

# Community Association Living

## *Benefits and Responsibilities*

This document provides an overview of what a Homeowners' Association ("HOA") is all about – how it is of great benefit to you, and what your responsibilities are in order to keep it that way. Simply put, you are not in a "development" – you are in a community! And the beauty of an HOA is that it is run by homeowners, not outside interests.

Having an HOA acting on behalf of everyone living in the neighborhood has significant benefits and advantages to the community as a whole and to each and every individual homeowner. We will discuss these below so that you can fully appreciate what the HOA does for you. This includes our Board of Directors who are homeowners just like you.

Being part of an HOA community also means that there are well-specified responsibilities for each homeowner, focused especially on maintaining property values for everyone. These responsibilities are intended to be fair, consistently applied, and transparent. These responsibilities are also discussed below.

### Legal Basis

You are automatically entitled to all of the benefits of a community managed under an HOA as soon as you close on your house. You are now part of a common-interest community, the Briar Chapel Community Association (BCCA), our HOA.

Membership is mandatory. Buying a home in the community immediately makes you an association member — by law — and therefore you accept a contractual responsibility to abide by the established policies and financial obligations of the BCCA. North Carolina has statutes that legally empower elected volunteer association Boards to act on behalf of all homeowners collectively. Also, the association is subject to the state's nonprofit corporation code, which confers on the Board the authority to act on the entity's behalf.

The BCCA's governing documents — such as the by-laws, and covenants, conditions and restrictions — can be compared to contracts which specify the obligations of the BCCA and of the homeowners. The state recognizes these as binding documents, and therefore bestows legal authority on the Board and defines the scope of that authority. All of these documents are available on *BriarChapelLife.com*.

### Benefits

A way to think of the BCCA is as a service organization that supports all of the homeowners and residents. In that regard, the BCCA provides three broad categories of service:

- Community services. For example, these include maintaining the community website, organizing social activities, arranging for trash and recycle collection, publishing newsletters, handling wetlands ecology and management, and holding public meetings.
- Governance services. For example, these include establishing and maintaining design and architectural review standards, enforcing rules equitably, resolving disputes, and establishing committees to serve the community.

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- Business services. For example, these include competitively bidding landscaping work, managing the budget and investing reserve funds responsibly, developing long-range plans, operating and maintaining the common areas, and collecting assessments.

By delivering these services equitably and effectively, the BCCA protects and enhances the value of individual homes and provides owners an opportunity to participate in decisions affecting their community and quality of life.

## Funding

Wherever a new community is built, existing local infrastructures can be stretched. School populations, storm water management, road maintenance, utilities, and traffic are all affected, leaving the local jurisdiction challenged to support new community development. Therefore, local jurisdictions often require community associations to assume many of the responsibilities that traditionally might belong to local and state governments.

This “privatization of public services” has allowed local jurisdictions to continue developing needed housing without increasing local taxes. Instead, the developer builds the infrastructure and creates an association to maintain it after it is developed. Associations ensure that all who benefit pay their fair share and that everyone is equally responsible. Community associations have sufficient enforcement authority that local government is seldom, if ever, needed to resolve disputes.

For Briar Chapel, one of the “privatizations” is water treatment. Briar Chapel waste treatment is handled by a private utility on-site, and it is managed by a private company. This water treatment facility treats waste and uses the treated clean water (recycled/reclaimed) to irrigate the green spaces in the community. (Drinking water is from Chatham County.)

The vast majority of BCCA income is through the monthly dues paid by all homeowners. There is additional cash flow from guest passes and amenity rentals. As these are the only sources of revenue for the BCCA, it is vitally important that budgets are created and adhered to and of course that the homeowners stay current with their assessments. Do note that the budget and the process to develop it are very transparent to the homeowners, with details published on *BriarChapelLife.com*.

## Governing Entities

HOA’s are the most local form of representative democracy, with leaders elected by their neighbors to govern in the best interest of all residents. Board members are homeowners, just like everyone else, who have freely volunteered to give their time, energy, and skills to govern the community. Here are some important principles which guide the BCCA Board:

- Association leaders have a legal and ethical obligation to adhere to the BCCA’s governing documents and abide by all applicable laws.
- Association leaders protect the community’s financial health by using established management practices and sound business principles to create and manage the budget.
- Association leaders seek an effective balance between the preferences of individual residents and the collective rights of homeowners.

