



# Policies & Procedures

Newport Hills Homeowners Association

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# Glossary

## **Board**

The five-person Board of Directors of the HOA. Elected by the homeowners at the annual meeting.

## **Bylaws**

The *Bylaws of Newport Hills Homeowners Association Inc.* Available on the HOA website.

## **CC&Rs**

The *Declaration of Covenants, Conditions, and Restrictions For Newport Hills.* Available on the HOA website.

## **Diversified Bookkeeping Services (DBS)**

The company contracted by the HOA to perform bookkeeping and other administrative tasks. Also known as HOA Management Inc.

## **Declarant**

Used throughout the CC&Rs, this term originally referred to BNH Construction Corp., the developer of Newport Hills. When the HOA was formed in 1999, the powers, responsibilities, and rights of the Declarant passed to the HOA Board.

## **HOA**

The Newport Hills Homeowners Association.

## **Section 3**

Section 3 of the CC&Rs, titled *Architectural Controls*. Certain changes to houses, yards, and other improvements require architectural approval from the HOA. This section describes when architectural approval is required and how to obtain it.

## **Section 4**

Section 4 of the CC&Rs, titled *Restrictions on Use of Property*. This section describes responsibilities we have as homeowners.

## **Waiver**

A waiving of a condition, provision, or restriction of the CC&Rs, granted by the HOA Board to a specific property or properties. Waivers can be issued for both Section 3 and Section 4 items. The granting of a waiver to one homeowner does not entitle any other homeowner to a waiver of the same or similar conditions, provisions, or restrictions.

# Introduction

This document contains policies and procedures used by the Newport Hills Homeowners Association.

The target audiences are:

- Current Board members, who may need to apply those policies and procedures.
- New Board members, who may want to get up to speed on HOA operations.
- Homeowners, who may want greater insight into the operation of the HOA.

This document has several goals:

- To describe how the HOA evaluates compliance with the CC&Rs.
- To interpret the language of the CC&Rs, where there is ambiguity.
- To define operational details for various CC&R and Bylaw topics.

The policies and procedures in this document have been adopted by the HOA Board pursuant to Section 5.2 of the CC&Rs and Section 3.8 of the Bylaws.

Documenting the HOA's policies and procedures promotes consistency in their application. Communicating these policies and procedures to homeowners helps ensure the HOA operates predictably and transparently. Consistency, predictability, and transparency are, in turn, attributes of fairness.

The policies and procedures in this document complement, but do not replace, the CC&Rs and Bylaws.

This is a living document. It does not yet capture every policy and procedure used by the HOA. And the policies and procedures it contains may change over time as the needs of the neighborhood and the preferences of its homeowners evolve.

# CC&R Compliance

## The CC&R Enforcement Process

**Status:** *Adopted by Board on 2020-07-26*

The purpose of the *Covenants, Conditions, and Restrictions for Newport Hills* (CC&Rs) is to protect the desirability and attractiveness of Newport Hills (Section 2.1). Our properties are major investments, so we wish to protect their value by keeping Newport Hills a desirable neighborhood.

For many of us, our properties are also our homes, where we live. Here too, we wish to keep Newport Hills a desirable neighborhood. We value the friendliness of our neighbors, and how we treat each other with courtesy and respect.

The CC&Rs, together with the HOA Bylaws and Board Resolutions, define our responsibilities as homeowners. Most of us, most of the time, admirably fulfill these responsibilities. But, from time to time, issues arise. This section describes how the HOA handles those issues. We want this process to be fair, predictable, and consistent, and for it to reflect our neighborhood values of friendliness, courtesy, and respect.

### **How are potential CC&R compliance issues detected?**

If you have a concern about another property in the neighborhood, please consider discussing your concern directly with that neighbor. If you aren't comfortable doing so, or if that discussion doesn't resolve your concern, you can contact the HOA by emailing the Board, directly contacting any Board member, or calling Diversified Bookkeeping. Except when required by law, the Board will not intentionally reveal your identity to persons other than Board Members and Diversified Bookkeeping staff.

The members of the Board may also notice potential CC&R compliance issues. The Board conducts an annual neighborhood walk-around to assess CC&R compliance. Beyond that, Board members don't go around looking for problems. But, just like any other homeowner, they may notice issues as they are out in the neighborhood.

### **What happens when a potential CC&R compliance issue is detected?**

The Board will investigate the issue. This may include:

- Contacting the person who reported the issue to better understand their concern.
- Walking or driving by the property in question.
- Taking photographs from the sidewalk or street.

- Contacting the property's owner to discuss the issue.
- Consulting other parties, such as Diversified Bookkeeping.
- Consulting the relevant language in the CC&Rs, Bylaws, and Board Resolutions.

