

# CC&R WORKSHOP

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APRIL 10, 2019

HIDDENBROOKE PROPERTY OWNERS ASSOCIATION



NO HOA





NO HOA

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# NO HOA

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# NO HOA

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# NO HOA

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# NO HOA





# NO HOA

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# HISTORY

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- Current CC&Rs recorded July, 2006
- Revised Articles of Incorporation recorded January, 2017
  - Responded to CA Secretary of State issues with tax forms
  - Board elected to voluntarily adopt Davis Stirling Law requirements





# DAVIS STIRLING ACT – WHY THE CHANGE?

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- HPOA does not own or maintain any Common Area, a key requirement for being under Davis Stirling law
- Original arguments to be under DS not sufficient if there is a legal challenge
- Voluntary compliance has increased HPOA costs and led to declining reserves
- HPOA was originally set up to “follow” DS Laws, but not be subject to them
- HPOA is a corporation and is still required to follow Corporation Laws
- Best HOA practices will be maintained



# PROPOSED CHANGES TO CC&RS

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- Periodic review is always a good idea; Board has taken initiative with help from Legal Counsel
- Goals have not changed:
  - Maintain Hiddenbrooke development as originally planned
  - Preserve and enhance property values
  - Ensure an enjoyable living environment for all residents
- Changes reflect 12 year experience working with the original CC&Rs and architectural review (HARC)
- Other reasons
  - Declarant (Triad) is no longer involved in community; many references to “Declarant” in current CC&Rs
  - Update and corrections to Exhibit A - legal description of encumbered properties





# CC&RS – SOME KEY REVISIONS

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- Rentals (NEW)
- Accessory Dwelling Units (NEW)
- Owner Responsibility to Maintain Residence (NEW)
- Landscape Maintenance (MODIFIED)
- Parking (MODIFIED)
- Pets (MODIFIED)
- Assessment and Liens (MODIFIED)



# PROPOSED CHANGES TO BYLAWS

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- Changes would address Association costs and declining member participation
- Change Board from 7 to 5 members
- Change certain Voting requirements
  - New Directors can be elected via Acclamation if number of candidates same or lower than open positions
  - Quorum for Election of new Directors - same as number of ballots submitted
  - Amendments to Governing Documents - would require 25% instead of 33% of members to vote
- Ballots (including written ballots for Election of Directors) may be sent and received electronically (i.e., via email)





# RENTALS

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- Owners must provide tenant information to HPOA
- Owners must occupy home if a portion is rented (e.g., ADU or a room)
- Only one lease per lot; no subleases
- No Short Term rentals (Airbnb, VRBO, etc.) – same as in current CC&Rs
- Adds conditions for Child Care and Residential Care facilities



# ACCESSORY DWELLING UNITS (ADUS)

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- Size of ADU limited to One (1) Bedroom and 800 sq. ft.
  - Same as ADU Rule, but stronger if included in CC&Rs
- Other parts of new ADU Rule are contained in Design Guidelines
- Owner must submit ADU application to HARC before submitting to the City
- ADUs are for residential use only





# MAINTENANCE OF RESIDENCE

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- Similar to current requirements to maintain landscaping
- Homes aging, need more upkeep to maintain overall appearance of community
- Four Hiddenbrooke HOAs (Fairway Villas, Reflections, etc.) have such a requirement to maintain
- Would require owners to maintain fences, paint, siding, shutters, doors, and other external portions of a home



# ASSESSMENTS AND LIENS

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- Base homeowner dues would be adjusted to \$85 a year and then increases would be tied to increases in the Bay Area Consumer Price Index (as in the current CC&Rs)
  - Reflects current operating expenses and the need to build reserves back up
- No foreclosure on a lien allowed – same as current CC&Rs





# PARKING

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- Owner vehicles must be contained in the garage and driveway; garage is the primary parking facility
- Vehicles that are dilapidated, inoperable, registered for non-operation, or covered with tarps must be parked in the garage
- Commercial vehicles must be parked in garage (same as current, but adds definition of a commercial vehicle )
- Any vehicle maintenance must be performed in the garage
- Vehicles may not be parked on a public street more than 72 hours (repeats City code)



# RELATED

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- HARC has completed updating the Design Guidelines
- Board will consider new monetary sanctions for CC&R violations
  - Purpose is to resolve violations more quickly





# COMMUNITY VOTE

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- Ballots will be sent out after the Board approves final changes
- To be decided – separate individual votes or one vote for all changes:
  - CC&Rs
  - Bylaws
  - Articles of Incorporation
- Need 1/3 of members to submit their vote and a majority to approve

