HOA Indentures & Bylaws Update: Frequently Asked Questions (FAQ)

1. What are the main differences between the current and draft versions of the HOA documents?

The draft version introduces several important changes:

- Clarification of Outbuilding Use: The draft provides more specific guidelines on what types of outbuildings (such as sheds or accessory structures) are permitted, their placement, and their size.

- Removal of Reserve Account Limits and Assessment Limit Requirements: The draft eliminates the mandatory reserve account funding limit and 5-year re-assessment period, giving the HOA more flexibility in managing funds and budgeting for future expenses.

- Enablement of a Fine Schedule: Allow for a clear schedule of fines to be created for violations, making enforcement more transparent and consistent for all homeowners.

- Combining All Plats into One Set of Governing Documents: Instead of separate rules for different plats or sections, the draft consolidates all areas under a single, unified set of documents for easier reference and fairness.

- Modernization and Searchability: The draft documents are updated to be more readable, use modern language, and are formatted to be easily searchable in digital formats.

- Clarification of Other Restrictions: Ambiguities in previous restrictions (such as spas / hot tubs, commercial vehicles, rental properties, or home modifications) are clarified to reduce confusion and disputes.

2. Why were these changes made?

- To address homeowner feedback about unclear or outdated rules.

- To streamline governance and enforcement.

- To ensure the documents are accessible and easy to understand for all homeowners.

3. How will the new fine schedule work?

The draft indentures permit the creation of a fines schedule. While they do not contain a specific list of fines, the board has the authority to propose such a schedule, which a vote of the homeowners must then approve before it can be enforced.

4. What does it mean to combine all plats into one document?

All properties, regardless of their original plat or section, will now follow the same rules, promoting consistency and fairness across the community.

5. How does the removal of the reserve account limits and assessment period affect the HOA's finances?

The HOA will be granted greater discretion in the allocation and management of funds while remaining responsible for maintaining the community and planning for its future requirements. The annual assessment may be adjusted each year in accordance with operating expenses. The board remains accountable to homeowners, who retain the right to express concerns regarding fund allocation. Importantly, the board is not required to wait five years to increase assessments should operating expenses surpass income. Additionally, current reserve account funds are immediately accessible to address urgent matters, such as tree removal on common grounds. Allowing the board to address concerns without raising assessments or issuing special assessments in the near term.

6. What are the proposed restrictions around outbuildings?

Adding a definition for outbuildings and providing restrictions as outlined below. Currently, there are no restrictions on outbuildings beyond being "integrated" into the aesthetics of the main dwelling.

I. Outbuildings are defined as permanent structures that are separate from the primary residence yet designed to meet neighborhood aesthetic standards and to complement the appearance of the main dwelling. Temporary outbuildings are not allowed, except for horizontal deck storage boxes that are under 3 feet tall and are specifically meant for use on decks or patios.

    a. Size and Placement

        i. Maximum outbuilding size: 200 square feet. Size subject to board review and approval based on lot size and proximity to neighboring lots.

        ii. Maximum height: Must be shorter than the height of the main dwelling, or no more than 14 feet tall (whichever is shorter).

        iii. Minimum setback: 5 feet from property lines and not visible from the front street view of the main dwelling. Final placement subject to board review and approval.

        iv. Outbuildings must be located in the rear yard, behind the primary dwelling.

        v. On and attached to a poured concrete foundation.

    b. Materials

        i. Must be wood or steel framed with roof and siding materials that match the aesthetics of the primary dwelling.

        ii. Must be maintained to the same standards as the primary dwelling.

        iii. All materials and colors are subject to board review and approval.

7. Where can I review the draft documents?

The draft documents will be made available digitally and are fully searchable for your convenience. Please get in touch with the HOA board (board@clarksonwoods.com) or visit the CPM portal for access (https://portal.cpmgateway.com/).

On the CPM portal, please go to "Documents" -> "Governing Documents".

Current active governance documents:

- Bylaws – "Bylaws.pdf"
- Indentures – "Clarkson Woods Indentures-Includes 2012 Amendment.pdf"

2025 draft governance documents are under "2025 Bylaws & Indenture Revision":

- Bylaws – "Clarkson Woods Bylaws – 2025 Final.pdf"
- Indentures – "Clarkson Woods Restated Indenture – 2025 Final.pdf"

8. When will we vote on the new documents?

The 2025 revision of the documents will be available towards the beginning of November and will be up for a vote, along with the vote for new board members. Ballots are due back to CPM within 15 days of receiving the ballot.

9. How many votes do we need to pass the new governing documents?

Two-thirds (67%) of all homeowners need to pass the new governing documents. We must get at least 189 votes in agreement for the new governing documents to take effect.

10. What happens if not enough homeowners respond/vote?

The board has created an indentures committee of homeowners and board members, who will go door-to-door to collect votes if turnout is low.