

Dear Huntington Hills Civic Association Owner:

Recently, several questions have been brought to the Board's attention regarding the proposed amendments that we recently voted on at a special meeting. We would like to address these questions to help clarify or alleviate any confusion that you may have about the amendments and why they were drafted in the manner presented at the meeting.

**Question: What are the current documents that govern the community and the Association's operations?**

**Answer:** Huntington Hills Civic Association currently has two governing documents:

- 1) The Amended and Consolidated Declaration of Protective Covenants was filed with the Fairfield County Recorder's office in 2016 at Instrument Number 201600009908.
- 2) The Amended Code of Regulations (also known as "Bylaws") were filed with the Fairfield County Recorder's office in 2011 at Instrument Number 201100009565.

**Question: Please explain the purpose and application of "Exhibit A" which is referenced and included in The Amended and Consolidated Declaration of Protective Covenants.**

**Answer:** When our community was originally developed, the developer filed 7 separate warranty deeds to govern different phases in the community, and each warranty deed included their own separate restrictions. Having different deeds and restrictions govern different parts of the community can be confusing. Further, if the community ever wanted to add new restrictions by amendments voted on by owners, each deed would need to be amended separately. To address these two issues, The Amended and Consolidated Declaration of Protective Covenants was drafted and approved by each phase separately, so that now all the provisions and restrictions included in Exhibit A governs every lot in the community.

**Question: In addition to our governing documents, what other laws or statutes govern our Association?**

**Answer:** There are two other chapters in the Ohio Revised Code that governs our community:

- 1) Chapter 5312 of the Ohio Revised Code, which is known as the Ohio Planned Community Act. This Chapter governs planned communities.

- 2) Chapter 1702 of the Ohio Revised Code, which is known as the Ohio Non-Profit Corporation Act. This Chapter governs non-profit corporations.

**Question:** Why do we need a leasing amendment, Amendment A, when our Declaration states the lots can only be used for residential purposes? Does Ohio law prohibit leasing in our community?

**Answer:** Article (B), Section (3) of the Declaration does not specifically restrict owners from leasing or renting their lots. There is a lack of clarity as to whether a court in Ohio would rule that an owner leasing a home to a person or a family to reside in is a business endeavor that would be prohibited by the provision which requires all lots to be used for residential purposes. It is possible a court would view this provision as only requiring the lots to be zoned for residential purposes rather than commercial purposes. To provide more clarity as to whether leasing is or is not allowed in our community, the leasing restriction amendment, Amendment A, was proposed. This amendment prohibits leasing with the exception of 1) homes occupied parents or children of the owner, 2) a one-time leasing hardship exemption, and 3) any owner who is currently leasing or renting at the time the amendment is recorded with the County.

**Question:** Why is a shed amendment, Amendment B, necessary for our Association?

**Answer:** Bylaws Article XI, Section 4 prohibits “detached outbuildings” from being built on an owner’s lot. In general, this means that sheds are not allowed, since “detached outbuildings” can be sheds. As a community, we have received many requests and questions to allow owners to install sheds, which is not allowed according to the language in Bylaws Article XI, Section 4. The proposed Amendment B deletes that detached outbuilding reference in the Bylaws and allows for owners to build sheds on their lots so long they are in compliance with the specifications as further outlined in the amendment language.

**Question:** What is the purpose of the assessment amendment, Amendment C?

**Answer:** Ohio Revised Code Section 5312.06 provides the Board of Directors may annually adopt a budget for estimated revenues and expenditures, and assess an individual lot without an owner vote. However, Bylaws Article III, Section 1 currently contains language that conflicts with this State statute and requires an ownership vote if the annual assessment amount exceeds \$45.00 a year. As we have attempted to explain over the years, capping assessments at this amount does not allow us to maintain and operate as needed. Requiring an annual vote to increase the threshold is cumbersome and is not in line with the majority of community associations that operate under the Board’s authority to budget as needed provided for in the Ohio Revised Code Section 5312. We believe that Amendment C provides a middle-ground change to our governing documents, which would permit the Board

to increase the assessment cost without an ownership vote until the assessment amount exceeded 20 percent of the amount of the prior year's assessment.

**Question: Why do we need an amendment regarding electronic notice and voting, Amendment D?**

**Answer:** There are a two primary reasons Amendment D was proposed.

First, Ohio Revised Code Section 1702.02 provides that, *unless an Association's governing documents state otherwise*, notice may be sent via authorized communication equipment. Article V, Section 8 of the Huntington Hills' Bylaws requires that written notice of any general meeting with the Association must be sent via mail, delivered to each member's residence, or addressed in the Huntington Hills Newsletter. In this case, the Association's governing documents include a provision that provides for delivery of notices by something other than what is allowed by State law. Without Amendment D, the Association's governing documents conflict with State law and so an amendment to allow electronic notice is needed.

Second, while some of the Bylaws existing provisions could arguably cover the ability to vote outside a meeting by written ballot, they do not clearly address how a member could vote electronically. Amendment D was drafted in a way to give our community the most flexibility with voting outside a meeting and having annual meetings virtually. By clearly outlining the required processes and procedures to accomplish those two ends, the language will hopefully eliminate questions about how to meet virtually and vote by either written ballot or electronic voting technology.

In general, the four amendments that were proposed were amendments that we believe would strengthen our community. Ultimately, every owner has the ability to vote as to whether they agree they should be a part of our governing documents. We hope you found this letter helpful. If you still need clarification on any of these items or if you have other questions, please feel free to contact any Board member.

Sincerely yours,

THE BOARD OF DIRECTORS  
HUNTINGTON HILLS CIVIC  
ASSOCIATION, INC.