

Frequently Asked Questions

We have put together this list of questions and answers to help inform and answer some of the most frequently asked questions. We hope this will help dispel some of the more common myths and provide important facts concerning the HOA and the procedure for violations.

"What is a Homeowner's Association (HOA)?"

A homeowner's association (HOA) is when all the homeowners in a neighborhood communally share ownership of the neighborhood grounds. The roads, the lots, the ponds, and the shared amenities all belong communally to the homeowners. Each homeowner has a vote and a responsibility to uphold the agreed rules of the community. The intention of any HOA is to preserve the economic values of the homes through architectural controls and deed restrictions. It is also to provide for the maintenance, improvement, preservation, and administration of the common areas. The HOA Board of Directors govern our HOA and operate under legal documents (Covenants, Conditions, Restrictions, Amendments, and Bylaws) that established the HOA.

"What are the Functions and Responsibilities of an HOA?"

The major responsibility of any HOA is to protect and preserve the property value owned by the members. The association is empowered to oversee the duties and obligations as outlined in the covenants, conditions, restrictions, amendments, and bylaws concerning the property; and to fix, levy, collect payment, and take care of all maintenance and repairs to any common facilities and areas owned by the HOA.

"What Kind of Things Can an HOA Regulate?"

HOAs typically regulate the exterior care of your home. The goal is to help the neighborhood maintain its attractiveness and increase home values over time. That means a certain amount of uniformity in exterior design for most associations. Common regulations include:

- Paint color
- Exterior care
- Landscaping
- Grass length
- Trash can management
- Building on easements
- Home Maintenance
- Fences
- Sheds
- Parked cars
- Trailers
- Boats
- Etc.

Always ask to see the governing documents of an HOA before you buy a house. This way, you know what is regulated and, therefore, if the neighborhood is a good fit.

"How Much are the St. Andrew's Place HOA fees?"

\$180 per year. An invoice is typically sent out to every homeowner in November/December and is due 30 days (January 1) later. If payment is not received by January 1, a letter will be sent informing the homeowner of nonpayment and the account will start accruing late fees.

“Do I Have to Pay HOA Fees Even If I Don't Use the Common Areas?”

Yes. As a co-owner of the neighborhood, you are also partly responsible for helping to maintain all the amenities. Your yearly dues pay for maintenance and repairs to keep everything in good condition.

“May I Make Improvements to my Property?”

Yes! You may do whatever you want to the interior of your home as long as those changes do not alter the exterior or roof line. The Architectural Control Committee must approve any alterations, additions, and changes to the exterior of your home. This approval assures the beauty of not only your home, but also a consistency with community surroundings. This may include but is not limited to a remodel or addition, painting of the exterior, adding a pool, building a deck or shed, etc. If you are unsure about any improvements you are planning to make to your property, reach out to the community manager or the HOA board for clarification.

“Why does the HOA Care What I do, Since this is My Home?”

The basic ideas behind a Homeowner's Association include ensuring a good quality of life for residents, ensuring their right to quiet enjoyment of their home or residence, ensuring compliance with applicable laws or codes, and helping to keep property values from declining. *Without enforcing the rules, the HOA will not have the means to accomplish these goals.*

“What are Covenants, Conditions, Restrictions, Amendments, and Bylaws and What is Their significance?”

These are important rules governing your responsibilities as a member of the HOA. They were set up to protect your rights as a property owner. The “rules” make sharing of property and living in harmony convenient and easy for all involved. The architectural controls provided by these documents are set up not to stifle your creativity or infringe on your lifestyle, but rather to assure that the integrity of the original community design is preserved. At the closing of your property, the Title Company should have furnished a copy of the HOA's legal documents.

“Where Can I Find Copies of the Covenants, Conditions, Restrictions, Amendments, and Bylaws?”

Copies of governing documents for St. Andrew's Place can be obtained from the St. Andrew's Place HOA website. The website address is: <https://hoastandrews.com> The website contains important information related to our neighborhood and is continually updated.

“What is a Nuisance and What can I do About Them?”

A nuisance has been defined in the courts as an unreasonable interference with the use and enjoyment of property. If you believe that you are experiencing a nuisance, the first and most practical step to take would be to address the issue with the appropriate party. Depending on what the nuisance is, this may involve a casual conversation with a neighbor about a barking dog, a call to law enforcement for a noise complaint, or it may be a formal complaint to the association. Whatever the nuisance and whomever the appropriate party, the best method of initially dealing with a perceived nuisance is courteous correspondence. Remember the old adage - “you get more bees with honey”.

“What Happens If I Don't Pay or Break the Rules?”

