

CCR and Bylaw Revision Explanation

The Meadow View Park Board has just completed a thorough legal review of the MVP CC and Rs and Bylaws and is recommending the adoption of the recommended changes. In order to do that, 75% of the MVP homeowners (or 60 homeowners) must approve those changes.

The Board hosted an Information Meeting on Tuesday, February 28th at 7pm at Bellevue Fire Station #9. Attorney Larry Kahn was present and addressed all questions and concerns. Valuable ideas were incorporated and both the CC and Rs as well as the Bylaws were finalized.

A vote will be held at the annual MVP HOA meeting on Tuesday March 27th, 2012 to adopt these changes.

1) What are the CC and R's? What are the Bylaws?

The CC and R's are the Covenants, Conditions and Restrictions that govern Meadow View Park (MVP). They cover all lots, common area, green belts and landscaped areas within MVP. When you purchased your house in MVP, by default, you agreed to abide by the CC and Rs. They apply to every lot whether your realtor explained that to you or not. The intent of the CC and Rs is to "protect the value and desirability" of our neighborhood. The Bylaws govern the Board of Directors and outline the duties, powers and responsibilities of the Board. They also explain voting rights and membership in the HOA.

2) Why did we need to update the CC and R's and Bylaws?

Anyone who has had to apply the CC and Rs to common living situations in the neighborhood has readily seen that the CC and Rs have three problems:

- 1) They have verbiage that is in conflict with Washington state law that needs to be removed or modified. They also do not include required sections and language.
- 2) They contain verbiage that limits home owners' property changes and improvements based on the materials and standards of 20 years ago.
- 3) They have not sufficiently outlined the role of the Board, the homeowner or the Architectural Control Committee in approving property changes in a fair, consistent and enforceable way.

The By-laws, aside from explaining the function and duties of the Board, outlined how the neighborhood was established in its development phase. It includes information about different classes of voting stock, and other irrelevant, outdated and inaccurate information that needed to be deleted and updated. The Board agreed to do that in conjunction with the CC and R work.

3) Why do it now?

MVP just turned 20 years old last year and has had the same set of CC and R's and Bylaws since inception. Up until the 20-year mark, any change, update or addendum had to be approved by 90% of the homeowners. This year, the requirement was lowered to 75% approval for changes. At the 2010 annual homeowners meeting, the Board was directed to determine what changes are recommended by legal counsel to bring the CC and Rs into compliance with state law and determine what changes are necessary to update them and make them workable.

4) In Summary, What are the general recommended changes?

- 1) The CC and Rs have been updated to reflect current HOA law. A section on Solar panels has been added which is required, as well as information about posting signs.
- 2) The sections on Architectural Control (Article V) and Restrictions on Use of Property (Article VI) have been updated in several ways including:
 - i. To delete or modify sections that require or prohibit the usage of certain materials (with the exception of roofing materials outlined in the approved Addendum.*) As an example, the previous CC and Rs required all driveways to be replaced with exposed aggregate. The new CC and Rs allow for that as well as stamped concrete, brick pavers, etc....
 - ii. To give the Architectural Control Committee (ACC) more flexibility in assessing individual homeowner projects for recommendation to the Board for approval. Verbiage has been added to many sections to allow the ACC to make decisions on materials that are not specified in the CC and Rs. That allows the document to be useful when new materials come along or special situations occur.
 - iii. To explain the Change Request Form process, how it is used and what is required from the homeowner, ACC and Board. The HOA has used the Change Request Form (CRF) for required changes for many years, but the process has been inconsistent with respect to timing, requirements and enforcement. It has resulted in disputes and difficulties that have fallen on previous Boards to have to navigate. The new Change Request Form and directives in the CC and Rs clarify the process and expectations so there is no ambiguity. The new CRF and verbiage in the CC and Rs clarify the role of the ACC as being the body that recommends the approval or disapproval to the Board, with the Board being the body that actually approves or disapproves each project.
 - iv. The changes requiring Board approval have been clarified so homeowners will be clear on what does and does not need to be approved.
 - v. Although the Board currently has broad powers to assess penalties for work that is done without the proper approval or that varies from what was approved, the CC and Rs have been updated to

clarify what constitutes a violation and what the penalties or remedies are.

* The addendum for roofing materials is a recent document that was approved by 90% of the HOA and is still a good standard for our neighborhood. To allow for materials that may be available in the future, verbiage was added to that section of the CC and Rs to allow for the ACC to consider that as well

- 3) The Bylaws have been updated to remove all wording referencing the various classes of voting stock, the organization during the development phase and include verbiage under the duties of the Treasurer requiring annual tax returns to be filed.

Jayne Bell
For the MVP Board