to HOAMCO.
  
- 2) **Question:** Why are we now requiring homeowners insurance? (See Article 7).  
**Answer:** We are adding “... at Owners discretion”. Used to insure against damage to a neighbor’s property (example water or falling tree).
  
- 3) *Regarding: Lease – easement- Article 2-1-E*  
**Question:** Why does the Board have the right to grant easements?  
**Answer:** Being responsible for the Common Area necessitates the board having responsibility for easements of those same Common Areas.
  
- 4) *Regarding Article 5-1-A*  
**Question:** Why is the ARC Committee given 30 days to respond to an application?  
**Answer:**
  - a. ARC queue will be delegated if necessary (Ex: on vacation)
  - b. HOAMCO manager is copied on submissions.
  - c. Date & time are added as non-editable fields at submission.
  - d. A notation has been added to contact Cliff Rose President and ARC Director if the submitter has not had any contact regarding their request in 2 weeks.
  - e. Auto-reply from ARC Director.
  
- 5) **Question:** Why not have RV owners use “Rid-a-Rat” for RV Lot (“wildlife area”) instead of HOA paying for Pest Control Service (M. Madden)  
**Answer:** Pest Control was investigated, discussed and Pest Control service for the RV lot has ceased.

- 6) *Regarding: Emergency Repair in garage Article 5-1-L*  
**Question:** Homeowner has a garage in the back of his house (which butts natural Common Area CR294) and feels that the language is too restrictive. He is an auto enthusiast and bought this property specifically because of the garage.  
**Answer:** The board does not see that this member would be in violation of these rules because he has a driveway leading to the back of his house (no garage in the back of the house). CC&Rs changed to add “except within an enclosed garage and in a manner so as not to disturb other OWNERS”.
- 7) **Question:** Why are we keeping the Class B definition (declarant)? Article 3-3-B  
**Answer:** Keeping for historical information. Does not detract from the document.
- 8) **Question:** Can a Summary of the Proposed CC&Rs be posted on the Website as well as the Proposed CC&Rs?  
**Answer:** The Board anticipates doing that.
- 9) *Regarding: Two story homes (above street level) – Article 5-1-M*  
**Question:** Is that in an amendment?  
**Answer:** Current CC&Rs: Article V–Section 1-M.  
The buildings shall not exceed two (2) stories.  
Current Rules & Regs:  
Dwellings with more than one story above grade level are not permitted. A walkout basement is permitted.  
Existing homes taller than 1 story above grade level are exempted in revised CC&Rs.  
Limiting homes to no more than 1 level above grade level is an attempt to keep with southwest theme of our community.
- 10) **Question:** Should we add Firewise to the CC&Rs?  
**Answer:** The Board has decided that we cannot add Firewise (a city program) into our CC&Rs.
- 11) **Question:** Do we have anything saying that future votes don’t have to be signed (verbal?)  
**Answer:** No, we have no guidance on signatures necessary on future votes. Pretty sure signatures are required for voting.
- 12) **Question:** Why do the Proposed CC&Rs give permission for Rules & Regs to the board?  
**Answer:** Proposed has been changed to require a 30 day notice prior to changes to allow homeowners time to voice any objections.
- 13) *Regarding: Changes to Rules & Regs – Article 3-4*  
**Question:** Why do the Proposed CC&Rs give permission to the Board to adopt or amend for Rules & Regs?  
**Question:** Can we require that they are posted to the website prior to voting?  
**Answer:** Our lawyer added what is essentially a membership “veto” right for rules adopted by the Board. The Board may adopt new or amended rules, but the board has to

give the owners notice of these new or amended rules and the rules do not become effective for 30 days. In that 30 day time period, owners of 51% of the lots may vote to disapprove the rule.

- 14) *Regarding: Purpose of Assessment – Article 4-2-2*  
**Question:** The use of funds for "any other proper association purpose" is too broad.  
**Answer:** We don't think every use of funds can be named or anticipated, therefore "any other PROPER ASSOCIATION PURPOSE" should be kept. (All things cannot be anticipated: Ten years ago who would have thought we would have a series of movies on a thumb drive?!)
- 15) *Regarding: Annual Assessment Article 4-3*  
**Question:** Why change from the existing Assessment increase calculation?  
**Answer:** This is putting a cap on how much the dues can be raised. It is not saying that the dues will be raised 20% each year. This one actually limits the HOA. The current calculation is ambiguous, unrealistic, cumbersome etc.
- 16) *Regarding: Special Assessment – Article 4-5*  
**Question:** Why add a Special Assessment clause?  
**Answer:** Current CC&Rs do not provide for a Special Assessment – but the state law does because it will not allow a HOA to become insolvent. This is laying down rules to be followed in the case Cliff Rose would need to use one.
- 17) *Regarding: Effect Non-Payment - Article 4-9*  
**Question:** If the delinquency is not paid within 30 days you can proceed with claim of lien. 10 days is too short of a time.  
**Answer:** Keep in mind that we mail the assessment in December, due at the end of January. That is 30 days, then add 15 and the member has been given 45 days to pay. Also know that we can waive fees or set up payment plans to help.
- 18) *Regarding: Notice of Claim of Lien Article 4-9-C*  
**Question:** If the delinquency is not paid within 30 days you can proceed with claim of lien. 10 days is too short of a time.  
**Answer:** According to our Assessment Collection Policy - "No sooner than Sixty (60) days beyond the due date, the Association will send a notice of Intent to Lien to the Owner making formal demand for immediate payment for all outstanding amounts. The Intent to Lien notice will be sent via regular mail. All fees associated with this letter, including Intent to Lien fee, will be charged to the Owner's account." Ninety (90) days after the due date, if an Owner fails to pay in full the entire amount covered by an Intent to Lien notice by the date specified, a written notice of lien will be prepared and recorded with the County Recorder pursuant to A.R.S. 33-1807 (or A.R.S. 33-1256 for condominiums). A lien fee will be charged to the Owner's account. We think 90 days warning is long enough that another 10 days is insignificant.
- 19) *Regarding: Signage - Article 5-1-F*  
**Question:** Can we remove this paragraph in its entirety?

**Answer:** We want to keep this in its entirety. This signage section has proven necessary in the past. Limiting what political signs can go up for how long, limiting the size and type of signs on someone's front lawn has been beneficial for Cliff Rose.

20) *Regarding: Home Business – Article 5-1*

**Question:** What is the definition of a home-based business?

**Answer:** The idea is to limit businesses which would infringe on a neighbor's ability to enjoy their home. If you cannot tell from the outside that a business is being conducted, chances are you would not break this rule. The Board can also grant variances.