

Southern Village HOA

Statement of Intent Regarding Implementation and Enforcement of the Proposed GPLB Ban

November 2023

Background:

There will be a vote before the SV HOA next month on the proposed amendments to the covenants of the SV Master Association, which would ban Gasoline-Powered Leaf Blowers in our neighborhood. The language of the amendments to the covenants was drafted by a board-certified attorney to be compliant with NC statutes. Because the language is sparse and written in legalese, there may be lingering questions and concerns among the residents. This statement is to supplement the language in the amendment to the covenants and clarify how the HOA would, in practice, implement and enforce a neighborhood-wide GPLB ban. This of course assumes ban passes the vote.

Statement:

We, the board of directors of the SV HOA, agree to the following principles and guidelines regarding the proposed GPLB ban:

1. *Grace Period*

- The ban would not go into effect until the amended covenants are physically delivered to the county register's office and officially recorded.
- If the ban passes the vote, **we would wait until summer 2024, providing a grace period between the passage of a vote and the implementation of new rules.**

2. *Only affected neighbors report violations (no patrolling)*

- To identify infractions, the Board will rely on specific complaints by neighbors in cases where GPLB usage is a nuisance or an annoyance to the person making the complaint.
- This empowers neighbors who are consistently disturbed by GPLB usage to seek recourse from the HOA.
- The HOA is not going to be monitoring compliance with the ban, patrolling, or making videos of noncompliance.
- Complaints will be kept anonymous so that we do not pit neighbors against one another.
- Maintaining comity and civility in our neighborhood is of the utmost importance; we are not looking to play "gotcha" on people.

3. Multiple written notices before fines

- When an infraction is reported, we will be giving at least three written notices before considering a fine
- This gives the parties ample opportunity to fix the issue through mediation.

4. Sustainability committee role

- Similar to the way the Architectural Review Board reviews architectural proposals, the Sustainability Committee will review reports of GPLB violations and will mediate disputes.
- The volunteers of this committee will be responsible for proposing remedies and communicating with all affected parties.

5. A \$500 fine is extreme, and we do not want to go there

- Even though the covenant language, as drafted by the attorney, allows assessment of a \$500 fine, the Board will exercise discretion and start with much lower amounts for initial infractions.
- The first fine, which would occur only after multiple written warnings and attempts to mediate, would be \$100.
- The board may, in its discretion, waive all or part of a fine if the property owner addresses the issue in a timely fashion and agrees in writing to stop GPLB usage.

6. Fines as a deterrent, not a revenue source

- The SV HOA board has no intention of GPLB fines being a meaningful revenue source.
- The reason for a fine is that it is the only legal enforcement tool available to HOAs.
- Fines in excess of \$100 are intended as an absolute last resort, for repeated, willful, malicious violation of the rules and consistently disturbing neighbors despite numerous attempts to mediate.
- If any fines are in fact collected, they will be allocated to the general reserves of the SV HOA, for large-scale projects such as parks improvement or stormwater pond maintenance.

7. The ban is just on GPLBs – nothing else

- The HOA has no intention of attempting to regulate any other types of equipment, vehicles, or machinery, beyond what our original 1994 Master Covenants and town ordinances mandate.
- We strive to avoid the slippery slope of overreaching and overregulating, while maintaining that our neighborhood will be much better off without GPLB usage.

8. If the ban turns out to be a bad policy, we can abandon it

- If the ban is simply not working, causing too many problems, negatively affecting the neighborhood, etc., the Board can, in our judgment, take a pause on addressing GPLB complaints and reassess the wisdom of the policy.