

# LRR CCR Proposed Changes

## First Draft

Section 2 of SB 1588 prohibits POA/HOA from having a rule against homeowner having religious sign.

The proposal is to amend CCR's 3.09 to add the following

9. Religious signs as permitted by state and federal law

Section 11 of HB 1588 affects ACC and will require several changes in Article IV of CCR's

The one item is that no member of ACC can be currently on BOD, spouse of BOD member or someone residing in current board members household

On section 4.01 consider adding sentence to end that states

No person can serve on Architectural Control Committee who is a current board member, a current board member's spouse or a person residing in a current board members house.

The other requirement is that we need an appeal process for property owner that has building request denied. Only easy way to do this is add a new section 4.06.

4.06 Appeal of Architectural Control Committee decision on building plans or variance request. If the Architectural Control Board denies a request in Section 4.04 or 4.05, The Committee must provide a written notice of the denial by certified mail, hand delivery or electronic delivery. The notice must describe the basis for the denial in reasonable detail and changes, if any to the application or improvements required as a condition of approval and inform the owner that the owner may request a hearing on or before the 30<sup>th</sup> day after the date the notice was mailed to the owner.

The Board of Directors shall hold a hearing not later than 30 days after the date the Board of Directors receives that owner's request for a hearing and shall notify the owner of the date, time and place of the hearing not later than the 10<sup>th</sup> day before the date of the meeting. Only one hearing is required. During

the hearing the Board of Directors, or the designated representative of the property owners' association, and the owner, or the owner's designated representative, will each be provided the opportunity to discuss, verify facts, and resolve the denial of the owner's application or request for the construction of improvements, and the changes, if any, requested to the owner. The Board of Directors or the owner may request a postponement. If requested, a postponement shall be granted for a period of not more than 10 days, Additional postponements may be granted by agreement of the parties. The Board of Directors may affirm, modify or reverse in whole or in part, any decision of the architectural review authority as consistent with the subdivision's declaration (CCR's)

Section 18 of HB 1588 defines process for owner to appeal a violation. The last paragraph in section 7.10 of CCR's covers process but needs a few changes to meet 1588

Current wording of last paragraph in CCR's 7.10

Before the Board may invoke remedies provided in items (iii-vii) above, it shall give registered notice of such violation to Owner by certified mail, return receipt requested, and shall afford the Owner a hearing. If after the hearing, a violation is found to exist, the Board's right to proceed with the remedies shall be absolute. Each day a violation continues shall be deemed a separate violation. Failure of the Association or any Owner to take any action upon any breach or default with respect to any of the foregoing violation shall not be deemed a waiver of their rights to take enforcement action thereafter or upon a subsequent breach or default

Instead of rewriting entire section, consider adding the wording below after "shall afford the Owner a hearing" The owner is entitled to an opportunity to cure the violation. If the Owner desires a hearing, the owner has the right to submit a written request for a hearing to discuss and verify facts and resolve the matter in issue before board. No later than 10 days before the Board of Directors holds a hearing, the Board of Directors shall provide a packet containing all documents, photographs, and communications relating to the matter the Board of Directors intends to introduce at the hearing. If the Board of Directors does not provide a packet within the 10 day period, the owner is entitled to an automatic 15 day postponement. During the hearing, a member of the Board of Directors, or the association's designated representative, shall first present the association's case against the owner. An owner or the owner's designated representative is entitled to present the owner's information and issues relevant to the appeal or dispute. The Board of Directors may affirm, modify or reverse in whole or in part the violation consistent with the subdivisions CCR's