



Covenants Information

A Message from the Board on Recent "Use Maintenance and Rules" Activities

Article VI of the HOA Declaration of Covenants deals with matters related to architectural standards and allowances associated with home improvements and changes that can impact the overall appearance and style of our neighborhood. The board reviews homeowner submissions for exterior home changes and has a fiduciary duty as well as a legal requirement to abide by the governing documents of the association. The association guidance allows for exterior painting that was used in the original construction and marketing by the declarant (original builder). The Declaration further stipulates that any approved paint in use by the declarant across the county (in this case Mecklenburg) may be used when repainting in our neighborhood. There are not currently any known approved paint colors or types of paint that are in use or approved for use in the original marketing or construction of homes for application on brick by the declarant. There are no known paint colors or types permitted for application on brick surfaces by the declarant. Weiland approved colors are expressly earmarked for use on siding, doors, and trim. Simply put, brick colors must remain unchanged from the original construction.

The board must also abide by requirements that govern how HOA governing documents may be changed. Changing the covenants requires an affirmative 2/3 approval vote of the entire community which is not an easy thing to accomplish. Such changes typically are spear-headed by a committee formed in conjunction with the HOA board with the mandate to perform applicable research, work with the association attorney on updating appropriate language to governing documents, marketing and promoting the proposed changes, and partnering on such a vote with the association's property management company.

Recently a homeowner submitted a request to paint their home with the inferred but not expressly stated intention to paint exterior brick in addition to the siding and trim on their home. The intentions were not understood, and in error, the form was approved by the board. Work then was completed.

The board regrets this error as it does not have the authority to grant homeowner's permission to make changes that do not comply with the neighborhood's governing documents. In addition, the board wishes to be transparent and communicate that further requests for painting of brick can not be approved under the current governing documents. However, if there is an interested group of volunteers who wish to pursue the appropriate path to update the governing documents that would certainly be supported. Any such endeavors should include appropriate guidance for the selection of colors, type of paint suitable for use on brick, and guidelines to ensure that there is appropriate diversity of colors. Consideration should also address an adjudication process should homeowners wish to paint their brick in the same color as adjacent properties.

Check us out on the web! [Hamptons at Northcross](#)

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