At the conclusion of the investigation, the Board will determine whether or not the concern is a violation of the CC&Rs, Bylaws, or Board Resolutions. If not, then no further action is taken. Otherwise, there are three potential next steps:

- The Board may informally contact the owner of the property in question to discuss the issue, and attempt to find a plan of action acceptable to both that homeowner and the HOA. This is the preferred approach.
- The Board may refer the issue to the formal enforcement process discussed below. This approach is generally reserved for repeated violations (same issue, same property) or when informal discussions have failed.
- The Board may take no further action. For example, for a minor violation of the "letter" of the CC&Rs but not their intent.

### **The formal CC&R enforcement process**

The HOA prefers to address CC&R compliance issues through informal discussion between homeowners and the Board. However, if this informal approach does not resolve an issue, there is a formal process for CC&R enforcement. That formal process is described by the *Newport Hills Homeowners Association Fine Schedule*, a Board Resolution dated August 18, 2016 (available on the HOA website), and is applied as follows:

- The HOA sends the homeowner a written notice of violation.
- After 30 days, if the violation is not corrected, the HOA sends the homeowner a written notice of intent to fine.
- After an additional 30 days, if the violation remains uncorrected, the HOA sends the homeowner a fine notice.

The Fine Schedule sets out the amount of the fine and what happens if, after a fine is issued, the violation remains uncorrected.

### **What if I disagree with a notice of violation?**

Contact the HOA Board immediately. At any stage of the process, the Board wants to work with you to find a plan of action acceptable to both the HOA and yourself.

**Can the Board use discretion in enforcing the CC&Rs?**

Yes. Sections 3.6 and 4.20 of the CC&Rs explicitly allow the Board to grant waivers of architectural controls and restrictions of use. Section 4.20 states:

*Declarant shall have the right, in its absolute discretion, to waive any of the foregoing conditions or restrictions upon being shown that the same is unreasonable, unfeasible, unnecessary or unfair, as applied to any particular Lot or Lots, or that good reason exists for its waiver without materially and adversely affecting Newport Hills generally.*

This provides broad authority for the Board to apply less restrictive criteria in evaluating CC&R compliance. The primary purpose of the CC&Rs is to maintain the attractiveness and desirability of Newport Hills, and this should be the cornerstone of any decision made by the Board.

# House Exteriors, Landscaping, and Yards

**Status:** *Adopted by Board on 2020-07-26*

## Background

Section 4 of the CC&Rs (including subsections 4.2, 4.3, 4.5, and 4.18) defines requirements for the appearance, condition, and maintenance of house exteriors, landscaping, and yards.

## Policy

The HOA uses the following criteria to evaluate compliance with Section 4:

1. Exterior house paint must be maintained in good condition, evenly coated, with minimal fading, peeling, cracking, or other signs of weathering.
2. Exterior fixtures, including roofs, siding, decks, steps, railings, windows, screens, doors, light fixtures, gutters, and fences must be maintained in good repair.
3. Roofs and gutters must be kept clear of debris.
4. Driveways, sidewalks, and curb areas must be free of debris and weeds.
5. Sidewalks must be unobstructed by overgrowth.
6. Landscaped areas must be attractive and reasonably free of diseases and pests, with minimal weeds and debris accumulation.
7. Lawns must be attractive and neatly mowed and edged, with minimal weeds and bare patches.
8. Yards must be kept clear of unsightly clutter such as tires, construction equipment, building supplies, outdoor power equipment (e.g. lawn mowers, snow blowers), and gardening equipment (e.g. wheelbarrows).



# Driveways, Sidewalks, and Walkways

**Status:** *Adopted by Board on 2020-07-26*

## Background

Section 4.2 of the CC&Rs requires the entirety of each property to be maintained in an attractive condition and in good repair.

Concrete driveways typically last 20 to 30 years. The original driveways in Newport Hills were constructed in the mid-1990s and are beginning to show their age.

The Board recognizes that some deterioration in the condition of driveways, sidewalks, and walkways is to be expected, but that excessive deterioration is unattractive.

The Board also recognizes that replacing a driveway is expensive and may require significant lead time.

## Policy

The HOA uses the following criteria to evaluate compliance with Section 4.2:

1. Driveways, sidewalks, and walkways must be maintained so as to be safe, fit for use, and free from excessive, unsightly deterioration.
2. The HOA recommends that homeowners plan to replace or resurface a driveway, sidewalk, or walkway within two years if any combination of the following conditions is present over greater than 50% of its surface area:
  - Cracks greater than hairline width, or areas of interconnected cracks
  - Spalling or crumbling
  - Uneven surfaces (heaving, settlement, or sunken areas)
3. Replacing or resurfacing a driveway, sidewalk, or walkway requires architectural approval from the HOA.

