



# Ignacio Creek Homeowners Association

300 Indian Way, Ignacio, CA 94949 (415) 883-7641

## **Election Guide Proposed CC&R Amendment – Common Area Garage Maintenance October 20, 2024**

The HOA will be conducting a vote by secret ballot on November 19, 2024 (to coincide with our Annual Meeting of the Members) to approve the following CC&R Amendment:

### **Sixth Amendment**

**The title for Article VII, “RESIDENCE LOT MAINTENANCE,” is hereby deleted and the new title, “RESIDENCE LOT AND COMMON AREA GARAGE MAINTENANCE,” shall be inserted in its place.**

**The following new Article VII, Section 3, of the Declaration is inserted, as follows:**

### **Article VII RESIDENCE LOT AND COMMON AREA GARAGE MAINTENANCE**

**Section 3. *Common Area Garage Maintenance.* All garages in the common area assigned to Residence Lots under the Association’s Parking Plan will be subject to this Article VII. Responsibilities for the maintenance of common area garages (including repair and replacement) will be assigned to the Residence Lot Owner and Association in the same manner as the Residence Lots, as provided in the above sections of this Article VII.**

### **Background –**

Under the HOA’s Parking Plan, 64 residences have garages in the common area that are assigned to the owners for their exclusive use. While the HOA has CC&R provisions addressing maintenance of the Residence Lots, there are no such provisions that address the responsibility for maintenance of the common area garages.

Historically, the HOA has treated these garages as an extension of Residence Lots whereby the HOA assumes responsibility for painting, roofing, gutters, siding and trim. Owners have generally assumed responsibility for other repairs and maintenance including the doors, door framing and jambs and structural components.

However, without any authority under the CC&Rs to enforce these Owner obligations, the HOA can either assume all responsibility for the garages (*which has never been incorporated into our reserve plans*) or exercise its authority under Article V, Section 3 and transfer ownership of these garages to the Residence Lot Owners who would then assume complete responsibility for their repair and maintenance.

On June 27<sup>th</sup>, the Board adopted a new rule requiring owners of common area garages to either agree to accept the same (shared) maintenance obligations for the garages as they do for their residence (Option #1) or take title to the garage which would require them to assume responsibility for ALL common area garage maintenance (Option #2). Understandably, as of the September Board meeting, 63 of 64 owners with a common area garage responded – **all of whom selected the first option.** (Note: The trustee for the estate which owns one residence has failed to respond to multiple requests.)

**Argument in Favor of the Amendment**

This CC&R amendment is necessary to correct an oversight when the original Residence Lot maintenance provisions inadvertently omitted any reference to the common area garages. This amendment maintains the current practice of sharing responsibility for the maintenance of these garages.

Our members have raised concern that if some owners are responsible for the exterior garage components (e.g., roofing, siding, and painting) – tasks traditionally handled by the HOA – they may fail to properly maintain them. The proposed Amendment addresses this issue by adopting a uniform rule to ensure these exterior building maintenance tasks will be handled in a consistent manner by the HOA.

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Note: Per the Election Rules, if an owner would like to submit a Rebuttal to the above Argument in Favor and/or an Argument Against adoption of the amendment, please follow the rules outlined in the Election Procedures, Section 15. The deadline for submission is **September 10<sup>th</sup>**.

**Update (10/20): The Association has not received any written Argument Against Adoption of this Amendment.**

The election procedures are posted on the HOA website at:

<https://ignaciocreek.com/elections/>

If you have any questions or concerns, feel free to contact the Board.

**Board of Directors**  
Ignacio Creek HOA  
415.883-7641  
[contact@ignaciocreek.com](mailto:contact@ignaciocreek.com)