

## **Summary of Review by BVA Rules Committee**

The current BVA Rules Committee is a volunteer group formed by BVA members representing condo association presidents, members who derive income from rentals, private homeowners, and three members of the BVA Board of Trustees.

The committee was formed in response to the proposed rules updates in 2021 that included over 50 new rules governing usage and behavior in units. Many of the proposed rules exceeded the scope of the BVA's authority under the Declaration.

The Committee has organized the rules into five subjects to conform them to the Declaration and Bylaws:

1. Rules governing property usage (Modifying the existing BVA rules);
2. Tree Cutting Standards;
3. Property Maintenance Standards;
4. Lighting Standards;
5. Rental Standards.

Attached are proposals for each of these five subjects.

## **Understanding the Role of the BVA.**

Bromley Village is a Common Interest Community, comprised of individual units of ownership, plus common elements, and governed by a Declaration.

There are three types of common interest communities, with the primary difference being the way the members own their individual units:

1. cooperative
2. condominium
3. planned community

The BVA is a planned community. The "individual units of ownership" in a planned community are privately owned lots subject to restrictive covenants requiring the lot owner to abide by the Declaration. The lot owners in Bromley Village consist of 18 condominium associations (COAs) and 33 individual homeowners.

Each lot owner has a deed to all the land and structures within the respective lot lines. Everything outside the lot lines is BVA common areas. The Town of Peru Tax Map 11 shows the lot lines.

Since each lot is privately owned, the BVA's authority to regulate use and behavior is limited. The BVA can't simply make a rule based on a majority vote of the membership.

Under the BVA Bylaws, Article X(E):

The Association may adopt Rules that affect the use of or behavior in Units only to:

- (1) implement a provision of the Declaration;
- (2) regulate any behavior in or occupancy of a Unit which violates the Declaration or adversely affects the use and enjoyment of other Units or the Common Areas and Facilities by other Unit Owners; or
- (3) restrict the leasing of Units to the extent those rules are reasonably designed to meet underwriting requirements of institutional lenders that regularly make loans secured by first mortgages on Units or regularly purchase those mortgages.

The Declaration expressly gives the BVA authority to adopt standards of property maintenance, appearance, and restrict the cutting of certain trees. However, the Bylaws require the BVA to have “*written criteria and shall apply those criteria uniformly, with respect to the standards to be applied...*” Bylaws XII(b)(2)

### **Conclusion**

The attached proposed standards will allow the BVA to enforce basic property maintenance, and to resolve disputes over nuisances, without substantially affecting the status quo.