

# **Ardmore Oaks at Ardmore Woods Homeowners Association**

## **Architectural Review Committee Governance**

Version 1, January 2022

In accordance with Ardmore Oaks at Ardmore Woods (AOAW) Homeowners Association (HOA) Covenants, Conditions, and Restrictions (CC&Rs), the Architectural Review Committee shall regulate the external design and appearance of the Property and improvements thereon in such a manner as to preserve and enhance property values, to ensure harmony with utility systems, and to ensure a harmonious relationship among the improvements on the Lots and the natural vegetation and topography, furtherance of such purpose, the Architectural Review Committee shall:

1. Review and approve, modify or disapprove, within 45 days, all written applications of Owners and of the Association for improvements or additions to Lots or Common Area. If the Architectural Review Committee fails to approve or disapprove any such application within said 45-day period, such application will be deemed to be approved, except that no such automatic approval shall allow the applicant to undertake any improvement or addition that is prohibited by the terms of this Declaration or the architectural standards adopted by the Architectural Review Committee;
2. Periodically inspect the HOA property for compliance with architectural standards and approved plans for alteration;
3. Adopt architectural standards subject to the confirmation of the Board of Directors;
4. Adopt procedures for the duties and enter them in an official procedures book, which shall be readily available for review by any Owner or Declarant; and
5. Maintain complete and accurate records of all actions taken.

**It is AOAW HOA EXB policy that efforts are made to approve HOA Member requests as much as possible, but that projects remain clearly within HOA Architectural Standards.**

### **What Is an Architectural Committee?**

An Architectural Committee is a HOA committee that oversees architectural requests from HOA Members to ensure their properties comply with HOA Architectural Standards. The committee is also responsible for updating Architectural Standards and for periodically inspecting HOA Member properties for compliance to the Standards.

There are many names for Architectural Committees. This includes Architectural Review Committee (ARC), Architectural Committee, Design Review Committee, Environmental Control Committee, and even Art Jury.

## **What Does an Architectural Committee Do?**

HOAs place significance on uniformity, particularly when it comes to the exterior appearance of properties in the community. HOAs have certain deed restrictions dictating what HOA members can and can't do with their property, including how it should look. This is why many houses in HOAs look similar or, at least, have a similar architectural appearance.

While a HOA does not give HOA members complete freedom to express themselves creatively through exterior design, this type of uniformity does benefit homeowners in the end. The consistent look of properties contributes to the general curb appeal of the neighborhood. This, in turn, improves property values.

If a HOA Member wishes to make architectural changes, they need to go through the HOA ARC. One of the most important HOA ARC responsibilities is managing the application and approval process for such modifications. Other HOA ARC responsibilities include but are not limited to:

- Checking the community for violations of the Architectural Standards HOA has imposed;
- Enforcing the standards written in the governing documents in a consistent and fair manner;
- Evaluating the existing guidelines and proposing changes to the board;
- Making recommendations to the HOA Executive Board; and,
- Educating HOA Members on the Architectural Standards and the application and approval process.

## **Architecture Committee Scope of Authority**

Often, ARCs usually handle the following:

- Placement, design, and height specifications for structures
- Requirements for lot setback
- Landscaping modifications or improvements
- Exterior paint colors and finishes
- Materials used for roofing
- Fences
- Satellite dishes
- Solar panels
- Storage sheds

## **Architectural Standards**

Architectural Standards are a set of standards for architectural or exterior property modifications or improvements that HOA Members must follow. The ARC bases its

reviews on these written Standards. Not only are these Standards part of our HOA's governing documents many of the standards are contained within the governing documents.

Some federal and state laws, though, prohibit or limit HOAs from certain architectural restrictions. For instance, according to the FCC's OTARD Rule, associations can't prohibit homeowners from installing satellite dishes or antennas. But, HOAs can regulate aspects such as placement and size of the antennas.

Another good example is solar panels. Because many solar panels don't coincide with HOA architectural committee guidelines, some have taken steps to ban them totally. But, a number of states have already enacted solar access laws protecting homeowners' rights to generate solar energy.

HOA Board and ARC members must always keep up-to-date on the different federal and state laws that might affect the HOA. In doing so, they can safeguard the association from potential liability. Similarly, HOA Members should familiarize themselves with these laws. This way, they can protect their rights, and they will understand the complexity of what the ARC does.

### **The HOA Architectural Committee Application Process**

Before making any architectural changes, HOA Members must first file a project request to the ARC. For most associations, this request is part of a standard protocol HOA Members must follow when they wish to make modifications to their property. Although the application and approval process can differ depending on the HOA, it usually involves three main steps:

#### **1. Fill Out an Application Form**

The HOA architectural review form is where HOA Members provide all the pertinent details of a project request. In AOAW, this form is called an Exterior Project Application, and information includes, but is not limited to:

- Alteration or addition type
- Purpose of the alteration or addition
- Planned materials you will use
- Color of paint or finish you will use
- Details of the project
- Sample designs or plans of the work
- Contractor details
- Work schedule and a timeline for completion
- Necessary permits

## **2. Committee Review**

The ARC should hold regular meetings to discuss and review applications. The committee must go through each application in good faith and make decisions based on sound judgment and reason. To help ensure consistency in applying the Architectural Standards, reviews must be based on the Architectural Standards found within the HOA governing documents.

