

Association Responsibilities

Community associations are created to provide exclusive benefits to the owners within a specific real estate development. The responsibilities may vary with each community, and are in accordance with the desires of the association members and their elected Board of Directors.

The specific duties and responsibilities of a community association are found within their unique set of governing documents.(Red Book) These governing documents typically consist of:

1. Declaration of Covenants, Conditions & Restrictions (also called a Declaration; Covenants; MDR's or Master Deed) - Creates the community association, contains the deed restrictions, establishes mandatory membership and payment of assessments.
2. Articles of Incorporation - Sets forth the structure and basic governance of the corporate body
3. Bylaws - Defines how the association is to be operated.

In general, the duties and responsibilities of a community association consist of any combination of the following six areas:

Common Areas

Community common areas can be as little as a sign and median strip at the front entrance to a small single-family home community, to as large as a planned community of 25,000 homes which contains extensive green space (parks, trails), recreational facilities (marinas, clubhouses, pools, tennis courts), streets and parking areas. The Village of Long Creek has just over eight acres of open or common areas.

Deed Restrictions

Deed restrictions are designed to provide a common standard of conduct for the community, and may define rules concerning the size and number of pets, limitations on parking and types of vehicles, renting of the home, age restriction of residents, business use of the home, and maintaining the appearance of the property.

Architectural Control

Architectural control provides the mechanism to ensure that the character and aesthetic harmony of the community is maintained in subsequent years, and protected from a gradual deterioration of standards. Prior to purchasing a home in a community association, a prospective buyer should review the architectural restrictions to ensure agreement with standards.

Services & Maintenance Responsibilities

Maintenance and repair responsibilities coordinated by the association provide consistent appearance and quality of work throughout the community, as well as the time-saving benefit for the members. The collective group purchasing power provides for economical services for the common enjoyment of all residents.

Protection of Property Values

Although usually not specifically listed within the governing documents, one of the primary purposes of an association is to protect property values. Whenever someone allows the appearance of their yard and home to seriously deteriorate, it often negatively impacts their neighbors and their property values.

Compliance with common standards helps to ensure the pleasing appearance of the community, the marketability of homes, and maximizes - if not enhances - their collective property values.

Quality of Lifestyle

Another association purpose usually not stated within the governing documents is to maintain a quality of lifestyle for all of the community residents. All too often, we lock ourselves into our homes without having the opportunity to enjoy the company of our neighbors while celebrating the various traditions and festivities during the year. The association can and should act as the vehicle to help bring neighbors together to foster a sense of community.

Deed Restrictions

Deed restrictions are recorded within the governing documents and provide specific common standards of conduct for the entire community. Common examples of deed restrictions include restrictions on the size and number of pets, limitations on parking and types of vehicles, renting of the home, age restriction of residents, business use of the home, and maintaining the appearance of the property. Deed restrictions are not easily changed, and usually require a significant majority (66%) vote of the membership to amend. The Board of Directors is charged with enforcing the deed restrictions, and may not ignore or selectively enforce the restrictions. Violations of deed restrictions may result in a temporary suspension of privileges, removal of the violation with associated costs charged to the member, or monetary fines.

In addition to the deed restrictions, the governing documents usually grant authority to the Board of Directors to adopt rules and regulations governing the use of the common areas. Typical examples of rules and regulations include parking limitations and types of vehicles, policing of pets, and use of common area facilities including the clubhouse. The Board may adopt, amend, or remove rules and regulations at its discretion. The Board may not enforce rules and regulations governing your own property, unless specifically granted such authority within the governing documents