

**Equity Real Estate Services**  
**www.equitybcs.com**  
**Owners Association FAQs**

**What is a homeowners association?**

The Association is a legal corporation organized and incorporated under the laws of your state. The Association has Articles of Incorporation that entitle the association to exercise powers of a corporation. By purchasing a home within your community association, you automatically become a member of the association and will remain so for as long as you own your home. Membership in the association is mandatory and automatic for all owners. The deed to each lot and/or parcel specifically designates that the property owner will comply with the Covenants, Conditions, and Restrictions (CC&R's) of the association. You should have received a copy of these documents at the time your home purchase was closed by the title company. As a property owner in a community association, you will be required to pay assessments, abide by the community's rules and restrictions and maintain those areas of your home for which you are responsible.

**What are open records for members?**

Records and reports of the association are available to the members based upon law established under your state. For specific information on what is available to you as a member, please contact the management company.

**What empowerment does the membership have?**

- \* Pursuant to the Bylaws:
  - o Election of the Board of Directors
  - o Removal of a member of the Board of Directors
  - o Call for a special meeting of the members pursuant to the bylaws
- \* Pursuant to the CC&R's
  - o Voting on increasing the maximum annual assessment, if over a set amount
  - o Voting on amendment to Articles, Bylaws, and CC&R's

**Board of Directors**

**What is the purpose of a Board of Directors and what is their Role?**

Your Association is a non-for-profit corporation incorporated in the State of Texas. As such, the Board's responsibility is to run the business of the corporation. The board has a fiduciary responsibility to the stockholders or owners of the corporation. This includes timely collection of assessments as well as payments made for services provided to the Association. In general, the Board Members are the decision makers for the Association. The Board of Directors are individual homeowners who live within the same subdivision and who are elected to that position by the members of the Association. All affairs of your association are governed by the Board of Directors. If you are living in an Association that is still being developed, the members of the Board may be appointed by the developer of your community until such time as control of the association transitions to you the homeowners.

**Who makes up the Board of Directors?**

The directors are owners, like yourself, that are elected by the membership.

**What empowerment does the Board of Directors have?**

- \* Pursuant to the Bylaws: (includes, but is not limited to)
  - o Fill a vacancy on the Board of Directors

- o Establish rules and regulations for the association
  - o Set the Annual Assessment rate
  - o Contract for services of the association (management, landscape, maintenance, etc)
  - o Use and disburse association funds
  - o Establish committees
  - o Enforce the CC&R's
  - o Elect officers for the association
  - o Prepare the annual budget
  - o Insure the association
  - o Invest excess funds controlled by the Association
- \* Pursuant to the CC&R's
- o Establish an architectural review committee
  - o Collect assessments
  - o Establish the standard of care for the maintenance of the common areas
  - o Interpretation of the wording in all governing documents

**How is the Board of Directors elected? What is the election process?**

The members of the association vote to elect the Board of Directors (unless the association is still under declarant control). Each association has specific bylaws outlining the process for board elections. Generally speaking, the board elections take place on an annual basis either prior to (in the case of absentee ballots) or at the annual meeting of the members (proxies and ballots). Positions usually become vacant and are normally filled during your Annual Meeting. During the Annual Meeting a vote via a secret Ballot is taken for the nominees who are running for a position on the Board. Those voting must also be in Good Standing in order for their vote to count, all the votes will then be tallied and the results announced. Boards of Directors can have more than one position when their position consists of two roles i.e., Secretary / Treasurer.

**Can anyone run for the Board or who can be elected?**

Anyone can be a Director as long as they are in Good Standing. Individuals who volunteer their time to be / run for the Board of Director or to serve on a Committee are people who have the time to serve the Community and are well informed about the legal documents for their subdivision. This is strictly voluntary and there is no compensation for their efforts except for the fruits of their labors shown at the end of the year.

**I don't want to run for the Board but would like to assist in a Committee. What are the requirements?**

The Board shall appoint other committees as deemed appropriate to carry out its purpose and delegate to said committees such powers and duties required to execute and enforce the committee's responsibilities. Shall perform such functions as directed by the Covenants and shall advise the Board on all matters pertaining to their Committee.

**What is a Proxy and its purpose?**

The definition for Proxy is "the function or power of a person authorized to act for another. The person so authorized." The purpose of a proxy is important as it allows for voting and establishing a quorum in order for business to be conducted.

**Is it mandatory I complete a Proxy if I'm not attending the meeting?**

A Proxy Form must be completed if you do not plan on attending the meeting be it Special / Annual. The form should be completed and signed by you the homeowner naming your proxy holder such as your Neighbor or it can be the Secretary of the Board or the Board themselves

but it must be presented prior to the opening of the meeting and the proxy holder needs to be present at the meeting. It is recommended that if you are unable to attend the meeting that you exercise your right as a homeowner, in good standing, to vote by proxy. This allows for a quorum to be met.

### **What are association committees?**

In general, each association will have mandatory committees (e.g. architectural review committee and/or nominating committee). An Association may also have standing committees (e.g. finance, landscape, newsletter). There may also be ad-hoc committees, temporarily created for specific one-time items (e.g. selection of a refuse provider). Members of committees are appointed and removed by the Board of Directors. The primary function of the committee is to render a recommendation to the Board on the subject matter of their committee. This recommendation, once delivered to the Board of Directors, is then approved/rejected by the Board.

