

July 11, 2021

Dear Fellow Homeowners –

Please take time to review the enclosed documents regarding the following:

1) **Enforcement of Parking Covenants**

We frequently receive complaints about cars being parked on the streets in our neighborhood. In trying to address these concerns, our attorney identified some ambiguous language in our original covenants regarding parking in the community. By unanimous agreement, the Board has adopted an amended version of this covenant to provide more clarity for owners and the Board in how to enforce this provision in keeping with the original spirit and intent of that covenant. (see Covenant Article VI, Section 5 Vehicles and Garages.)

In short, this original covenant requires vehicles to be parked in garages, but was poorly worded and did not specify where additional vehicles should be parked if the owners had more than the space in the garage. The amended covenant now defines parking areas to be ONLY the garage and driveway.

Therefore, be advised that owners are prohibited from parking any vehicles in the street on a regular basis. We will also consider it a violation if at any time a vehicle blocks the sidewalk – all cars should be parked forward of the sidewalk's path across the driveway. A violation of this parking policy will be classified as a Continuing/Recurring Violation and will be subject to ongoing fines until the problem has been resolved to the satisfaction of the Board. (More details on these types of violations are included below.)

As in all things, the Board realizes a one-size-fits-all policy does not allow flexibility and is not always appropriate for the individual situations of our neighbors – therefore, we are willing to consider a waiver in special circumstances and encourage anyone who would like to discuss this in more detail to reach out. However, having items other than cars stored in the garage is NOT a satisfactory justification for parking in the street. At a minimum, all residents have room to collectively park at least four cars in the garage and driveway, since all homes must be built with two-car garages as well as driveways sufficiently wide enough to accommodate 2-4 cars. In many cases, the driveways are longer, and owners may have even added additional paved areas to allow for a third car. We are willing to consider the specifics of any property, as the size of the driveways does vary significantly throughout the neighborhood – but because this is a topic about which we receive so many complaints, the issuance of waivers will be very limited.

This policy does not apply to short-term guests of our owners. We do ask that if you plan to host guests that you remind them to park with the traffic flow, and to not block the sidewalks or driveways of neighbors. Residents may also park on the street against the curb at the circle on Crystal Pond if they are visiting the lake. Circumstances may also require owners to temporarily park cars on the street for a brief period such as a service provider needing access to the property – if in doubt, please just send us an email about your situation and we will make note. Finally, a reminder that trailers, boats, campers etc. are to be parked at the residence only in the designated parking areas and only for a brief time to load/unload. Taking them off the property then returning right away is not in compliance with the standard and would be considered a Recurring Violation.

A final note – we have been asked before about the authority of our association to restrict street parking, thus we have invested funds in working with our attorney to ensure that we are not overstepping as an HOA or as its Board by establishing this standard. This is the attorney's explanation:

*It is very important to note that any argument you are hearing regarding jurisdiction or traffic laws is invalid. Members are bound both by traffic laws and by your covenants. They must abide by both – you enforce your covenants, and the city enforces its ordinances. There is no ordinance stating that people may park on the street, regardless of what their covenants state. Ordinances don't work that way – they prohibit behavior, they don't grant rights.*

As with many of our covenants, we are restricted on activities that we might otherwise feel we have a “right” to do – architectural standards, flagpoles, fencing, basketball goals, etc. It feels picky, but because we all chose to purchase a home in this subdivision, we agreed to abide by those rules (that includes the Board members – we live by the same rules, and only have the power to enforce them.) While we may feel constrained in what we do, we cannot deny that there is also a benefit – our neighbors cannot do things we might find offensive or detrimental to our property. The goal of the Board is first and foremost to pursue a balance of respecting the rights of individuals vs. the collective covenant agreement we share. The best thing you can do toward that same end is be willing to constructively communicate with us and give us the feedback we need to be sure we are representing the wishes of all. Based on the number of complaints about street parking, we believe that this is the appropriate course of action.

## **2) Continuing and Recurring Violations**

Lanier Lakes is a beautiful neighborhood, and recent home sales bear that out with the quick turnover and high sales values of homes in our subdivision. Over 90% of our residents work diligently to maintain the covenant standards of our community and to pay their dues promptly – we thank you for that and appreciate that you share the commitment to our standards. We also understand that at any time, someone may be facing a short-term challenge and that property issues might arise - health, financial difficulties, etc. do happen, but we are always gratified when someone lets us know and we can find ways to help and work together with them as neighbors. Unfortunately, we have a small number of owners who seem to have ongoing problems staying in compliance, and that often comes with a complete failure to communicate with us or make efforts to correct problems. As a volunteer Board, it takes tremendous time and effort to continuously monitor these situations, and we have had very limited capacity to actually remedy these problems. The whole point of covenant enforcement is to keep the neighborhood beautiful, NOT to fine people, harass them, or take them to court.

In particular, the only option that has been effective is for us to invoke the Self-Help clause which allows the Board to hire someone to do what is necessary to resolve the violations and get the property back to compliance. However, we have to pay for those services out of our operating fund, bill it back to the owner, then go back to waiting on them to pay their account. In short, you are paying to maintain individual properties which is completely unfair when the money is intended to be used for the common good.

Therefore, under the advice and direction of our attorney, we recently voted by Unanimous Written Consent to amend our Bylaws and add additional Procedures for Continuing and Recurring Violations. All of the enclosed documents were drafted and approved by our attorney, and are fairly self-explanatory on their face. For most of you, this is the last you will ever hear about the existence of these provisions, but we do ask that you at least look over them and let us know if you have questions.

Going forward, we plan to limit our self-help actions (and therefore spending) to only the most egregious situations, and our hope is that the new policies will prove to be more effective in motivating the chronic offenders to avoid these financial consequences.

We realize this is a lot of information, so we appreciate your time in reviewing these materials. Copies of all documents will be available on our website and in Buildium if you need to reference them in the future. As a reminder, our Bylaws and Covenants are also posted as well.

We are making plans now for our upcoming annual meeting on Monday, September 27. More information will be forthcoming on this meeting soon – we do ask that you consider volunteering for one of the two open positions on the Board so we can continue to get diverse participation from our members.

Enjoy your summer!

Lanier Lakes Board of Directors