



Winslow Farm Community Association, Inc. Board of Directors

WFCA Suggested Response to Straw Poll

Revised 10/11/2024.

Winslow Farm is governed by the rules and restrictions set forth in the WFCA Bylaws, in the Declaration of Covenants, Conditions and Restrictions (CC&Rs) and, in some cases, CC&Rs of individual neighborhoods. The ultimate point of these rules is to guide Winslow Farm owners, tenants, and guests to make decisions and take actions that will help us all maintain a certain image for the community that will *continue to enhance and protect all WFCA property values*. The past and current stability of Winslow Farm property values affirm the effectiveness of this strategy.

The WFCA Board is charged with interpreting and administering rules and restrictions. Essentially, the practice required that before any property repair or modification could be carried out, the homeowner must submit a detailed plan for authorization. The original concept placed the greater portion of the decision-making process with the Architectural Committees (AC) in each of the five neighborhoods. Historically, due to the absence of ACs, the WFCA Board of Directors has, by default, served to review exterior alteration requests.

Recently WFCA disseminated a straw poll to WFCA homeowners to assess opinions concerning updating and revising the governing documents which were written approximately thirty years ago. These documents have generated practices which have in some cases, imposed restrictions on homeowners in the neighborhoods of Bent Tree, Laurelwood, New Bent Tree, Olde Mill and Sweetbriar. The results of the straw poll indicated that the majority of the respondents preferred a balance between providing more options for homeowners while maintaining the overall integrity of the community.

The following document is the result of careful consideration to achieve that balance. For some issues it streamlines the approval process. For others it expands options. For some it recognizes that new products have developed since the original CCRs were written. But it also provides for more effective oversight of properties that are aging and/or may not be effectively maintained. Finally, even though it acknowledges that the attempt to control how private property in WFCA can or cannot be rented is highly controversial and therefore, unadvisable, it does provide the homeowner with information concerning city/state codes regarding the issues of long- and short-term rentals.

It should be noted that *landscape planting and upkeep require NO prior authorization or notification but must adhere to Bloomington city code.*

IT IS TO BE NOTED THAT FAILURE TO COMPLY WITH THE ITEMS REQUIRING PRIOR APPROVAL COULD RESULT IN THE HOMEOWNER RECTIFYING THE SITUATION AT THEIR COST.

Although the Board is charged with enforcing the rules and restrictions, we all benefit from stable or elevating property values and are all disadvantaged by diminished property values. In addition, we all enjoy living in an attractive, safe, approachable community. *Because we are all affected by the appearance of one another's property, let's work together to promote our goals by personally following our CCRs and alerting our management company, Pegasus Properties, if apparent violations are observed.*

Revisions in Response to WFCB Straw Poll

for, Bent Tree, Laurelwood New Bent Tree, Olde Mill, and Sweetbriar

TREE REMOVAL

REMOVING A DEAD TREE: submit NOTIFICATION OF INTENT Prior to Removal: Simply complete the form located at [winslowfarmcommunity.com/minutes-forms] and return it to Pegasus Properties. Should there be any questions or concerns Pegasus will respond in a timely fashion.

REMOVING A LIVE TREE: AUTHORIZATION REQUIRED PRIOR TO REMOVAL: Simply complete the form located at [winslowfarmcommunity.com/minutes-forms] and return it to Pegasus Properties. Include a sketch showing the location of the tree on your property and why you want to remove it. If possible, please include a photo. Upon receipt, management (Pegasus Properties) will send approval or denial of the request in a timely fashion.

REPAINTING/ALTERING SIDING, TRIM, SHUTTERS, FRONT DOORS, AND/OR GARAGE DOOR

PAINTING OR INSTALLING A PRODUCT USING THE SAME PAINT COLOR or, if original is not available a color that reflects the same color: submit NOTIFICATION OF INTENT prior to Start of Project. Simply complete the form located at [winslowfarmcommunity.com/minutes-forms] and return it to Pegasus Properties stating the item(s) you intend to repaint/replace, the original color, and indicate you are repainting/replacing using the same color or a name similar to the color of the original color if it is no longer available. Send photo of colors or supply paint chips. Please send a follow-up email with a photo when your project is complete.