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- Association leaders (and residents) should be reasonable, flexible, and open to the possibility and benefits of compromise.

It is important to understand that the same statutes and documents that give Boards legal authority to levy assessments and make rules also create an obligation for elected Board members to act responsibly.

Advisory Committees (who are also homeowners) also play a critical role in assisting the Board with carrying out its duties. These committees help to establish policies and implement programs that maintain the quality of life for the community.

## Operations

To promulgate its duties into effective action, the BCCA Board contracts with outside companies as needed. The most important and obvious example of this is establishing and managing an ongoing contract for professional management of the community. This Management Company is tasked with the day-to-day responsibilities of the community and is paid for their efforts and leadership. The Management Company retains multiple employees on site and serves the Board and the community.

Briar Chapel waste treatment is handled by a private utility on-site, and it is managed by a private company, not the BCCA. This water treatment facility treats waste and uses the treated clean water to irrigate the green spaces in the community. (Drinking water is from Chatham County.)

The Management Company also serves as the “face of the HOA”, as homeowners will likely have most of their interactions with them rather than the Board. This is for a reason: the Management Company is paid to do this job!

## Community Landscaping

In addition to the Management Company, the BCCA also has significant ongoing contracts with a landscaping company (chosen through a public bid process). This is important to note in that this is typically the largest expense of the HOA in Briar Chapel.

## Renting

You don't have to own your home to be involved with our community. If you'd like to volunteer for a committee or other type of service to the association, please let us know. Responsible, service-minded residents are the backbone of our HOA regardless of their ownership status.

Renters are entitled to all the privileges of BCCA membership except voting. And of course all renters must comply with all BCCA rules and regulations. The BCCA has the legal authority to enforce all rules as discussed above.

## Your Responsibilities as a Homeowner

This is a community – so please treat your neighbors with courtesy and respect. This also is a good guiding principle for how you treat Board members, who are homeowners here too, and the Management Company, who is on site to be of service to the entire community.

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When you bought your house in Briar Chapel, you automatically became a member of the BCCA. Membership entitles you to attend and observe board meetings and Town Halls, and to vote in Board elections. You may even want to consider running for a Board seat yourself. Our community thrives because residents volunteer for Board work and for committee assignments. Get involved — we need you.

Attend board meetings and vote in community elections. Board meetings are open to all who wish to sit in and keep up with issues under discussion. The association is a democracy, and your voice and vote can affect important issues.

Read and comply with the community's governing documents. Make sure you understand what's included in them, particularly the rules about pets, parking, your home's exterior maintenance, and architectural guidelines.

Maintain your property and house according to established standards. The community's appearance adds value to all the homes within it — including yours — so it's important to keep landscaping neatly groomed and your home well-maintained. This includes taking out and then returning your trash and recycle containers within designated times and keeping the containers out of sight.

The community has a number of common areas and services. We share these areas and their expenses when we pay our assessments. Just like the "rules of the road" and paying tolls once in a while, the rules of the community ensure that everyone knows what to expect and gives them a voice in the process.

Pay your BCCA assessments and other financial obligations on time. Everyone's monthly assessments contribute the largest portion of the BCCA's budget, so they are critically important. Other income comes from things like guest passes and amenities rentals — no outside investment income supports our community. It is up to all of us. If you don't pay on time, the burden for paying your portion of the association's bills falls on your neighbors.

Ensure that visiting relatives and friends adhere to all rules and regulations. If you are leasing your home, you're liable for maintaining the condition of the home and for the behavior of those who live in it. Make sure to screen tenants thoroughly and familiarize them with the community's rules.

## Further Information

Thank you for reading through this document to understand better the BCCA homeowner's association — its legal basis, benefits, funding, and how it operates. You also learned your own responsibilities to help keep the BCCA viable and continually useful to the community and each homeowner. Should you desire further details and information, the [Community Associations Institute](#) has a wealth of information. There are many documents on that website that are good companions to the information detailed above. Three suggestions are "[Rights and Responsibilities for Better Communities](#)", "[Principles for Community Association Success](#)", and "[An Essential Guide for Homeowner Leaders](#)."