

Q: Who is responsible for installing signs around stormwater management ponds?

A: KCD does not require signs. However, Kent County often requires signs along conservation areas. The signs are installed by the developer.

Q: Are there any resources to help homeowners' associations with stormwater pond maintenance?

A: KCD can provide technical assistance as well as put HOAs in touch with potential grant funding. The Regional Planning Commission also routinely requires developers to place \$300 per lot into an escrow account for use by the homeowners' association after it is turned over to the residents.

Q: What do I do if a resident in my subdivision is not abiding by the rules of my HOA?

A: Non-compliance with HOA rules needs to be addressed to the Board of Directors of your HOA.

Q: What should the HOA be budgeting for?

A: The HOA should budget for routine operation and maintenance of all common areas and improvements. The most common routine expense is grass cutting. The HOA budget should also include a reserve fund to allow enough resources to accrue over time in the event of a major repair (i.e. stormwater management pond).

Q: What online resources are available regarding Homeowners' Associations?

A: Several are listed below:

Community Associations Institute:
<http://www.caionline.org/Pages/Default.aspx>

National Homeowners' Association:
<http://www.perfectliving.org>

Information on drafting HOA documents:

http://www.ehow.com/about_5365733_homeowners-association-bylaws.html

http://www.ehow.com/how_4967072_write-bylaws-hoa.html

<http://www.condoassociation.com/blog/tabid/19257/bid/8763/Sample-ByLaws-for-a-Condo-Association-or-HOA.aspx>

Stormwater Resources:

<http://www.swc.dnrec.delaware.gov/SiteCollectionDocuments/Soil/Sediment%20Stormwater/6.07EntireFiveSimpleSteps.pdf>

<http://www.swc.dnrec.delaware.gov/Drainage/Documents/Sediment%20and%20Stormwater%20Program/Pond%20Maintenance/PondMaintenanceFAQs%207.28.09.pdf>

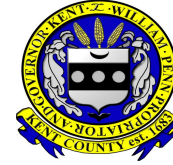
Web Hosting Sites:

<http://www.home-owners-assoc.com/info/page.html>

<http://www.athomenet.com/homeowners-association-website.asp>

Kent County Department of Planning Services

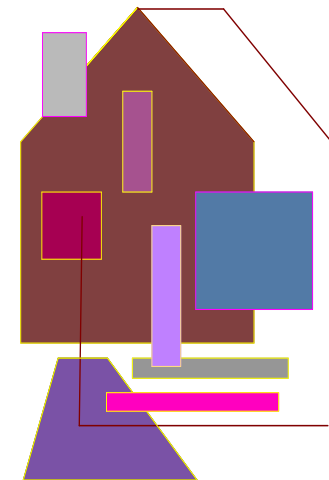
KENT COUNTY COMPLEX
555 Bay Road
Dover, DE 19901
(Handicapped Accessible)



KENT COUNTY, DELAWARE

HOA FAQS

HOMEOWNERS' ASSOCIATION FREQUENTLY ASKED QUESTIONS



Q: *Are homeowners' associations required?*

A: Yes, for subdivisions that were approved after the adoption of the new Subdivision and Land Development Ordinance in 2003. Earlier subdivisions might also have a homeowners' association and deed restrictions but they were created without the input of the County.

Q: *Can I choose not to belong to the homeowners' association in my development?*

A: Since 2003, Kent County Code requires Homeowners' Associations to be formed for residential subdivisions, expressly for maintaining common areas in good and proper condition, fit for their intended purposes. Homeowners' Association membership consists of the owners of record of each lot in the subdivision, without exception.

Q: *How can I get a copy of the HOA documents for the development I live in?*

A: These documents are required to be given to you at the time you purchase your home/lot. Should you need additional copies, the Kent County Recorder of Deeds office has these documents on file and can provide them to you for a fee.

Q: *What is typically included in HOA documents?*

A: A Maintenance Declaration, which details membership in the HOA, assessment of dues, and transfer of ownership of open spaces from the developer to HOA members; By-Laws, which detail the governance of the association itself; and a Declaration of Covenants, Conditions & Restrictions, which details

building standards and appearance of lots and homes thereon in the subdivision.

Q: *How can I get a copy of the Record Plan for the development I live in?*

A: The Kent County Planning Office can provide this to you at a charge of \$10 per page for a full-size copy. The Record Plan shows the layout of the subdivision and includes the notes associated with approval and construction of the development.

Q: *What are the responsibilities of my HOA?*

A: Responsibilities of HOAs vary, but normally include maintenance of open space areas, common facilities and stormwater ponds. For specific responsibilities, you will need to read the documents filed for your development.

Q: *What do I do if my HOA is not fulfilling its obligations as listed in my HOA documents?*

A: If non-compliance results in a property maintenance violation, such as nuisance growth of vegetation, you should call Kent County Inspections & Enforcement at 302-744-2455 to register a complaint. An inspector will visit the site to investigate the complaint and take appropriate enforcement action. Other HOA issues and/or disputes are civil matters.

Q: *Can't the land owned by an HOA which is a 501(c)(3) entity get a break on tax assessments?*

A: Yes, contact the Kent County Assessment Office at (302) 744-2401.

Q: *There are signs posted on some of the property in my development that say "Conservation Area". Can these properties be mowed?*

A: While some residents of the subdivision may object to the outward appearance of conservation areas, they are designed to be undisturbed, which includes any mowing or clearing.

Q: *Who does my HOA contact regarding snow removal on streets in my development?*

A: The Delaware Department of Transportation manages a snow removal reimbursement program for residential developments on public streets. Details regarding the program can be found at: http://www.deldot.gov/information/community_programs_and_services/snow/index.shtml

Q: *Who does my HOA contact regarding maintenance of the stormwater ponds in my development?*

A: Kent Conservation District (KCD)
800 Bay Road, Suite 2
Dover, DE 19901
302-741-2600 ext. 3
stormwater@kentcd.org
<http://kentcd.org/index.htm>

Q: *Is fencing required around a stormwater pond?*

A: No. Neither KCD nor the County require fencing around the stormwater ponds; rather, they discourage them because they would impede emergency personnel access to the pond. If your insurance company is requesting a fence, KCD can write a letter to the insurance company regarding this policy.