

The Facts About Covenants In Crofton

Dear Neighbors:

There has been a flurry of misinformation floating around in recent weeks about how and why the Crofton Civic Association (CCA) handles its enforcement of the community's restrictive covenants. Below is a reminder of the facts about covenants in Crofton.

The CCA is a non-profit association that includes everyone that owns a home in the Crofton Special Community Benefits District. A civic association differs in many respects from a homeowner's association (HOA). A civic association board is comprised of volunteers, whereas a HOA frequently employs a management company to oversee operations. A HOA is permitted to police a community for covenant violations and may issue citations. The CCA Covenant Review Committee (CRC) is not vested with that authority. If a neighbor within the same set of covenants as the "accused" registers a complaint with Town Hall, the CRC will investigate and determine whether a violation has occurred. If the committee agrees, a violation notice is issued in the form of a certified letter. The violation is almost always resolved before further action is required.

Whether we like them or not, covenants are a key factor in the preservation of property values in our community. Enforcement creates a standard of uniformity across the community and can make your home easier to sell. When residents take pride in their community, it shows. Many young families moving to our community were raised here as children and are returning to raise their families.

Our community will soon be celebrating its 60th Anniversary. The first set of covenants was implemented in 1973 when the first neighborhood was fully developed. As sections of the community were completed, covenants for those communities were added. As a result, we have approximately 40 sets of covenants within the tax district.

The way we live our lives has changed over the years. For instance, we no longer require that "All trash, garbage, and refuse stored without any building shall be stored in covered underground receptacles". Instead, we now have regular trash pickup provided by Anne Arundel County, making this covenant restriction obsolete. The advent of technology enables many residents to operate a business from within the home, however, if any activity creates a nuisance, it can become an issue. The basic tenets of our original covenants are sound and may still be found in covenants at new developments. Many covenants are even more restrictive than the CCA's.

Several years ago, the CRC investigated the procedure to update our covenants. An update would require significant funding for legal assistance and a majority vote of all property owners to approve. The CCA may not use tax dollars for covenant related

expenses and there wasn't an overwhelming movement to change them, so no further action was taken.

The Covenant Enforcement Procedures are documented as follows:

1. Reported Violations

When a complaint of a perceived Covenant Violation is received by the CRC, the complaint will be verified prior to action being initiated. A file of all complaints shall be maintained at Town Hall. The complainant must provide his or her name and telephone number for purposes of follow-up, however, the identity of the complainant will be kept confidential.

2. Verification

A designated representative shall investigate and verify each complaint. A case file shall be developed by the representative for each reported violation, reflecting all actions, dates, and appeals. The CRC shall notify the complainant of what action is to be taken when verification has been completed.

(a) 1st Notice of Violation

The CRC will send a 1st Notice letter by certified mail to the property owner stating the violation and allowing 14 days for compliance.

(b) 2nd Notice of Violation

After 14 days, the designated representative of the CRC will reinspect the property. If the violation still exists, a second notice letter will be sent by certified mail to the property owner. The letter shall restate the violation, provide information on the appeal process, and allow 7 days for compliance.

3. Appeal Forum

Any person (violation or complainant) may appeal to the CRC in writing and present additional information about a reported violation. The appeal must be in writing and be made within 7 days of receipt of the second notice letter.

If there is an appeal, the Committee shall provide a forum at Town Hall or an appropriate location as soon as possible within 30 days of receipt of the appeal request. The Committee shall make site visits as required and utilize forum findings for final recommendation to the CCA Board of Directors. The relevant issue to be considered is whether or not the alleged violation is in fact a violation of the applicable covenants. The appellant shall be advised in writing of the Committee's decision.

The Committee Chairperson shall conduct the forum or shall designate a committee member to conduct the forum, which will be informal. Legal rules of evidence will not apply, and the chairperson's summary will be a sufficient record of hearing. The Committee chairperson may seek a legal opinion with proper approval from the CCA Board of Directors.

4. Decision Recommendations

The Committee Chairperson shall provide the CCA Board of Directors with a final recommendation for each reported violation that has not been resolved. The Board of Directors shall make the final decision to take legal action.

5. Legal Action

The CCA Board of Directors shall authorize the expenditure of legal funds for covenant enforcement as deemed necessary.

Crofton's covenants exist to preserve the integrity of our community. It is the responsibility of ALL members of the CCA to abide by these rules.

Each set of covenants is available on the CCA's web site at www.croftoncommunity.org.

Let's continue working to keep Crofton an inviting place to live!

Thank you,

Anna O'Kelly, CRC Chairperson