CHANGING A PAINT COLOR BY UTILIZING A COLOR THAT IS USED IN THE NEIGHBORHOOD THEME: submit NOTIFICATION OF INTENT prior to Start of Project: Simply complete the form located at [winslowfarmcommunity.com/minutes-forms] and return it to Pegasus Properties stating the original color and the color you plan to utilize that is used in the neighborhood color theme. Send a photo of where the color is used in the neighborhood along with the brand and color or supply paint chips. Please send a follow-up email with a photo when your project is complete.

PAINTING OR USING A PRODUCT WITH A HARMONIOUS COLOR FOR THE NEIGHBORHOOD: AUTHORIZATION REQUIRED PRIOR TO START OF PROJECT: complete the form located at [winslowfarmcommunity.com/minutes-forms] and return it to Pegasus Properties. State the item(s) you intend to repaint/replace, the original color, and name the harmonious color you intend to use. *Please send photo of colors and/or supply paint chips.* Upon receipt, Pegasus will initiate the authorization process with the WFCB Board of Directors and will send an approval or denial of the request in a timely fashion. No work should commence until approval is issued.

ROOF INSTALLATION

INSTALLING A PRODUCT USING THE SAME COLOR AND STYLE, or if the original is not available, a product that reflects the original: submit NOTIFICATION OF INTENT Prior to Start of Project: complete the form located at [winslowfarmcommunity.com/minutes-forms] and return it to Pegasus Properties, stating the intent to install a roof of the same color (or name the similar color if original color is not available) and same style. Include a photo of the proposed product. Please send a follow-up email with a photo when your installation is complete.

INSTALLING A PRODUCT DIFFERENT THAN THE ORIGINAL IN DESIGN OR COLOR: AUTHORIZATION REQUIRED PRIOR TO START OF PROJECT: complete the form located at [winslowfarmcommunity.com/minutes-forms] and return it to Pegasus Properties, stating the product you intend to install, the color you intend to use. *A photo of*

the proposed product is required. Upon receipt, Pegasus will initiate the authorization process with the WFCA Board of Directors and will send approval or denial of the request in a timely fashion. No work should commence until approval is issued. Please note, solar roofing materials that simulate standard shingles will be considered for approval. The CCRs in Bent Tree, New Bent Tree, Olde Mill, and Sweetbriar provide for the installation of solar panels.

INSTALLATION OF A FENCE

THE INSTALLATION OF ANY FENCE MUST BE APPROVED BY THE WFCA BOARD OF DIRECTORS PRIOR TO INSTALLATION. Previously fences were limited to no more than four feet (4') above grade and were limited to chain link or wood. No fences were permitted in the front yard. Proposed changes to the CCR provide for fences to be constructed of other products to include composite and ornamental metal and to extend up to six feet (6') above grade. Additionally, provisions for decorative fences no higher than three feet (3') would be permitted in front yards. If approved, the homeowners wishing to install a fence will still need approval from the WFCA Board. The procedure will continue to require a request be submitted by completing the form located at [winslowfarmcommunity.com/minutes-forms] and returned to Pegasus Properties. The submission must include the *style, color, name, and photo of the proposed product*; along with a *to-scale diagram indicating the placement of the fence*, and the *identification of the installer*. Upon receipt, Pegasus will initiate the authorization process with the Board of WFCA Directors and will send approval or denial of the request in a timely fashion. No work should commence until approval is issued. Failure to obtain prior approval can result in the homeowner assuming costs to remove it should it be deemed outside the identified restrictions. (See the proposed CCR included in this document.)

