

Fall Creek Village Subdivision
2023 Governing Document Amendments

Here is a summary of the amendments to the Fall Creek Village Governing Documents:

“Whereas” paragraph added to say that we are amending the Declaration to reflect CCIOA changes since 2012.

Section 1.01 - improved intent statement for Declaration.

Section 2.01 - some definitions changed to conform to CCIOA.

- Allocated Interests
- Assessment
- Association
- Bylaws
- Common Expense Liability
- Design Review Committee Design Review Procedures (all standards are in the Declaration, the Design Review document that FCV is adopting will be only procedural).
- First Mortgage and First Mortgagee - deleted
- Map - Changed to Plat
- Parcel
- Residential Use
- Unit
- Xeriscape

Section 3.01 - CRS reference corrected.

Section 3.02 - Allocated Interests paragraph edited to conform to CCIOA. Formula in (b) also edited for clarity.

Section 3.04 - “Maps” changed to “Plats” wherever used in the documents. In CCIOA, Maps applies to condo maps (3 dimensions) and Plat applies to land maps (2 dimensions).

Section 3.09 and 3.10 - added descriptions of the Domestic Water System and Domestic Sewer System. Clean up item.

Article 3 - edited re Lot 9 now improved but not subject to assessments.

Section 4.01 - added info regarding obstruction of easements.

Section 4.03(a) - edited to reflect general association easement includes water and sewage system easements.

Section 4.03(d) - edited to clarify underground utilities and member responsibility.

Section 4.04 - added a section for water and sewer system easements. Clean up item.

Section 4.08 - Changed "Owner" to "Member" throughout documents. Except where the context really doesn't work. Definitions say that "Owner" and "Member" mean the same thing. Other associations I work with prefer "Member" and I agree. They think it promotes working together better.

Section 4.09 - added info re shared driveways.

Section 5.01 - clarified re common interest community.

Section 5.02 - added C.R.S. to correct cite.

Section 5.03(a) - clarification re Sec of State.

Section 5.04 - capitalization typo fixed.

Section 5.05(a) - clarification re governing documents and not just rules and regulations.

Section 5.05(d) - CCIOA addition re construction defect actions.

Section 5.05(f) - sentence added to refer to encouraged xeriscaping.

Section 5.05(f)(I) - added reference to new policy re use of Common Elements - CCIOA amendment.

Section 5.06(a) - CCIOA addition of HOA annual registration requirements with DORA.

Section 5.06 - subsections reordered to make better sense. In Design Review subsection, paragraph added re CCIOA that architectural and landscaping changes need to be made in accordance with specific standards and not arbitrarily.

Section 5.09 - Clarified so that a Member who is delinquent in Assessments is automatically suspended from right to vote. Also to reflect that Members subject to Association General Assessments have one vote in Association matters.

Section 5.10 - edit re good faith requirement re CCIOA.

Section 5.10(b)(i) - new paragraph re qualifications of directors (must be members in good standing).

Section 5.10(d) - added CRS cite.

Section 5.11 - CCIOA change to better define unconscionable agreements.

Section 5.12 - subsection added re insurance on water and sewer systems.

Section 6.01 - edited re CCIOA.

Section 6.02 - edited re CCIOA limit on 8% interest.

Section 6.04(d) - CRS cite added.

Section 6.04(e) - added re no waiver re water and sewer system.

Section 6.09 - edited re CCIOA.

Section 7.01(e) - CCIOA edits re assessment lien legal actions.

Section 7.01(g) - CCIOA edits re Association can't foreclose on lien until balance of assessments not paid equals 6 months of common expense assessments. Add CCIOA cite.

Section 7.02(a)(2) - CCIOA change re small claims courts. [marked in underline]

Section 8.01 - clarification re scope of Design Review Committee.

Article 9 generally - sections in this article re-arranged to make more sense. Some changes made, outlined below. New subsection on utilities. Signs and vehicles moved into Public Policy Considerations.

Section 9.05(a)(i) - re rental restriction minimum rental 1 month and commercial limitations clarification.

Section 9.05(c) - added subsections (iii) and (iv) re inoperable vehicles, campers and temporary improvements.

Section 9.05(c) - this will be edited to say "Recreational Vehicles"

Section 9.10 - edited re removal of vegetation [optional discussion item].

Section 9.12 - animals edited.

Section 9.16 - towing requirements re CCIOA.

Section 9.13 - added language re log construction.

Section 9.17 - (d) added sentence re trash removal

Section 9.17(e) - added re outdoor lighting

Section 9.18(a) - Public Policy Considerations - Flags section changed by CCIOA.

Section 9.19(b) - Public Policy Considerations - Signs section changed by CCIOA.

Section 9.19(d)- Public Policy Considerations - Defensible space changed re CWPP, section changed by CCIOA.

Section 9.19(f) - CCIOA change re solar and wind devices allowed subject to reasonable rules.

Section 9.19(h) - xeriscaping CCIOA edits.

Section 9.18(i) - rain barrels added re CCIOA.

Section 9.19(j) - religious symbols added re CCIOA.

Section 9.19(k) - family child care home added re CCIOA.

Section 9.19(l) - public right of way change re CCIOA.

Section 9.19(m) - Electric vehicle charging added re CCIOA.

Section 9.19 - energy efficient measures edited re CCIOA.

Section 10.01 - clarified to add eminent domain to condemnation paragraph re CCIOA.

Article 11 - Deleted. CCIOA removed the mortgagee protection requirements.

Section 12.02 - first mortgagee rights deleted re termination of HOA.

Section 12.03 - first mortgagee rights deleted re amendment of declaration.

Section 12.06 - clarification re severable provisions.

Certification - I need to know the Pres and Sec of the Association.

The Design Review Procedures document is new.

Policies:

#1 - Conduct of Meetings - AD 11/19/2010; AM 11/29/2011
8/22/23 amended to loosen meeting discussion requirements.
8/22/23 amendment re CCIOA - Executive sessions.

#2 - Collection of Unpaid Assessments - AD 9/3/2010; AM 11/29/2011; AM 12/13/2013
8/22/23 Comprehensive amendment re CCIOA

#3 - Board Member Conflict of Interest Policy - AD 11/29/2011
Ok as is

#4 - Adoption and Amendment of Policies - AD 11/29/2011
Ok as is

#5 - Inspection and Copying of Association Records; Record Retention Policy - AD 11/29/2011
8/22/23 Comprehensive amendment re CCIOA.

#6 - Enforcement of Covenants and Rules; Notice and Hearing Procedure - AD 11/29/2011
May want to consider increase in fines, and address types of violations

#7 - Investment of Reserve Funds - AD 11/29/2011
Ok as is

#8 - Dispute Resolution Between Owners and Association - AD 11/29/2011
Ok as is

#9 - Reserve Policy - AD 11/29/2011
Ok as is

#10 - NEW - Use of Common Elements Policy
8/22/23 New re CCIOA.

Association Articles
Ok as is

Association Bylaws
8/22/23 Minor amendments re CCIOA