## **3. Board Decision**

Following review, the ARC will then make a recommendation to the HOA EXB. The final approval or denial will come from EXB members, unless approval has been delegated in part or whole to the ARC, who must also make their decisions reasonably and in good faith. The EXB should make its approval or denial of the request in writing. Typically, the HOA architectural approval form will include a section for this.

Many governing documents will require the ARC and HOA board to give a response to the requesting homeowner within a period of time. Currently, for AOAW, it is 45 days per the HOA formulation documents; however, the AOAW HOA usually responds within a couple/few weeks. If the EXB chooses to deny the request, it should include in writing a reason for the denial. The EXB should also give instructions on how the HOA Member can request reconsideration; for example, by changing certain details to obtain approval.

Following the approval or denial of a request, the board or committee must store a copy of the form and decision both digitally and physically. This serves as a reference in case of future disputes or litigation.

Except for AOAW HOA ARC activities, the above pages were adapted from: <https://hub.associaonline.com/blog/hoa-architectural-review-guide>

## **Knowing the HOA Rules**

The ARC and the HOA EXB are charged with reviewing and approving changes to the exterior of a home *and* enforcing the rules for unreviewed exterior changes or run-down exteriors that violate HOA rules. In order to know whether or not to approve a project, or whether a home is in violation of the rules, ARC members must know the rules. Each member of the committee should have a thorough understand of what is and is not allowed in the community. EXB members also need to have a good understanding of the Architectural Standards.

## **Enforcing the Rules Consistently**

Since many architectural committees are staffed by unpaid volunteers, it is easy for these groups to slack on their responsibility for covenant enforcement. Worse yet, committee members may only enforce the rules for homes that are within sight of their property, ignoring other properties in violation throughout the community. Some committee

members might want to give friends special breaks. All of these scenarios are unacceptable.

Consistent application of the rules is paramount. ARC members must be able to clearly explain each decision the committee makes, and that decision must map back to an Architectural Standard, CC&R, or By Law.

### **Making Sure Everything Is in Writing**

When an ARC charges an HOA Member with a violation, it is imperative the ARC notifies the member in writing, clearly describing the violation, and referencing the Architectural Standard, CC&R, or By Law the member has violated. It is not acceptable to remain silent, as the linked Washington Post article describes.

All official correspondence must be in writing. Meeting minutes should be taken at each ARC meeting to record the activities of the committee. The written record serves to inform new ARC members of previous actions. Some committees (such as the Vieux Carre Commission) store this information online for HOA Members to gain easy access. The ARC should also encourage alleged violators to correspond in writing and keep copies of their mailings. This ensures everyone remains on the same page and can be a great help if legal action results.

### **Always Be Gracious**

Generally, HOA Members make an honest mistake in not notifying the HOA of a change to their property. These people may be new to the HOA, or they may have lived in the HOA for many years and honestly believed they weren't doing anything wrong. In some cases, required repairs/changes to a home could cost many thousands of dollars. Some HOA members will likely not be able to pay that up front. The HOA should make every attempt to work with a HOA Member to make the change to bring a home back into the HOA standards.

While patience is not legally required, it almost always results in a better outcome. The reality is if a HOA Member cannot afford to change their property to get it back in conformance with HOA regulations, the ARC has the option of paying for the changes with community monies, and presenting a bill to the HOA Member. Such a bill may, or may never be repaid by the homeowner. While a lien can be put on a property, that lien is subordinate to a first mortgage.

### **Following Through on Actions**

Being gracious doesn't eliminate the need for rigorous enforcement. While the ARC should make every effort to work with HOA Members, in the end, a HOA Member in violation of the covenants must correct the condition. If an ARC doesn't follow-through on actions, the HOA will slowly disintegrate. Following-through could mean pursuing legal action against a HOA Member, such as assessing a lien against their property. Following-through requires resolve and dedication, but it's important for the future of the HOA.

The above was adapted from: <https://www.oneprojectcloser.com/how-to-run-an-hoa-architectural-committee/>

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## **ARC Training for Volunteers**

As mentioned above, consistent application of the HOA Architectural Standards, CC&Rs, and By-Laws is paramount. Each ARC member must understand how their actions affect HOA Members, their families, and the HOA itself. ARC members are part of the HOA leadership. As such, they need to know the HOA governing documents at least as well as, but preferably better than HOA Members. ARC members homes must reflect their knowledge and acceptance of the HOA governing documents, specifically, the HOA Architectural Standards.

Before a volunteer is accepted as a member of the ARC, they must successfully complete HOA ARC Training. Currently, AOA HOA ARC training consists of:

1. Reading this governance document.
2. Reading the HOA Architectural Standards, CC&Rs, and By-Laws.
3. Practice reviews of two HOA Project Requests that will include critique by the HOA President and/or the ARC Chairperson.
4. Actual reviews of HOA Project Requests including critique by the HOA President and/or the ARC Chairperson until the reviewer feels the volunteer is capable of reviewing a project request on their own.
5. Practice inspections of two houses within the HOA. One house will be that of the volunteer. The inspections will include critique by the HOA President and/or the ARC Chairperson. The basis of the inspections will be in support of completing the HOA Resale Package.
6. Actual inspection of a house in support of completing the HOA Resale Package. The volunteer will be accompanied by the HOA President and/or the ARC Chairperson until the reviewer feels the volunteer is capable of completing such an inspection on their own.