TEMPORARY DEER-CONTROLLING FENCES

The Community Association recognizes that the Indiana Department of Natural Resources (DNR) states that eight feet (8') fence will prevent deer from invading an area. Given the significant population of deer in Winslow Farm Community Association the following are guidelines for the installation of temporary fencing installed for the specific purpose to prevent deer from destroying a planted area designated specifically for gardening or landscaping purposes. The following are the restrictions:

1. No fence or screen may obstruct necessary sight lines for vehicular traffic.
2. The temporary fence must be constructed so that it can easily be removed if or when it is no longer needed. The supports cannot be anchored in concrete or otherwise constructed as to be permanent.
3. Temporary fences up to eight (8') feet may be composed of metal spikes and netting made of wire, coated wire, or plastic.
4. The area to be enclosed should not extend beyond twelve (12") inches of the planted area.
5. Fencing should not cause undue obstruction of the view or other amenities from adjoining properties.
6. The property enclosed by the fence should be maintained to eliminate weeds and unsightly growth.
7. The temporary fencing should be removed if the plantings become self-sustaining or are removed.

INFORMATION ON SHORT-TERM RENTALS SUCH AS AIRBNB AND VRBO IN WFCA

The following information focuses on the neighborhoods of Bent Tree, Laurelwood, New Bent Tree, Olde Mill, and Sweetbriar. The WFCA CCRs pre-date the emergence of short-term rentals such as Airbnb and VRBO and therefore do not address this issue. It is important to note that the three HOAs within WFCA will have their own regulations. For example: Moss Creek Village amended their CCRs to prohibit short-term rentals, such as Airbnb and VRBOs.

The IRS defines short-term rentals based on the duration of stay. Generally, a short-term rental is property rented out for less than 30 days at a time. Within the last few years, Indiana passed legislation to prevent city prohibition of short-term rentals. There are several exceptions but two include (1.) grandfathering ordinances that were instituted

prior to the enactment of the legislation and (2.) the provision that homeowners' associations may still prohibit or impose limitations on members' ability to rent out their homes. However, to change the CCRS in EACH of the five neighborhoods an approval rate of 75% is required. The Board acknowledges trying to impose restrictions as to whether or not private property can be rented is a sensitive issue with significant legal ramifications. The straw poll results were very divided on this issue. Therefore, the Board has elected not to pursue any changes to the CCRs, but, instead, to provide information on existing city regulations.

It is important to note the following city regulations apply. All short-term rentals **must** obtain a permit and according to the Indiana Code section 36-1-24-13 fees are limited to no more than \$150. Permits expire after one year. Inspections are required and are to be paid for by the homeowner. Residents who question whether a neighboring property has obtained the necessary permits for short-term rentals may contact the city Department of Housing and Development (HAND) to inquire if the homeowner has procured the necessary licensing.

If you plan to make your residence available for short-term rentals, it is highly recommended that in addition to obtaining the proper licensing, you provide your guests with a guidebook of rules. House rules allow you to display what is and is not allowed at your property prior to a guest inquiring or booking. Communicating these rules upfront helps you avoid awkward conversations or unexpected surprises during the guests' stay. You can find templates and suggestions online.

If you provide short-term rentals, WFCA encourages you to include the following in your "house rules":

This is a residential neighborhood of families with children and people who are working. Please respect their needs.

- *Noise: Outside social events or other loud activities should not extend past 11:00 p.m.*
- *Parking: The streets are narrow. Parking is to be limited to the driveway. Under no circumstances should cars block other driveways or impede traffic.*
- *Trash: Provide information for trash pickup. Trash cans are not to be stored on the curb. They are to be on the curb in the late evening prior to trash pick-up and removed from the street the next day.*
- *Violations causing undue nuisances or disruptions will be reported to the police.*

Thank you for encouraging your guests to respect the needs of your neighbors.

INFORMATION FOR LONG-TERM RENTALS IN WFCA

The following information focuses on the neighborhoods of Bent Tree, Laurelwood, New Bent Tree, Olde Mill, and Sweetbriar. It is important to note that the three HOAs within WFCA will have their own regulations. For example: Moss Creek and Moss Creek Village essentially prohibit any long-term rentals.

