



# **HERITAGE HIGHLANDS RIGHTS AND RESPONSIBILITIES FOR HOMEOWNERS AND COMMUNITY LEADERS**

## **INTRODUCTION**

Living in a community governed by a Homeowner's Association (HOA) carries with it certain rights and responsibilities on the part of its homeowners and its community leaders. Having chosen to become part of an HOA, means sharing your neighbors' common desire to promote harmony and contentment. This goal is best achieved when homeowners, non-owner residents and association leaders recognize and accept their rights and responsibilities. This entails striking a reasonable, logical balance between the individual homeowner preferences and the best interests of the community as a whole.

Adopting Rights and Responsibilities will not eliminate all conflict. Its adoption can stimulate communication, promote trust and cooperation, clarify expectations and build a greater sense of community. It, also, can create positive publicity for the community and encourage enthusiastic future residents.

Rights and responsibilities are developed as a goal-based statement of principles designed to foster a responsive and competent Association. The principal goal is to be in complete harmony with existing state and federal laws and regulations. As laws and regulations change, they may create inconsistencies in the principles. Our association will adhere to the spirit and letter of all applicable laws.

The process of formally adopting Rights and Responsibilities will give our community an excellent opportunity for the kind of dialogue that facilitates awareness, builds consensus, and promotes greater community involvement. The adoption of Rights and Responsibilities for homeowners and community leaders forms a framework and foundation for all other governance policies that may be put into place. It also can serve as an educational tool for homeowners.



## **HOMEOWNERS RIGHTS & RESPONSIBILITIES**

### **THE RIGHT TO:**

1. A responsive and competent community association, which treats homeowners and fellow residents with honesty, fairness and respect.
2. Participate in the governing process by attending meetings, serving on committees and standing for election.
3. Access association records through a variety of communication methods.
4. Live in a community where property is maintained according to established, written standards.
5. Prudent expenditure of fees and other assessments, as well as fair treatment regarding financial and other association obligations.
6. Receive all documents that address the rules and regulations governing the community association at the time of purchase, as well as access to any changes in the rules and regulations over time.
7. Appeal to appropriate community leaders those decisions affecting non-routine financial responsibilities or property rights.
8. Request reconsideration of material decisions that personally affect them.

### **THE RESPONSIBILITY TO:**

1. Read and comply with all governing documents of the community.
2. Ensure that those who reside on their property (e.g., tenants or guests) adhere to all rules and regulations.
3. Construct and maintain their property in good condition, according to established written standards, as found in the Declaration of Covenants, Conditions and Restrictions (CC &R's) for Heritage Highlands.
4. Abide by a Code of Conduct, which treats fellow homeowners, Association leaders, management and staff honestly and with respect.
5. Vote in community elections and on other issues.
6. Pay Association assessments and charges on time. Assessments may include: Regular Assessments, Special Assessments, Reimbursement Assessments and Capital Improvement Assessments.
7. Contact the Association to discuss any problems they may encounter in meeting their financial obligations to the Association.
8. Provide current contact information to association leaders or the general management to ensure that they receive information from the community.
9. Provide emergency contact resources to the general management, when they are leaving the community for extended time periods.



## **COMMUNITY LEADERS RIGHTS & RESPONSIBILITIES**

### **(Board Members, General Manager, Committee Members)**

#### **THE RIGHT TO:**

1. Expect homeowners and non-owner residents to meet their financial obligation to the community.
2. Expect homeowners to know and comply with the rules and regulations of the community and to stay informed by reading materials provided by the HOA.
3. Respectful and honest treatment from homeowners.
4. Conduct meetings in a positive and constructive atmosphere, utilizing a form of Robert's Rules of Order or Parliamentary Rules of Order.
5. Receive support and constructive input from homeowners and non-owner residents.
6. Personal privacy at home and during leisure time in the community.
7. Take advantage of educational opportunities (e.g. publications, training workshops) that are directly relate to their responsibilities, and as approved by the HOA.

#### **THE RESPONSIBILITY TO:**

1. Fulfill their fiduciary duties to the community and exercise discretion in a manner they reasonably believe to be in the best interest of the community.
2. Exercise sound judgment in a transparent manner, when feasible and appropriate and follow established management practices.
3. Understand the Association's governing documents and become educated with respect to applicable state and local laws, and manage the association accordingly.
4. Balance the needs and obligations of the community as a whole with those of individual homeowners.
5. Establish committees, polls and open meetings to obtain input from homeowners and non-owner residents alike on issues affecting them personally and the community as a whole.
6. Allow homeowners access to appropriate community records, when requested.
7. Continually educate new and long-term homeowners on community issues.
8. Conduct open, fair and well-publicized elections and other votes in the most efficient manner possible.
9. Collect all monies due from homeowners and non-owner residents.
10. Provide a process homeowners can use to appeal decisions, where permitted by law and the Association's governing documents.
11. Initiate foreclosure proceedings only as a measure of last resort.
12. Make covenants, conditions and restrictions as understandable as possible, adding clarifying "lay" language or supplementary materials when drafting or revising these documents.
13. Clarify a consequence process if the homeowner fails to comply with the CC&Rs or other governing documents.
14. Provide complete and timely disclosure of personal and financial conflicts of interest related to the actions of community leaders (e.g. officers, board members, general management and committees).
15. Abide by the Heritage Highlands Code of Ethics and Conflict of Interest Policies.