You will receive a violation notice (warning notice) if you violate the neighborhood rules or don't pay dues. This will be in the form of a letter and sometimes an email will be sent at the same time. Ideally, the violation is dealt with shortly. When you receive a letter, it is best to call the Community Manager and calmly work out a schedule to get the violation taken care of. Otherwise, you may face increased fines and legal consequences for breaking the terms of your HOA contract.

“What can the HOA do to Correct a Violation?”

The Board of Directors has a responsibility and a duty to enforce the governing documents of the neighborhood. The governing legal documents grant enforcement remedies to the HOA's Board of Directors which adopts an enforcement policy containing specific courses of action. The Board has the responsibility to investigate all complaints and/or violations and take appropriate action which will include notifying the resident of the violation and ask for their cooperation in correcting the problem. If the violation is not corrected within the time specified (also known as the Cure Period) the association may levy a fine, hire someone to correct the violation and charge the property owner with the costs to cure, or in extreme cases the Board of Directors has the authority to hire an attorney and file suit against the property owner.

“What is a Violation Notice?”

A violation notice (warning notice) provides information to educate and call attention to non-compliance. A notice of violation fine (fine notice) is a consequence of disregarding the warning previously sent. Kansas Law dictates certain content and language in every Association's correspondence within the violation process, so notices are sometimes interpreted as being harshly written, although that is not the intent. The HOA Community Manager must issue correspondence that complies with State Law. Just as it is futile to have rules without enforcement, there must also be consequences if enforcement efforts are to be effective. The primary purpose of the violation process is to educate homeowners about what the Association's rules are and what consequences (monetary fines) noncompliance with HOA rules may bring. *Fines are one of the tools in the process; they are certainly not the end goal.*

“What Happens if I Just Ignore the Violation Notice?”

Generally, after the correction deadline stated on your violation, you will receive a Notice of Fine Assessment which will inform you that a fine will be posted to your Association account and inform you of the amount of the fine so that you may immediately remit payment. *Proactively taking the proper steps to cure the violation is the simplest and easiest way to halt the violation process.*

How does the Violation Process Work?”

First, a violation notice (warning notice) is mailed to the applicable property owner and sometimes simultaneously emailed. Included in the Notice is a “date to cure by,” which represents a reasonable amount of time to “cure” or resolve the violating condition. At times, this could be immediately (such as moving a vehicle that is parked improperly) but is usually ten days to two weeks (10 to 14 calendar days). *Warning notices give homeowners in every case the opportunity to avoid violation fines by timely addressing the cause of the violation.* If an inspection after the “cure date” discovers that the violation has not been resolved, a notice of fine assessment will be mailed to that homeowner. *Fines will continue until the violation is cured.* Fines for violations will be assessed at the rate of \$50 per day, not to exceed \$500 per month until the violation is brought into compliance. If fines are ignored, the account will be sent to collections.

“I Know of Other Residents Whose Violations are More Grievous or Annoying than Mine. Why Don't you Address Their Issue, First?”

Our goal is to address all violations. Invariably, we will hear this question when someone receives a violation, or we will hear that other people did it first, etc. The bottom line is that if you are in violation of the rules and we can identify that you are the violator, or the owner of an address that is in violation, the violation should be cured as soon as possible. *The Rules of our Association do not give the HOA Community Manager authority to determine whether one violation is more important than another.*

“Is There an Appeals Process, if I Disagree with the Violation Warning?”

Violations cannot be appealed, as such, but if you feel you were fined inappropriately, you can request a hearing with the HOA Board of Directors to present your side of the story. Bear in mind, the Board will listen to your concerns, but such a hearing does not obligate the Board to agree with your reasoning. You may always ask for a clarification of your violation by contacting your HOA Community Manager. Please remember that *neither the HOA Community Manager nor any individual Board member or Officer may authorize you to remain in violation of a rule.*

“Am I Being ‘Singled Out,’ or Held to a Different Standard than Others? Why Embarrass Me?”

Instinctively, it is “human nature” to feel defensive in a situation that can be inconvenient, embarrassing or can result in consequences such as monetary penalties. While certain individuals are more prone to violate Association rules than other owners, no one is being singled out or purposely inconvenienced.

The violation process exists not only to enforce the rules, but to educate homeowners on the rules of our HOA. Usually, no one outside of Management or the Board will know of your violation unless you choose to make it known to them.

“What if I Have Other Questions?”

If you have questions after receiving a violation warning letter, or if you have been fined, you are always entitled to an explanation from the HOA community manager. Please bear in mind that it will not be up to the Manager to authorize an exception to the rules. Managers can only provide you with information about your particular violation and what can be done to avoid such violations in the future.