**History of WMHA Amended and Restated 2023 CC&Rs**

A little background information for those who may be new to our subdivision or unfamiliar with our homeowners’ association business. Homeowners in Whispering Meadows are automatically members of our association upon purchase of their home. Home deeds are tied to the rules (CC&Rs) and by-laws of the association. Homeowners in Whispering Meadows are 1/338 owner of all of our common areas. HOA’s are created to protect, preserve, enhance the community’s property values by developing and upholding its CC&Rs and by-laws, which define the actions homeowners may take with their properties, as well as their behavior within the common areas.

What’s the difference between CC&Rs and by-laws?

CC&Rs stand for covenants, conditions, and restrictions. These are the rules which apply to homeowners

and renters who live in communities that are governed by a homeowner’s association. It also defines

procedures for legally changing these rules. Whispering Meadows’ CC&Rs were established

December 7, 1977.

By-laws are the guidelines for the operation of the HOA. The by-laws define the duties of the various offices of the board of directors, the terms of the directors, the membership's voting rights, required meetings and notices of meetings, and the principal office of the association, as well as other specific items that are necessary to run the HOA as a non-profit business. Whispering Meadows’ by-laws were adopted

September 17, 1979.

Our CC&Rs and by-laws are posted on our HOA website (wmhanovi.com), our HOA Facebook page and the City of Novi website under HOAs.

 **2021:**

* Relatively new Board seeks clarity from our HOA attorney regarding CC&Rs language. Board hopes to move forward accurately and consistently when administering responsibilities as defined by CC&Rs and by-laws.
* During attorney research it was discovered the registered WMHA 2010 CC&Rs lacked the required 51% of voting members’ signatures as required in the 1977 CC&Rs.
* HOA counsel drafted The Affidavit of Facts and submitted to Oakland County.
* Board determines 1977 CC&Rs need revision, updating and clarity.
* Board announces CC&Rs revision at 2021 Annual Meeting in person and streaming via Facebook.
* Amended and Restated 2022 CC&Rs drafted by HOA attorney & reviewed by Board with questions & answers.
* Board communicates the Amended and Restated 2022 CC&Rs updates to membership in March, June, and December 2021 newsletters.

**2022:**

* Amended and Restated 2022 CC&Rs documents (3) mailed to members for review/information.
* Amended and Restated 2022 CC&Rs Zoom meeting held for memberships’ questions, comments & concerns.
* Established CC&Rs committee as a result of Zoom meeting. This voluntary six-person committee was formed from larger membership to work on clarifying language to articles based on all membership feedback provided to date. Work also included cross referencing 1977 & 2010 CC&Rs to Amended and Restated 2022 CC&Rs document.
* Members encouraged to provide feedback on Amended and Restated 2022 CC&Rs to Board via Board email. Emails were shared with Committee without names. Deadline for feedback was April 16, 2022.
* Board communicates CC&Rs update to membership in March, June, and October 2022 newsletters.
* CC&Rs Committee met 26 times, over 400-man hours went into this thoughtful work.
* CC&Rs Committee presents Amended and Restated 2023 CC&Rs to Board.

**2023:**

* Board reviews Amended and Restated 2023 CC&Rs. Makes a few edits and sends it back to CC&Rs Committee.
* CC&Rs Committee asks clarifying questions. Minor edits by both CC&Rs Committee and Board.
* Board and Committee agree to Amended and Restated 2023 CC&Rs document.
* Amended and Restated 2023 CC&Rs document sent to attorney for review.
* Board communication to membership regarding Amended and Restated 2023 CCRs. (This document😊)

**Next Steps:**

* If necessary, special membership meeting(s) to discuss Amended and Restated 2023 CC&Rs with further edits.
* Establish and communicate opportunities to meet with Board and members of the CC&Rs Committee to address member questions.
* Collect signed Consent Form. 51% of all owners in good standing to ratify.

As mentioned, our current defendable CC&Rs date back to the building of our subdivision in December 1977. By nature of time, some articles are obsolete, others are not clear, and some are simply confusing. The Amended and Restated 2023 CC&Rs updates are ready for presentation to the membership. Our goal is to present a complete, updated, fair, and easily understood document we can all rally behind, support and be proud of. Your understanding of the 2nd proposed CC&Rs is very important to our subdivision. We want to make sure every homeowner, **in good standing**, has an opportunity to participate in the adoption process.

The Board understands the financial impact of this project. In making our decision to move forward, consideration was given to immediate need, total membership impact, and budget surplus (result from collection of delinquent dues and Covid impact). Our goal was to spread the costs for this project over two budget years to reduce the impact on the Association. We are now spreading it out over **three** years. As of this letter, the impact has been less than $30 per household over **two** years. The investment in updated CC&Rs allows our association to move forward with a common, fair and transparent understanding of the association’s expectations in order to maintain a welcoming and beautiful community. Although this Board is not well versed in writing legal documents, we do have other skill sets which we intentionally share with the Association free of charge.