# Garbage Cans

**Status:** *Adopted by Board on 2020-07-26*

## Background

Section 4.3 of the CC&Rs regulates the visibility of garbage cans.

## Policy

The HOA uses the following criteria to evaluate compliance with Section 4.3:

1. When not at the curb for pick-up, garbage cans must be stored either:
  - 1.1. in the garage, or
  - 1.2. at the back of the house, or
  - 1.3. at the side of the house and at least partially screened from view, or
  - 1.4. at the side of the house and set well back from the front of the house.
2. “Garbage cans” include trash, recycling, and yard debris/food waste containers.

# Parking

**Status:** *Adopted by Board on 2020-07-26*

## Background

Section 4.14 of the CC&Rs (as amended December 4, 1997) regulates parking of recreational vehicles and certain other types of vehicles. Under this Section, such vehicles may not be parked on the street. In addition, such vehicles may not be parked in a driveway for longer than 2 days (or portions thereof) at a time, and no more than 4 days (or portions thereof) per calendar month.

The HOA Board recognizes that homeowners may want to park recreational vehicles on the street for short periods of time, especially when preparing for or returning from a trip or outing.

## Policy

The HOA uses the following criteria to evaluate compliance with Section 4.14:

1. Pickup trucks and mopeds are treated as passenger vehicles for the purposes of this section.
2. Homeowners who wish to park a recreational vehicle, either on the street or in a driveway, for longer than allowed by Section 4.14 may request a waiver from the HOA.

# Open Burning

**Status:** *Adopted by Board on 2020-07-26*

## Background

Section 4.16 of the CC&Rs prohibits open burning of any type.

The HOA Board recognizes that wildfires present a significant risk to properties and residents. FireFree (<https://www.firefree.org>) is a valuable resource for wildfire prevention in Central Oregon.

## Policy

The HOA uses the following criteria to evaluate compliance with Section 4.16:

1. Wood-burning fire pits, fire rings, and chimineas (whether commercially manufactured or site built) are prohibited.
2. Natural gas or propane fire pits and heaters are allowed. The manufacturer's or installer's instructions must be followed.
3. BBQs are allowed. The manufacturer's or installer's instructions must be followed.
4. Homeowners, residents, and guests must also fully comply with the City of Bend's burning regulations. (Currently available at <https://www.bendoregon.gov/burninginfo>.)

# Tree Removal

**Status:** *Adopted by Board on 2020-07-26*

## **Background**

Section 4.18 of the CC&Rs regulates the destruction of trees.

## **Policy**

The *Newport Hills Tree Removal Resolution*, a Board Resolution dated June 11, 2018 (available on the HOA website) describes HOA policy with respect to Section 4.18.

# Architectural Controls

## Expiration of Architectural Control Waivers

**Status:** Adopted by Board on 2020-07-26

### Background

Section 3.6 of the CC&Rs allows the HOA Board to waive conditions or provisions of Section 3, *Architectural Controls*.

Once a waiver is granted under Section 3.6, the homeowner typically initiates and completes the associated work within a few months.

The HOA Board recognizes that the needs of the neighborhood and the interests of its homeowners may change over time. Consequently, when a waiver is issued, it is undesirable for the associated work to be deferred indefinitely and the waiver to be “held in reserve”.

### Policy

1. A waiver granted under Section 3.6 will expire if the associated work is not substantially complete within 2 years from the waiver’s date of issue.
2. When a waiver is granted under Section 3.6, the expiration date will be noted in the waiver. Recommended wording: *“This waiver will expire if the associated work is not substantially complete by June 16, 2022.”*
3. If a waiver expires before the associated work is substantially complete, the homeowner may apply for a new waiver. That application will be subject to the standard review process. There is no guarantee a new waiver will be granted.
4. This policy does not apply to waivers granted on or before 2020-07-26.

## Other Policies & Procedures

### Fine Schedule

The *Newport Hills Homeowners Association Fine Schedule*, a Board Resolution dated August 23, 2023 (available on the HOA website) describes HOA policy regarding fines and what happens if, after a fine is issued, a violation remains uncorrected.

### Collection of Unpaid Charges

The *Collection of Unpaid Charges Resolution*, a Board Resolution dated August 10, 2016 (available on the HOA website) describes HOA policy regarding unpaid charges.

# Contacting the HOA

You can contact the HOA Board by email: [board.newporthills@gmail.com](mailto:board.newporthills@gmail.com)

You can also directly contact any member of the Board. Every HOA newsletter contains the names of the current Board members and their contact information.

You can also contact the HOA by calling Diversified Bookkeeping Services at (541) 388-1573. (Diversified Bookkeeping Services is contracted by the HOA to perform bookkeeping and other administrative tasks.)