

# Clarification of the Obligations of the Cole Mill Townes Homeowners Association Concerning Decks and Privacy Fences

Approved by the HOA Board on 4/8/2021

Section 2 of Article VI of the Covenants of Cole Mill Townes (CMT) enumerates the specific responsibilities of the CMT Homeowners Association (HOA) regarding exterior maintenance of the units. This section is relatively complete on the scope of these responsibilities. However, it is ambiguous on decks and privacy fences. The purpose of this document is to clarify the obligations of the HOA with respect to decks and privacy fences. Under Subsection f, Section 1 of Article V of the By-Laws of the CMT HOA, which covers the powers of the HOA Board, the HOA Board assumes the duty to provide this clarification relative to decks and privacy fences.

## Background

The HOA is responsible for numerous high-cost items in CMT, including roofs, exterior painting, streets, concrete, and underground utility lines, in addition to lesser cost items, such as exterior trim, awnings, and porch railings. The HOA has never explicitly budgeted for the replacement of these items. Consequently, when it came time to replace the first of these major items, the roofs, the HOA found itself woefully underfunded. Once the roofs have been replaced, based on the current 3-year plan which includes increased dues, additional funds will still need to be collected through HOA dues in order to responsibly address future needs, such as those mentioned above. Since CMT consists of only 23 units, and dues are our only source of revenue, dues will necessarily need to remain what some might consider high. One way to hold down the dues is to reduce the number of items for which the HOA must pay.

## Decks and Privacy Fences

Whether the HOA is responsible for the decks and privacy fences throughout CMT is an open question. The treatment of decks/fences has been inconsistent. Many homeowners (roughly three-quarters) have borne the cost of repair and painting their own deck/fence, while other homeowners have not. Some decks/fences have not been painted for years, if at all, and as a result are falling into disrepair. In some cases the HOA has paid for repairs. Decks/fences are not generally visible from the street and, therefore, have little effect on the public appearance of CMT. To replace and maintain all of the decks/fences throughout CMT would be costly, approaching the cost of the roof replacements.

## Policy Clarification of HOA Responsibility for CMT Decks and Privacy Fences

Based on the factors noted above (ambiguity of HOA responsibility, inconsistency in the prior treatment of decks/fences, minimal effect on the CMT public appearance, and especially the cost to maintain and replace the decks/fences), the HOA Board is clarifying the current ambiguous policy on decks/fences, as follows: going forward, **the HOA will accept no responsibility (repair, power washing, painting, replacement) for CMT decks and privacy fences**. One caveat: because of the noted ambiguity and inconsistency, the HOA will undertake a one-time basic repair to any deck/fence (i.e., replacement of severely rotted/damaged boards as determined by the HOA) where the need is obvious now. From that point forward, repair, pressure washing, painting, and replacement of decks and privacy fences will be the responsibility of the individual homeowner.