



Drumaldry Homes Association
Architecture Committee

Resale and Periodic Survey Policies and Procedure

Approved by the DHA Board of Directors: January 26, 2022

I. Policy and Purposes

- A. The following Resale and Periodic Survey Policy and Procedures are based upon the governing documents¹ for the Drumaldry Homes Association (“DHA”). These documents call for the preservation of the "values and amenities" of the DHA community and maintenance of its “harmony of external design.”
- B. To carry out its obligations, the DHA Board of Directors (“Board”) has approved, as set forth below, two survey processes for the community which are carried out by the Architecture Committee (“AC”). These are (1) a resale survey performed at the time of the sale of a home; and (2) a periodic survey (generally every 5 years) of all homes in the community.

II. Resale Survey Procedures

The following procedures are intended to establish a process which allows for a smooth and timely resale process while maintaining the community's architectural integrity.

A. Conduct of Resale Surveys

- 1. Resale Surveys are conducted by members of the AC at the time of sale of a home.
- 2. The resale surveys are to be conducted by observation of the house from any street or sidewalk or common area within the Drumaldry community.

B. Resale Survey Evaluations and Findings

- 1. Following the resale survey, the homeowner will receive a list of any architectural elements (paint colors, lights, gates, etc.) which do not comply with Board-approved Architectural Standards and Procedures as set forth in the DHA Pre-Approved Buildings Materials and Architectural Elements List; and DHA Pre-Approved Paint Colors, Lights and Gates List (“Pre-Approved Elements Lists”).

¹ Articles of Incorporation; Declaration of Covenants, Conditions, and Restrictions; and By-Laws (these can be found on the DHA Website and in the Homeowners Notebook)



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2. Those elements which have been installed without prior approval or justification must be brought into compliance either before, or as a condition of, sale. Replacements must comply with the Pre-Approved Elements Lists.
3. Elements that are non-compliant, but for which there is approval or justification, do not have to be replaced at the time of resale. There is approval or justification when the element
 - (a) has been approved by the Board or AC;
 - (b) the element was in place when the home was purchased, and the homeowner was not advised by the association of the non-compliance; or
 - (c) previous periodic or resale survey inspections did not mention the out-of-compliance element.

Despite approval or justification, a homeowner should consider bringing the element into compliance at resale.

In those circumstances, resale survey packets will indicate to a buyer that any non-compliant element can only be retained for its life, and any replacement must comply with the Pre-Approved Elements Lists. If a purchaser chooses to replace an element with a currently non-compliant one, then an Architectural Alteration Request Form must be filed with the AC prior to installation.

4. The AC will review documents in a house file regarding a home's architectural history, to the extent they are available. The homeowner should provide whatever evidence he or she may possess for the approval or justification described in "3." above.

C. Specific Procedures for Resales

1. Homeowner Notification to the AC

Homeowners should contact the AC Chair prior to putting their house on the market.

2. House Inspection

Within three to five days of notification to the AC Chair, a representative of the AC will inform the owner that it will undertake a resale survey. Within three to five days



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thereafter, if non-compliant elements are found, the homeowner will receive a "Notice of Non-Conforming House Elements" as described above.

3. **Homeowner's Package**

The homeowner is required to obtain a resale package, which can be ordered from HomeWise². There will be a charge for the package, which includes the DHA Covenants, Bylaws, and Architectural Standards, as well as certain financial and legal disclosures required by the State of Maryland. This includes a resale certificate which indicates the annual assessment and status of payment, and a statement of architectural conformance.

Questions? Please contact the AC Chair – the Chair's name and contact information are available on the DHA website or from the DHA management company.

III. **Periodic Surveys**

Periodic Surveys inform homeowners about how the exterior architectural elements of their homes conform to DHA Architectural Standards. These standards are set forth in the Pre-Approved Elements Lists.

A. Conduct of Periodic Surveys

1. Periodic Surveys generally are conducted every five years by members of the DHA AC.
2. The survey is to be conducted by observation of the house from any street or sidewalk or common area within Drumaldry community.

B. Periodic Survey Evaluations

1. The AC will compare architectural elements and paint colors of a home with the Pre-Approved Elements Lists

² <https://www.homewisedocs.com/>



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2. The AC will review the home's previous periodic and resale surveys.
3. To the extent a house file is available, the AC will review documents in the file regarding the home's architectural history.

C. Periodic Survey Findings

1. The Periodic Survey generally consists of a letter describing the survey and its overall findings, and a survey form specifically indicating compliant and non-compliant items.
2. The survey may find that a home complies with the architectural standards in force at the time of the survey date.
3. The survey may find that a home has one or more out-of-compliance element. This finding may involve a home having an element for which
 - a. there is no justification on file; or
 - b. there is justification for the element such as
 - (i) a prior DHA Board or AC approval;
 - (ii) the element was in place when the home was purchased, and the homeowner was not advised by the association of the non-compliance; or
 - (iii) previous periodic or resale survey inspections did not mention the out-of-compliance element.



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D. Actions Resulting from Periodic Survey Findings of Non-compliance

1. When there is no justification for a non-compliant item, the homeowner will be required to bring the element into compliance consistent with the Pre-Approved Elements Lists.
2. When there is justification for the non-compliant item, the owner will not be required to bring the item into compliance during the period for which the homeowner owns the house or for the life of the element. Nevertheless, in furtherance of the community's harmony of external design, the owner will be asked to bring the item into compliance at the time the item is replaced.

E. Appeals of Periodic Survey Inspection Findings

1. A homeowner may seek reconsideration of a finding of non-compliance by the AC within 60 days of receipt of the survey. The reconsideration should contain all relevant supporting documents.
2. The AC will have 45 days to reconsider the finding and report its decision to the homeowner in writing; or the AC will have the option to refer its decision to the DHA Board for further review. The Board will have an additional 45 days either to affirm or overturn the AC's decision and report its decision to the homeowner.
3. An AC Board liaison or Board member acting as AC chair should not vote on an AC reconsideration of a survey finding of non-compliance. This is necessary to preserve the liaison and acting chair's objectivity in hearing an appeal at the Board level.