Instances of rental property exist throughout the five (5) neighborhoods. Unfortunately, some rental properties are not as well maintained as others. Some homeowners' concerns have focused on the issue of private property purchased as rental property by large corporations. The concern is that corporations may not provide adequate attention to long-term maintenance.

As a result, some members have asked that rental property be prohibited, especially the selling of property to corporate rental companies. In fact, recommendations have expressed that long-term rental be prohibited with the caveat that existing rental property to be grandfathered in. The CCRs would have to be amended to prevent additional rentals. To change the CCRS in EACH of the five neighborhoods a 75% approval rate is required. The Board acknowledges trying to dictate to whom and for what purpose private property can be sold is a sensitive issue with significant legal ramifications. Therefore, the Board has elected not to pursue any changes to the CCRs, but, instead, to provide information on existing city regulations.

The city code for rental property is clear. All rental properties (except for Indiana University) located within the City of Bloomington corporate limits must be registered with and inspected by the Department of Housing and Neighborhood Development (HAND). **Maintaining an unregistered rental carries a penalty fine of up to One Hundred Dollars (\$100) per day.** To obtain the necessary city permit, inspections are required and are to be paid for by the homeowner. Residents who question whether a neighboring property has obtained the necessary permits for long-term rentals may contact the city Department of Housing and Development (HAND) to inquire if the homeowner has procured the necessary licensing.

Note the following city definitions: "Residential rental unit" means any dwelling unit, rooming house, or rooming unit occupied by a person(s) other than the owner and/or their legal dependent, but it does not include the following arrangements unless the arrangements are created to avoid application of this title:

- (7) Owners who reside in a dwelling unit but who wish to lease to individuals or a family while they are absent from the city for short periods of time, not to exceed one year, and who intend to return to their dwelling unit at the expiration of the lease period; and*
- (8) Owners who occupy the premises, rent to one tenant, and share common bathroom and kitchen facilities with said tenant.*

WFCA would prefer to see owner-occupied homes. But if you elect to rent your home on a long-term basis, you are to comply with the city requirements. However, as the landlord you remain responsible for abiding by the WFCA regulations and are responsible for any violations. WFCA cannot restrict to whom you sell your home. But out of the interest of the community, we appreciate homeowners who, when selling their WFCA property, select buyers who will be joining our neighborhood as owners and neighbors.

REPORTING MAINTENANCE VIOLATIONS

REPORTING WHEN A HOMEOWNER ALLOWS A PROPERTY TO FALL IN DISREPAIR OR BECOMES UNSIGHTLY AND THEREBY NEGATIVELY IMPACTS PROPERTY VALUES FOR NEIGHBORING PROPERTIES. **Reporting:** Complete the reporting form found at winslowfarmcommunity.com/minutes-forms and send it to Pegasus Properties to include the description of the issue prompting this Report. Include photos depicting perceived violation(s); Section numbers of the CCR(s) violation; the dates and/or (approximate) time period that the violation has existed. Should any conversations have occurred which attempted to remedy the situation, please include dates (or estimates of dates) and summary of the conversation.

Upon request, WFCA will not share your name with the owner in question. If a neighborhood Architectural Committee (AC) is functioning, the Report will first be sent to the AC for an assessment. If there is no AC, the WFCA Board of Directors will investigate. Provide your email address if you would like to receive a status update.

ADMINISTRATION FEES FOR WFCA CORRECTIVE ACTION

*In compliance with the Indiana Code, homeowners are provided a warning concerning a violation and the opportunity to address the situation: **Action: AN ADMINISTRATION FEE WILL BE ADDED TO THE COST WHEN THE BOARD/MANAGEMENT MUST TAKE ACTION TO ADDRESS A FAILURE TO MAINTAIN PROPERTY.*** The fee will be 10% of the cost of repair/maintenance with a minimum charge of \$35 and a maximum of \$150.