

Minutes of the Herndon Community Association Coalition Workshop Dealing with Overcrowding Within the Community

Saturday – July 12th, 2003
Herndon Town Council Chambers
9:00 a.m. – 1:00 p.m.

I. OPEN FORUM

Call to Order – Jean Deavers led everyone in the Pledge of Allegiance.

II. INTRODUCTIONS

Elizabeth Hagg	Neighborhood Resources Coordinator
Brian Glaser	Neighborhood Improvement Specialist
Tina Sullivan	Office Assistant
Bob Bruhns	HCAC Secretary - Gaslight Square Council of Co-Owners
George Burke	HCAC Vice Chairman – Courts of Chandon
Greg Davidson	Bluemont HOA
Jean Deavers	Tralee HOA
Terry Dunn	Lifestyle
B. Glakas	Dumbarton Square HOA
Lisa Grande	Jefferson Mews HOA
Karen Howard	Lifestyle
Judy Markbein	Jefferson Mews HOA
Edward Markham	Crestview HOA
Bill Marr	Attorney – Various HOAs
Jo Miller	Lifestyle Condominiums Council of Co-Owners
Anna Smith	Park Avenue Square HOA
Jane Tilley	AMSI – Courts of Chandon HOA
Charlie Waddell	HCAC Chairman -- Dumbarton Square HOA
Helen Witherspoon	Jefferson Mews HOA
Gil Young	Jefferson Mews HOA

The meeting commenced at 9:15 a.m. Charlie Waddell introduced Bill Marr. Jean Deavers led everyone in the Pledge of Allegiance.

III. Visible effects of over-occupancy within the Community Associations

Jane Tilley reviewed common identifiers, i.e. parking/vehicle related issues, trash and health/safety issues, maintenance/blight issues and crime and vandalism.

IV. Resources the Community Association currently have to help them deal with over-occupancy issues

- Be certain the documents you are working from are the correct documents for the homeowners association.
 - Are they the latest?
 - Are they complete?
 - What is recorded?
 - Are all amendments included?
- Under the Virginia Property Owner Association Act, there is a recorded document chain for community associations as follows:
 1. Declaration of Covenants, Codes & Restrictions (“CC&Rs”)
 2. Articles of Incorporation
 3. Bylaws
 4. Rules & Regulations
- Articles of Incorporation are preceded by the Bylaws
- Bylaws may or may not be recorded. Bill recommends not recording the Bylaws. If they are recorded, then any changes made have to be re-recorded, or else they are not enforceable.
- The Board must be properly constituted.
- CC&Rs or the Deed of Dedication & Plat is recorded in the land records. Either of these can be obtained through Fairfax County.
- Rules & Regulations passed by the Board of Directors are published and approved. These are as enforceable as the bylaws if prepared properly. Typically 30 days must pass before properly adopted rules can be enforced. Make sure all new rules are consistent and permissible under the recorded documents.
- For condominiums there is a slightly different document chain. Prior to 1974, a Master Deed was issued. It is the same as a declaration. The Virginia Condominium Act was preceded by the Horizontal Property Act. The documents required for condominiums, in descending order, are:
 1. Master Deed
 2. Bylaws
 3. Property Maintenance Agreement
 4. Resolution (vehicle to pass rules and regulations). Resolutions should not be recorded.
- NOTE: A good set of documents (Disclosure Package) 9933 may increase the sales price of a property by 10-20%.

V. Tools Available to the Community Associations that may not currently be used

- The main point Jane Tilley wanted to stress was that to combat over occupancy, HOAs should go after the visible effects of overcrowding. Jane then touched on the various measures taken in the Courts of Chandon community that do just that. (i.e. commercial vehicles are towed, visitor parking is identified, a visitor pass must be displayed on the vehicle. Everyone who is an owner must have a Town of Herndon sticker, etc.)
- If someone has a rental car they can use a visitor pass.
- Some towing companies provide hanging tags.
- Courts of Chandon do not refund towing fees.
- Commercial vehicle identification is the same as the Town of Herndon.
- Ensure the towing company is indemnified. The towing company bears responsibility for towing in error and they bear the cost of the defense. It makes the towing company proactive.
- They layered when they put towing policies into effect: 1st commercial; 2nd visitor; and 3rd reserved spaces.
- If assessments are not paid, parking on the premises is not permitted. (A resolution was passed to enforce this rule.) A hearing must be held before parking is taken away.
- Non-resident owners may have funds transferred electronically (set up through the management company).
- Include all information possible from the Town of Herndon (i.e. overcrowding regulations, Town ordinances, etc.) as part of the resale package.
- Question: Can an HOA include occupancy restrictions in documents? Answer: Only if the property is being leased, and then the restrictions need to be in the CC&Rs.
- Realtors are not legally required to disclose the BOCA code. This information can also be included in the resale package.

VI. Adjournment

The workshop adjourned at approximately 1:05 p.m.