

Q: *Who is responsible for installing signs around stormwater management ponds?*

A: KCD does not require signs. However, Kent County often requires signs along conservation areas. The signs are installed by the developer.

Q: *Are there any resources to help homeowners' associations with stormwater pond maintenance?*

A: KCD can provide technical assistance. In addition, Kent County has a Stormwater Maintenance District Program that enables Kent County in partnership with KCD to take over the stormwater pond maintenance responsibilities for a small annual fee. Information about this program can be found at <http://www.co.kent.de.us/planning-dept/planning/stormwater-management-district-program.aspx>, or call Kent County Planning at (302) 744-2417.

Q: *What do I do if a resident in my subdivision is not abiding by the rules of my HOA?*

A: Non-compliance with HOA rules needs to be addressed to the Board of Directors of your HOA.

Q: *What online resources are available regarding Homeowners' Associations?*

A: Several are listed below:

Common Interest Community Ombudsman of the Delaware Attorney General's Office
<http://www.attorneygeneral.delaware.gov/fraud/cpu/ombudsman.shtml>. Phone (302) 577-8943

Community Associations Institute:
<http://www.caionline.org/Pages/Default.aspx>

National Homeowners' Association:
<http://www.perfectliving.org>

Information on drafting HOA documents:

http://www.ehow.com/about_5365733_homeowners-association-bylaws.html

http://www.ehow.com/how_4967072_write-bylaws-hoa.html

<http://www.condoassociation.com/blog/tabid/19257/bid/8763/Sample-ByLaws-for-a-Condo-Association-or-HOA.aspx>

Stormwater Resources:

<http://www.swc.dnrec.delaware.gov/SiteCollectionDocuments/Soil/Sediment%20Stormwater/6.07EntireFiveSimpleSteps.pdf>

<http://www.swc.dnrec.delaware.gov/Drainage/Documents/Sediment%20and%20Stormwater%20Program/Pond%20Maintenance/PondMaintenanceFAQs%207.28.09.pdf>

Web Hosting Sites:

<http://www.home-owners-assoc.com/info/page.html>

<http://www.athomenet.com/homeowners-association-website.asp>

**Kent County Department
of Planning Services**

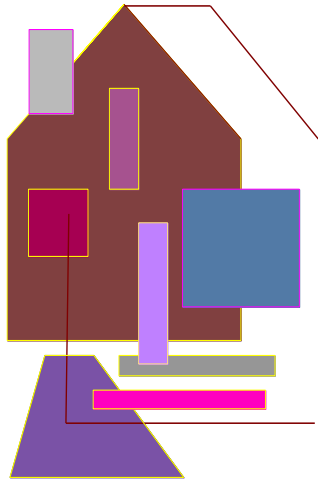
KENT COUNTY COMPLEX
555 Bay Road
Dover, DE 19901
(Handicapped Accessible)



KENT COUNTY, DELAWARE

HOA
FAQS

HOMEOWNERS' ASSOCIATION
FREQUENTLY ASKED
QUESTIONS



Q: *How can I get a copy of the HOA documents for the development I live in?*

A: These documents are required to be given to you at the time you purchase your home/lot. Copies can be obtained from the Kent County Recorder of Deeds website: https://www.uslandrecords.com/delr_hoa/controller Login Id: Kent_hoa Password: HOA2012.

Q: *What is typically included in HOA documents?*

A: A Maintenance Declaration, which details membership in the HOA, and assessment of dues; By-Laws which, detail the governance of the association itself; and a Declaration of Covenants, Conditions & Restrictions, which details building standards and appearance of lots and homes thereon in the subdivision.

Q: *How can I get a copy of the Record Plan for the development I live in?*

A: The Kent County Planning Office can provide this to you at a charge of \$10 per page for a full-size copy. A digital plan can be obtained at no charge from the Kent County Recorder of Deeds website: https://www.uslandrecords.com/delr_hoa/controller Login Id: Kent_hoa Password: HOA2012. The Record Plan shows the layout of the subdivision and includes the notes associated with approval and construction of the development.

Q: *What are the responsibilities of my HOA?*

A: Responsibilities of HOAs vary, but normally include maintenance of open space areas, common facilities and stormwater ponds. For specific responsibilities, you will need to read the documents filed for your development.

Q: *What do I do if my HOA is not fulfilling its obligations as listed in my HOA documents?*

A: If non-compliance results in a property maintenance violation, such as nuisance growth of vegetation or outside storage, you should call Kent County Inspections & Enforcement at 302-744-2455 to register a complaint. An inspector will visit the site to investigate the complaint and take appropriate enforcement action. Other HOA issues and/or disputes are civil matters. Further information can be obtained on the Common Interest Community Ombudsman of the Delaware Attorney General's office: <http://www.attorneygeneral.delaware.gov/fraud/cipu/ombudsman.shtml>. Phone (302) 577-8943

Q: *Can't the land owned by an HOA which is a 501(c)(3) entity get a break on tax assessments?*

A: Yes, contact the Kent County Assessment Office at (302) 744-2401. <http://co.kent.de.us/Departments/Finance/documents/PropertyTaxExemption.pdf>

Q: *There are signs posted on some of the property in my development that say "Conservation Area". Can these properties be mowed?*

A: While some residents of the subdivision may object to the outward appearance of conservation areas, they are designed to be undisturbed, which includes any mowing or clearing.

Q: *Who does my HOA contact regarding snow removal on streets in my development?*

A: The Delaware Department of Transportation manages a snow removal reimbursement

Q: *Are homeowners' associations required?*

A: HOAs are required for subdivisions that were approved after the adoption of the new Subdivision and Land Development Ordinance in 2003. HOAs were not required for subdivisions that were approved prior to 2003, however, these subdivisions might also have a homeowners' association and deed restrictions, but they were created without the input of the County.

Q: *Can I choose not to belong to the homeowners' association in my development?*

A: Since 2003, Kent County Code requires Homeowners' Associations to be formed for residential subdivisions, expressly for maintaining common areas in good and proper condition, fit for their intended purposes. Homeowners' Association membership consists of the owners of record of each lot in the subdivision, without exception.

program for residential developments on public streets. Details regarding the program can be found at:

http://www.deldot.gov/information/community_programs_and_services/snow/index.shtml.

Phone is (302) 760-2085.

Q: *Who does my HOA contact regarding maintenance of the stormwater ponds in my development?*

A: Kent Conservation District (KCD)
800 Bay Road, Suite 2
Dover, DE 19901
302-741-2600 ext. 3
stormwater@kentcd.org
<http://kentcd.org/index.htm>

Q: *Is fencing required around a stormwater pond?*

A: No. Neither KCD nor the County require fencing around the stormwater ponds; rather, they discourage them because they would impede emergency personnel access to the pond. If your insurance company is requesting a fence, KCD can write a letter to the insurance company regarding this policy.