### **What are my options of communication when it comes to contacting my Community Manager or Board of Directors?**

Your Board of Directors can only be reached through your Community Manager. However, you have plenty of options when it comes to communication. You can call your Community Manager at 696-4464 during the hours of 8:30 am - 5:00 pm, you can email your Community Manager at their individual email address or you can put your request, issue or concern in writing to 201 Wellborn Road College Station, TX 77840. Equity Real Estate Services also provides for all of their clients a group of cross trained individuals in our Customer Service Department that are always available to help you in a variety of situations.

### **Why can't I get the names, addresses, and phone numbers of my Board of Directors? Don't they work for me?**

Your Board of Directors makes decisions for your Association. However, they volunteer for these positions and receive no money for the jobs that they perform. Equity Real Estate Services represents the Board and your Association, which entails being a contact for all communications addressed to the Board. Also, legally we are not allowed to give out personal information of any homeowner including your Board of Directors.

### **Is there one vote per family member?**

Homeowners / Lot owners usually have one vote for every lot / property owned.

## **Budgets and Assessments**

### **Do we have a budget?**

Yes. All owners are mailed copies prior to the new year. Additional copies are available through Equity Real Estate. The budget is established by the Board, with the assistance of the management company.

### **How can I find out how my Association dues are being utilized?**

Your Community Manager can provide you with this information. However, your Association has an Annual Meeting where your Board of Directors discuss the financial aspect of the Association with the homeowners. Attending this meeting can be very enlightening and helps each homeowner understand the workings of a Homeowners Association.

### **What are Assessments and how are they spent?**

In order for the Board to accomplish the many tasks for which it is responsible, the association needs operating funds for daily maintenance, repairs, administration and adequate Reserve funds for major repairs or replacements of capital items. As a member of the association, you are required to pay a share of the costs.

**Are my Assessments fixed or can they be raised?**

The Annual Assessment may be adjusted by a majority vote of the Board of Directors but shall not be increased by more than a percentage, dependent on your Governing Documents. Anything above that percentage would have to be voted on by the homeowners, by proxy or in person.

**What is a Special Assessment?**

In addition to your Assessment, the Board may levy, in any assessment year, a Special Assessment on improved lots, only applicable to that year, only for the purpose of defraying, in whole or in part the cost of any construction, reconstruction, repair or replacement of a Capital Improvement on or which is a part of the Common Facilities, provided that any such assessment shall have the consent via a vote of the members at large.

**I hear the terminology, Homeowner Assessments, Homeowner dues, Homeowner Fees. Is there a difference?**

The difference is the terminology. It all points to the same thing, your mandatory Monthly, Quarterly, or Annual Assessments whichever pertain to your subdivision.

**Other Questions**

**If I have lost the copy of the Association documents I received at my closing, how do I obtain another copy?**

Contact Equity Real Estate. If your Association has a website you can view a copy of the documents.

**I have lost my Association dues statement or coupon book, where do I send my payment?**

Dues coupons may be downloaded from your community's website (if applicable). Payment should be sent to Equity Real Estate. Also, please remember to put your unit number and HOA on your check before mailing.

**Who do I contact if I want to update my personal or gate information?**

Visit Equity Real Estate's website <http://www.equitybcs.com/>. Click on HOA and navigate to your particular community association website.

**I would like to start external projects on my home i.e. Sprinklers, building a shed, etc. Are there any requirements or guidelines?**

Any exterior modifications or additions to your home or any structural changes must have prior written approval from your Architectural Control Committee (ACC). You must fill out a Request for Modifications form and submit it to Equity Real Estate. For information, applications and further details, contact us. You should note that this approval process may take up to thirty days. Therefore, do not schedule any construction work or purchase any equipment until written approval has been received.

**Are the Rules in place to settle homeowner disputes?**

NO. Unless the problem is one causing a common area problem or a direct violation, homeowner disputes should be settled between the parties involved. Your Board is not there to serve as referee between neighbors. In any community, whether governed by an Association or not, homeowners run into personality clashes, pet problems, and other neighborhood issues. Often, the problem can be easily resolved to the satisfaction of both parties with no hard feelings, with open communication between the parties.

### **What is deemed a Common Area Facility?**

Common area and facility refers to all property leased, owned, or maintained by the Association. This is mainly for the sole use and benefit of the members in your Association. It may include but is not necessarily limited to private streets and alleys, signs, fountains, statuary, swimming pools and adjacent buildings, recreation sites with associated furnishing, tennis courts and associated equipment, landscaping with or without sprinkler systems, walls, bridges, safety lanes, green belts with or without trails, parking lots, median islands in cul-de-sac streets, centralized mail boxes which may be existing or potentially built in the future.

### **When selling my home, who at my management company do I need to contact?**

Equity Real Estate provides our customers a Sales Department with individuals whose main objective is to help your buyer and yourself complete your transaction in a timely manner.

## **Management Questions**

### **Why is it when I call to speak to my Community Manager, he or she is not always available?**

Your Community Manager performs many tasks for your Association and sometimes these tasks require them to be away from the office. These tasks consist of but are not limited to: weekly inspections, meeting with vendors and Board Members and visiting with homeowners. There are also times when a Community Manager is in the office but is unavailable because they are on the phone conducting business with other homeowners, vendors, or Board Members.

### **How does Equity Real Estate, the management company, handle issues and complaints?**

Complaints should be submitted in writing to Equity Real Estate Services, 201 Wellborn Road, College Station, TX 77840. Complaints should state the problem, identify the offending homeowner, and the date(s) of the offense(s). Just as in any court of law, the offender has the right to know who is complaining and what he or she is being accused of. He or she is also entitled to a hearing before the Board. Please be sure of your facts before filing complaints.